

Zoning Bylaw Renewal Report #3

Approaches and Structure of the New Zoning Bylaw

Recommendation

That the June 29, 2021, Urban Planning and Economy report CR_7697, be received for information.

Executive Summary

The City of Edmonton is creating a more streamlined and simplified regulatory and planning landscape; one that will enable and steward social and economic investments and growth throughout our city. Specifically, the Zoning Bylaw Renewal Initiative supports a number of key objectives, as described in The City Plan and Corporate Business Plan, including red tape reduction, improved service delivery, sustained community and economic investment, and more equitable outcomes.

This report provides a progress update on the Zoning Bylaw Renewal Initiative, including research, analysis and foundational activities that set the direction of the new Zoning Bylaw, and outlines key deliverables planned over the next phase of the initiative.

While this report provides preferred approaches to zones, uses, and residential areas, further research and analysis and targeted stakeholder engagement is planned to determine next steps for land use topics like crematoriums, Mature Neighbourhood Overlay (MNO) and climate resilience.

Report

While The City Plan challenged Edmontonians to think about the choices needed to welcome an additional one million people to Edmonton over the decades ahead, the Zoning Bylaw Renewal Initiative is focused on implementation. Specifically, how zoning can enable this anticipated growth, and future developments and investments. For Edmonton, a key part of the answer is in a strategic, simplified, and streamlined Zoning Bylaw. Working towards this will help Edmonton enable people, places and businesses to thrive and prosper.

In Phase 1 (Research and Foundations) of the Initiative (2019-2021), Administration completed research and analysis of zoning challenges and opportunities, best practices and engagement with stakeholders, and invited discussion on the new Zoning Bylaw's general direction and philosophy. Details on the deliverables of this phase can be found in Zoning Bylaw Renewal Report #1 (CR_6664, Urban Planning

Committee April 9, 2019) and Zoning Bylaw Renewal Report #2 (CR_7509, Urban Planning Committee February 2, 2021) and What We Heard reports on the Zoning Bylaw Renewal Initiative's website.

Now in Phase 2 (Develop and Build), Administration will continue to engage and prepare a new Zoning Bylaw and corresponding zoning map, invest in technological improvements and update City services. This will support wide-scale use and where possible, automation. Taking direction from Edmontonians and City Council, this phase involves drafting regulations that support equitable development outcomes that are user-friendly, clear, purposeful, and adaptive. As outlined below, the completion of Phase 2 includes a context analysis, directions on the number and types of uses and zones, GBA+ and equity considerations, a Rezoning Framework and inclusive public engagement activities.

Right Sizing the Number of Zones

Preliminary discussions with internal and external stakeholders were conducted in the summer and fall of 2020 through the Discussion Paper engagement. These engagements included discussions on the benefits of potentially consolidating the Zoning Bylaw's existing 46 standard zones into 15 new standard zones and how and when to effectively employ new and different approaches to zoning (Attachment 1).

To validate and refine this approach, Administration engaged expert zoning consultants to perform an in-depth context analysis. This initial analysis identified that Edmonton consists of at least 22 'Place Types' or places with distinct physical attributes (e.g. street networks, block patterns, building scale). This insight provided Administration with a clearer picture of Edmonton's current built form, and how desired development outcomes and regulatory reform may impact these places. Administration will build on this analysis to determine the number of zones required and to identify when form-based and use-based zoning is appropriate, as part of the emerging structure of the new Zoning Bylaw.

Proposed Uses in the New Zoning Bylaw

Edmonton's Zoning Bylaw regulates the type of activities, or uses, that may occur on a property, indicating permitted and discretionary uses within zones. Currently, there are 127 uses contained within the Zoning Bylaw. The Zoning Bylaw Renewal Initiative proposes 20 uses (Attachment 2), based on engagement activities and technical analysis, by consolidating narrowly-defined uses into broader categories. This shift aims to create many benefits: flexibility to adapt to emerging business models, elimination of redundancies, transparent, predictable, and consistent decision-making, and reduced review time of development permit applications. Within these 20 uses, Administration proposes that a subset of defined terms guide specific activities that require additional regulation to manage impacts relating to size/intensity of uses.

A shift from discretionary uses to conditional uses is also proposed as an approach which aims to remove uncertainty for applicants and communities, and improve transparency in development permit review/approvals. Conditional uses would be permitted in a given zone provided an additional set of regulations are met. If the regulations are met, the development permit is granted and notification to the surrounding neighbourhood is not required. If the proposed development does not meet the regulations, the application could be refused or approved (with a variance) subject to notification and appeal to the Subdivision and Development Appeal Board. See Attachment 2 for more details.

Foundational Zoning Issues

Previous City Plan engagement and a series of Discussion Papers released from July through November 2020 identified various topics and zones to consider as part of the Zoning Bylaw Renewal Initiative. The topics covered in the Discussion Papers can be found on the Engaged Edmonton platform and the Initiative website. While these efforts have informed the general direction of the new Zoning Bylaw, a number of zoning topics and preferred approaches are presented in Attachment 3. Examples include:

- Regulating uses with community concerns including:
 - Integrate Adult Mini-Theatres with other entertainment uses
 - Integrate Pawn Stores with other indoor sales uses
 - Integrate Bars and Neighbourhood Pubs with other food/culture uses
 - Integrate Breweries, Wineries and Distilleries with other urban industrial uses
 - Integrate Nightclubs with other entertainment uses
 - Maintain current separation distances for Body Rub Centres
 - Maintain and update current separation distances for Child Care Services
 - Conduct further research for Crematoriums
- Approaches to regulating residential neighbourhoods as it relates to:
 - Regulating residential activity
 - Regulating development in mature areas without the Mature Neighbourhood Overlay
- Climate actions in the new Zoning Bylaw

Additional stakeholder engagement on some of these topics is scheduled for June 2021. While results of this engagement were not available at the time of writing this report, they will be presented on the Zoning Bylaw Renewal Initiatives website and incorporated in the revised bylaw.

Rezoning Framework

The Rezoning Framework will provide a set of guiding principles to inform what a property's new zone will be, during development and implementation of the new Zoning Bylaw (Attachment 4). Technical guidance will begin development in summer 2021 to guide the review of active, in-progress development applications that may be subject to the new Zoning Bylaw.

The Rezoning Framework also identifies the minimum legal requirements for (1) advertising and (2) notification of the public hearing related to the new Zoning Bylaw and rezoning of properties in Edmonton, and discusses the development of an Electronic Notification Bylaw. The Electronic Notification Bylaw would use Charter powers to create a more streamlined public hearing notification process and will be advanced to Council for first reading in late 2021. In addition to advertising and notification, Administration is planning extensive communications and marketing to educate and inform Edmontonians on the Zoning Bylaw Renewal Initiative.

GBA+ and Equity Considerations

A GBA+ and Equity Toolkit (available on the Initiative website) provides Administration with guidance on how best to consider concepts of equity and diversity when drafting zoning rules for the city. This includes acknowledging assumptions and biases at the regulation writing stage, identifying social inequities caused by land use regulations through a GBA+ analysis, listening to community perspectives, and exploring equity measures that have been or can be taken.

Community members helped to build the Toolkit. Explicit attention was given to ensuring people, specifically Black, Indigenous, and racialized, underrepresented, and marginalized communities, were invited to participate. These participants identified a series of recommendations, including but not limited to:

- Enable mixed-use, mixed-income development
- Reduce the number of residential zones, and permit diverse housing typologies
- Desegregate land uses, allowing for more integration
- Enable small-scale commercial in residential neighbourhoods
- Allow for multiple uses to exist on a property or in a building
- Reduce zoning complexity; and improve awareness/understanding/clarity
- Review 'Household' definition and remove values around what defines family

A partnership with the University of Alberta helped to leverage funding from the Social Sciences and Humanities Research Council to explore the intersections of equity, human rights and land use regulation. Students from the University of Alberta also provided recommendations for further refinement of the Toolkit and application by other City areas. City builders across Canada have adopted the practice of equity and zoning, and are actively using the GBA+ and Equity Toolkit for their own work,

including the City of Lethbridge, City of Ottawa, City of Saskatoon, City of St. Albert, City of Vancouver, City of Victoria, and City of Winnipeg and the Government of Canada.

Public Engagement

Engagement began in 2018 to understand how residents and applicants interact with the Zoning Bylaw and to gather input on the idea of renewing the Zoning Bylaw. In 2019, additional input was gathered to help refine the direction of the Zoning Bylaw Renewal Initiative, including whether simplification and consolidation of the bylaw is needed, what to regulate, and what changes are desired in a new Zoning Bylaw. In 2020, 12 Discussion Papers were drafted and shared through the Engaged Edmonton platform to solicit feedback on critical zoning topics.

More recently, extensive engagement performed as part of The City Plan was reviewed, filtering feedback based on challenges/opportunities associated with land use. Engagement with both internal/external stakeholders will occur throughout June to validate the Zoning Bylaw Renewal Initiative's direction, and to explore regulatory approaches to zones, uses, and residential areas. A combination of workshops and digital activities will be facilitated, and will aim to involve diverse and less-represented groups.

Upcoming engagement on the new Zoning Bylaw focuses on the 'how', rather than revisiting the 'what' and 'why' questions of Edmonton's future development outcomes as articulated in The City Plan. While there will be limited engagement and communications from July to December 2021 due to municipal election restrictions and concentrated work on drafting the new Zoning Bylaw and zoning map, information regarding The City Plan's implementation and other related projects/outcomes will continue to be shared. City-wide engagement is slated for amplification from January to March 2022.

Next Steps and Target Timeline

From July to December of 2021, the draft Zoning Bylaw will be written and tested. The outcome of Phase 2 is a draft of the new Zoning Bylaw and zoning map, which is planned to be presented to Urban Planning Committee in Q2 2022. To achieve this, the following activities will be executed (Attachment 5):

- Finalize Next Steps (as outlined in the Attachments) on the Context Analysis, Proposed Uses in the New Zoning Bylaw, Foundational Zoning Issues, and Rezoning Framework
- Drafting the new Zoning Bylaw, modelling and testing the zones
- GBA+ and Equity Toolkit usage during regulation writing
- Internal review and engagement of draft Zoning Bylaw, including EPCOR
- Peer reviews with industry experts of the draft Zoning Bylaw

- Preparation and analysis of a draft Zoning Map
- Assessment of impacts to service delivery
- Review of technology compatibility
- Public and targeted stakeholder engagement (June 2021)

Corporate Outcomes and Performance Management

Corporate Outcome(s): Edmonton is attractive and compact			
Outcome(s)	Measure(s)	Result(s)	Target(s)
Effective communication and collaboration with stakeholders, partners, and citizens, to support the development of a strategic, simplified, and simple Zoning Bylaw that enables people, places, and businesses to thrive and prosper.	Total number of people engaged through targeted and city-wide engagement activities.	<p>2020 Engaged Edmonton: 4,238 total website visits 3,084 people aware 512 people informed 228 people engaged</p> <p>2020 Information Sessions: 6 city-led sessions 50 stakeholder meetings</p> <p>2018-2019 Engagement: 692 total engaged</p>	<p>2020 Engaged Edmonton: 3,000 total website visits 1,000 people aware 500 people informed 200 people engaged</p> <p>2020 Information Sessions: 6 city-led sessions 25 stakeholder meetings</p> <p>2018-2019 Engagement: 200 people engaged</p>
	Type/reach of communication platforms.	<p>2020 Communication Platforms/Reach Zoning Bylaw Newsletter: 418 subscribers Building Edmonton Newsletter: 1,377 subscribers Facebook: 59,253 people reached, 796 engaged users Instagram: 42,776 people reached, 749 engaged users Twitter: 63,667 Twitter impressions, 474 engaged users</p>	<p>2020 Communication Platforms/Reach Zoning Bylaw Newsletter: 250 subscribers Building Edmonton Newsletter: 900 subscribers Facebook: 5,000 people reached, 500 engaged users Instagram: 5,000 people reached, 500 engaged users Twitter: 10,000 Twitter impressions, 400 engaged users</p>

Attachments

1. Right Sizing The Number of Zones
2. Proposed Uses in the New Zoning Bylaw
3. Foundational Zoning Issues: Options and Preferred Approaches
4. Rezoning Framework
5. Zoning Bylaw Renewal Initiative - Time at-a-glance

Others Reviewing this Report

- M. Persson, Chief Financial Officer and Deputy City Manager, Financial and Corporate Services
- G. Cebryk, Deputy City Manager, City Operations

- C. Owen, Deputy City Manager, Communications and Engagement
- A. Laughlin, Deputy City Manager, Integrated Infrastructure Services
- R. Smyth, Deputy City Manager, Citizen Services
- K. Fallis-Howell, Acting City Solicitor

Attachment 1: Right Sizing The Number of Zones

WHERE DID WE START?

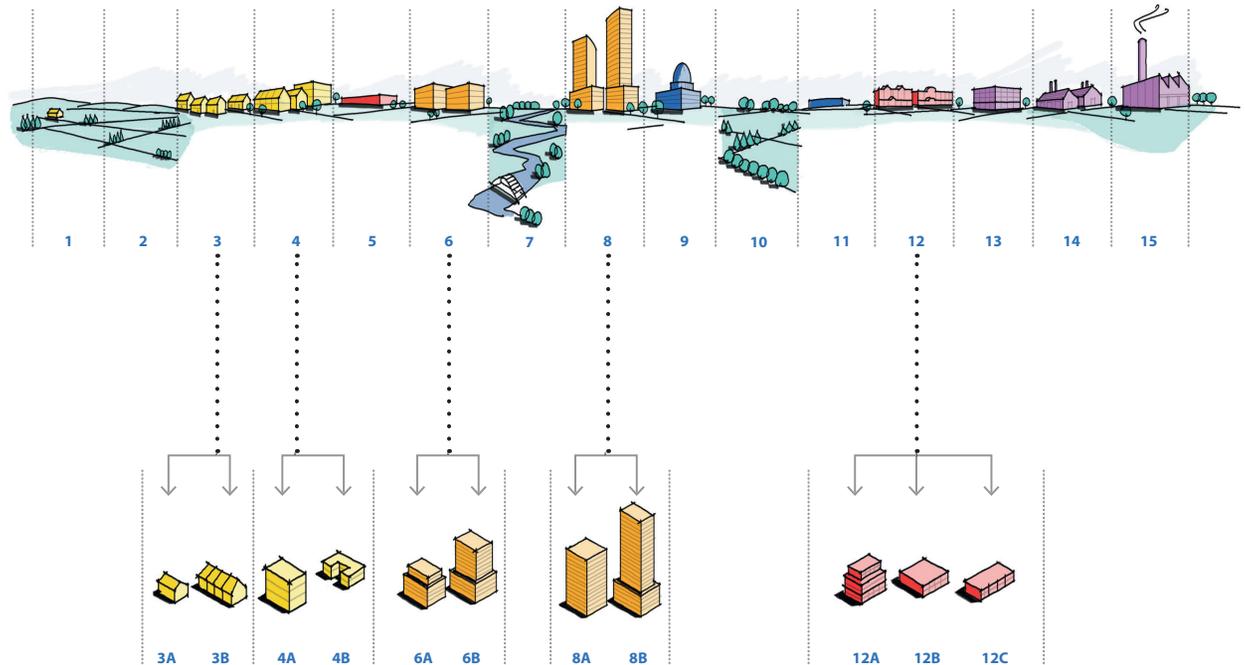
During Phase I of the Zoning Bylaw Renewal Initiative, a series of Discussion Papers explored the consolidation of 46 standard zones into 15, as well as the idea of a hybrid Zoning Bylaw consisting of form-based and use-based zoning methods. As illustrated, the proposed zones demonstrate a clear progression based on distinct differences between one another, while providing flexibility to accommodate a broad range of built forms and uses.

WHERE ARE WE NOW?

To validate and refine the proposed approach and number of zones, a context analysis was undertaken to provide a comprehensive review of Edmonton's existing built form and patterns of development. The built environment can be categorized into different contexts (Place Types) that share common characteristics related to their physical form. The analysis indicated that at least 22 distinct Place Types currently exist within the Edmonton context, suggesting a need to consider splitting some of the proposed zones in two or even three to serve these different Place Types.

WHERE ARE WE GOING?

Administration will continue to refine the context analysis and the number of zones. Place Type information will be key to ensuring that the new zones in the Zoning Bylaw reflect the desired outcomes articulated in The City Plan, and address the unique conditions and contexts that make up Edmonton.



Proposed Uses in the New Zoning Bylaw

There are currently 127 uses listed in Zoning Bylaw 12800. The Zoning Bylaw Renewal Initiative proposes to reduce the number of uses by combining them into broader use classifications.

This approach will support a wider range of activities within a particular building or space and removes outdated and historically inequitable uses, while consolidating those that have similar activities or impacts. Rather than act as a blunt instrument to regulate behaviour and isolated issues, the uses proposed will allow the new Zoning Bylaw to focus on land use impacts while supporting desired policy outcomes. This approach requires all bylaw users to be more comfortable with a higher degree of flexibility and less prescriptive control over specific and detailed development outcomes.

In 2019, Administration conducted a number of internal workshops and public engagement sessions to get input on ways to simplify or consolidate uses, remove duplication, and ensure new activities can be accommodated without amendment. The participants considered creating new use categories based on factors such as similar activities or purposes, when these activities occur, and activities with similar impacts.

The outcome of this work created 14 use classifications that could encompass all of the activities and businesses that occur in the city. Building on this work and the engagement feedback received on the discussion papers during the summer and fall of 2020, Administration proposes 20 new uses, as outlined in Table 1 below. Each use in the table includes a brief description of the activity it represents and will be used as a guideline to create the eventual use definitions in the new Zoning Bylaw. The uses have been consolidated as they share similar impacts. The table also compares the new use with a list of equivalent uses found in the current Zoning Bylaw. Further consultation and engagement on these proposed uses is scheduled to be carried out in June 2021.

In consolidating uses, Administration identified a number of uses which would benefit as being a 'defined term'. Defined Terms enable additional regulations to be applied that help mitigate impacts. This approach of consolidating uses while maintaining defined terms is more flexible and reduces barriers. Rezoning to permit specific uses will be reduced but oversight on impact can remain. For example, "Cannabis Retail Sales" would become a defined term under "Indoor Sales and Service" in order to apply specific regulations to that activity, such as separation distances. Under this system, Cannabis Retail Sales would be allowed in any zone that allows Indoor Sales and Service as long as it meets the specific regulations.

The proposed uses would occur at a variety of scales. To ensure impacts are managed, regulations within the zones will be used to regulate the size and intensity of specific uses based on what is appropriate to the zone. For example, a grocery store and a convenience store would both be considered an Indoor Sales and Service Use. However, a zone that allows for a smaller intensity of use would limit the size for the Indoor Sales and Service Use so that a convenience store could be allowed, but not a large grocery store. This creates flexibility both in the zoning and development permit process. A site would no longer need to be rezoned to accommodate a use but specific regulation that is appropriate for the scale and context can be applied.

Proposed Uses	Description <i>(to be used as a guideline for creating use definitions)</i>	Existing Uses <i>(to be refined)</i>
1. Agriculture	Any activity associated with raising animals or growing plants. Allows the sale of agricultural products raised or grown on site; Accessory products permitted to be sold. This use also allows for large scale topsoil removal and grading. Outside of the Agriculture and Rural zones, only hens and bees are allowed to be raised.	<ul style="list-style-type: none"> - Livestock Operations - Recreational Acreage Farms - Rural Farms - Small Animal Breeding and Boarding - Urban Gardens - Urban Indoor Farms - Urban Outdoor Farms - Greenhouses, Plant Nurseries and Garden Centres
2. Civic Services <i>Defined Terms with additional regulations:</i> a) <i>Community Recreation</i> b) <i>Schools</i> c) <i>Libraries</i>	Community and educational activities or uses that provide a service to the general public but can have some impacts on surrounding areas, such as large numbers of people congregating at peak times and intermittent noise.	<ul style="list-style-type: none"> - Community Recreation Services - Government Services - Protective and Emergency Services - Public Education Services - Private Education Services - Public Libraries and Cultural Exhibits
3. Institutional Services	Large-scale institutional activities or uses that provide services to the region and can have impacts on surrounding areas.	<ul style="list-style-type: none"> - Detention and Correction Services - Extended Medical Treatment Services
4. Food and Culture Establishments	Places where people come together for worship, food, drink, and small scale	<ul style="list-style-type: none"> - Bars and Neighbourhood Pubs - Drive-in Food Services - Major Amusement Establishment

Attachment #2

<p><i>Defined Terms with additional regulations:</i> a) <i>Bars</i> b) <i>Drive-in Food Services</i></p>	<p>entertainment. Occurs at a variety of scales and requires regulations to minimize impacts appropriate to the zones.</p>	<ul style="list-style-type: none"> - Minor Amusement Establishment - Private Clubs - Religious Assembly - Restaurants - Specialty Food Services
<p>5. Entertainment Establishments</p>	<p>Places where people come together for large scale entertainment, food, drink, or recreational purposes that typically require large spaces.</p>	<ul style="list-style-type: none"> - Adult Mini-Theatre - Casinos and Other Gaming Establishments - Exhibition and Convention Facilities - Natural Science Exhibits - Nightclubs - Spectator Entertainment Establishments - Spectator Sports Establishments
<p>6. Indoor Sales and Services</p> <p><i>Defined Terms with additional regulations:</i> a) <i>Body Rub Centres</i> b) <i>Cannabis Lounge</i> c) <i>Cannabis Retail Sales</i> d) <i>Child Care Services</i> e) <i>Hotels</i> f) <i>Liquor Stores</i></p>	<p>Any activity occurring in a building; generates limited off-site impacts; on-site impacts generally contained within the building</p>	<ul style="list-style-type: none"> - Animal Hospitals and Shelters (<i>indoors</i>) - Apartment Hotels - Auctioneering Establishments (<i>indoors</i>) - Business Support Services - Cannabis Lounge - Cannabis Retail Sales - Child Care Services - Commercial Schools - Convenience Retail Stores - Equipment Rentals - General Retail Stores - Health Services - Hotels - Household Repair Services - Indoor Participant Recreation Services - Limited Contractor Services - Liquor Stores - Market (<i>indoor</i>) - Media Studios - Mobile Catering Food Services - Motels - Pawn Stores - Personal Service Shops - Professional, Financial and Office Support Services - Residential Sales Centre - Secondhand Stores - Veterinary Services - Warehouse Sales
<p>7. Major Industrial</p>	<p>Activities that cause significant impacts, such as</p>	<ul style="list-style-type: none"> - Land Treatment - General Industrial Uses

	noise, effluent, etc. to the surrounding areas.	
8. Minor Industrial	Activities that have some off-site impacts and require some specific regulations to deal with the impacts.	<ul style="list-style-type: none"> - General Contractor Services - General Industrial Uses - Special Industrial Uses - Temporary Storage
9. Urban Industrial	Small-scale industrial activities that may include accessory commercial operations. Some off-site impacts may require mitigation measures. Intended to be compatible with mixed-use and commercial areas.	<ul style="list-style-type: none"> - Breweries, Wineries and Distilleries - Creation and Production Establishments - General Industrial Uses - Funeral, Cremation and Interment Services - Recycling Depots - Vehicle and Equipment Sales/Rentals
10. Open Space and Parks Services <i>Defined Terms with additional regulations:</i> a) <i>Public Park</i>	Activities that typically require large, open spaces that may have some minor development for recreation or associated commercial purposes	<ul style="list-style-type: none"> - Cemeteries - Outdoor Participant Recreation Services - Publicly Accessible Private Park - Public Park - Tourist Campsites
11. Major Outdoor Sales and Services	Activities that primarily occur outside that require large storage, parking or display areas and have some off-site impacts.	<ul style="list-style-type: none"> - Auctioneering Establishments (<i>outdoors</i>) - Aircraft Sales/Rentals - Fleet Services - Drive-in Motion Picture Theatres - Train Station - Truck and Mobile Home Sales/Rentals
12. Minor Outdoor Sales and Services	Activities that primarily occur outside and have some off-site impacts.	<ul style="list-style-type: none"> - Animal Shelters and Hospitals (<i>outdoor</i>) - Automotive and Minor Recreation Vehicle Sales/Rentals - Convenience Vehicle Rentals - Market (<i>outdoor</i>) - Outdoor Amusement Establishments
13. Natural Resources Development	Removal, extraction, and primary processing of natural resources.	<ul style="list-style-type: none"> - Natural Resource Development
14. Non-regulated Uses	Areas and facilities that the City of Edmonton has no jurisdiction to regulate.	<ul style="list-style-type: none"> - Any Use that is consistent with those Uses, activities and operations prescribed in the appropriate superior legislation.

15. Protected Natural Area	Land is not developed and left in its natural state.	- Natural Areas
16. Public Utility	Spaces, buildings, structures, or facilities that provide common utilities to neighbourhoods and the city overall. Require regulations to minimize impacts appropriate to the zone.	- Essential Utility Service - Major Impact Utility Services - Minor Impact Utility Services - Recycled Materials Drop-off Centres
17. Residential <i>Defined Terms with additional regulations:</i> a) <i>Home Based Business</i>	Any building specifically designed for people to live in.	- Duplex Housing - Fraternity and Sorority Housing - Garden Suite - Mobile Home - Multi-unit Housing - Row Housing - Secondary Suite - Semi-detached Housing - Single Detached Housing - Supportive Housing - Lodging Houses
18. Special Events	Temporary activities that occur in an indoor or outdoor space. Require regulations to minimize impacts appropriate to the zone.	- Special Event - Carnivals
19. Signs <i>Defined Terms with additional regulations:</i> b) <i>On-ground Signs</i> c) <i>On-building Signs</i> d) <i>Projecting Signs</i> e) <i>Temporary Signs</i>	May be part of a structure or devices, freestanding or on a building, and is used to convey information or to advertise.	- Fascia Off-premises Signs - Fascia On-premises Signs - Freestanding Off-premises Signs - Freestanding On-premises Signs - Major Digital Signs - Minor Digital Off-premises Signs - Minor Digital On-premises Off-premises Signs - Minor Digital On-premises Signs - Projecting Off-premises Signs - Projecting On-premises Signs - Roof Off-premises Signs - Roof On-premises Signs - Temporary On-premises Signs - Temporary Off-premises Signs
20. Vehicle Oriented Service	Activities that are predominantly vehicle oriented and require specific regulations to address vehicle access, queuing, and parking to deal with on and off-site impacts.	- Automotive and Equipment Repair Shops - Gas Bars - Major Service Stations - Minor Service Stations - Rapid Drive-through Vehicle Services

		- Vehicle Parking
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Conditional Uses

Currently, each standard zone in the Edmonton Zoning Bylaw 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 development permit will be issued for the use. Conversely, if a use is listed as discretionary, it is up to the Development Planner to determine if the use should be allowed on a property.

The flexibility of discretionary decision making creates uncertainty for applicants and communities in knowing what is allowed in a zone and under what circumstances. This type of decision making introduces the potential that morality, human behaviour, or social issues become the basis for decision making - factors which fall outside a zoning bylaw's purpose of regulating land use. Additionally, developments that are approved for discretionary uses may be subject to appeal even if the use meets all the regulations of the Zoning Bylaw.

Administration is proposing to replace the list of discretionary uses in a zone with a list of conditional uses. Conditional uses are proposed to be permitted in a given zone provided an additional set of regulations are met. If the regulations are met, the development permit is granted and notification to the surrounding neighbourhood is not required. Examples of different conditional use scenarios are outlined below:

- Indoor Sales and Service Use could be listed as conditional in a residential zone with specific location criteria that restricts the activity to local nodes.
- Home Based Business is proposed to be a defined term under the Residential Use classification. If a resident wished to operate a Home Based Business, a specific regulation for this activity could be that all storage and/or elements related to this business are wholly contained within the home and not visible from the exterior of the building.
- Liquor Stores is proposed to be a defined term under the Indoor Sales and Service Use. If an application for Indoor Sales and Service related to Liquor Stores is made, the development would need to comply with specific regulations related to separation distances.

If the proposed development does not meet the regulations related to the conditional use, the Development Planner could either refuse the permit or approve the necessary variances based on a set of established criteria. Any approval to vary the additional regulations would be subject to notification and appeal to the Subdivision and Development Appeal Board.

Conditional uses are expected to provide greater certainty for both applicants and communities by clearly indicating what regulations are required to be met in order to be approved. The proposed approach will improve service to customers by creating a more transparent and efficient permitting process. Conditional uses can also provide clarity to neighbourhoods about the types of activity they can expect to be allowed on a given site and the additional level of regulation required to gain approval from the City.

Type of use	Potential Benefits	Potential Risks
Discretionary	<ul style="list-style-type: none"> ● Allows for site specific contextual analysis by the Development Planner including: <ul style="list-style-type: none"> ○ planning policy; ○ mitigation of off-site impacts; ○ technical studies; and ○ surrounding development. 	<ul style="list-style-type: none"> ● Appealable to the Subdivision and Development Appeal Board even if all regulations are met. ● Introduces the potential for inconsistent or unpredictable decision making. ● Susceptible to non-land use considerations including concerns about morality, human behaviour and social issues.
Conditional	<ul style="list-style-type: none"> ● Certainty and transparency of timelines and development rights. ● Reduced costs and delays in the permit process. ● Improved equity in the decision-making process. ● Only appealable to the Subdivision and Development Appeal Board on a question of interpretation (very low risk) ● Reduce the risk of a decision being made based on non-land use considerations including concerns about morality, human behaviour and social issues. ● Development proposals can still be reviewed based on: <ul style="list-style-type: none"> ○ mitigation of off-site impacts; and ○ technical studies. 	<ul style="list-style-type: none"> ● Possible loss of negotiation potential on the part of the Development Planner. ● Fewer practical opportunities for neighbours to appeal decisions. ● Regulations cannot be created for every potential development scenario.

A review of other Canadian municipalities has demonstrated that the concept of conditional uses is not a new one. Of the municipalities surveyed, five of the ten employed conditional uses in their bylaws in a variety of ways. The scan also determined that conditional uses would represent a different approach to regulating land use in Alberta.

Foundational Zoning Issues: Options and Preferred Approaches

This attachment provides background information and options to address critical topics and questions received through the Zoning Bylaw Renewal Initiative's Discussion Papers, released from July through November 2020.

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Background

The Discussion Papers introduced several new ideas for how the new Zoning Bylaw could regulate land development in alignment with The City Plan. Engagement on the Discussion Papers generated many responses, prompting a series of critical questions and topics for Administration to explore further with City staff and public stakeholders:

- Different approaches to regulating uses with community concerns
- A proposed new approach to regulating residential neighbourhoods:
 - How residential activities could be defined
 - How development in mature areas could be regulated without the use of an overlay (Mature Neighbourhood Overlay)
- How climate actions could be incorporated into the new Zoning Bylaw

Administration conducted additional research on these topics, reviewed prior public engagement results, sought input from subject matter experts within Administration, and assessed the findings through a Decision Informing Tool (described as the 'Decision Making Framework' in CR_7509) and GBA+ and Equity Toolkit. The result of this work is a range of approaches and options. Additional stakeholder engagement on these topics is currently scheduled for June 2021. While results of this engagement were not available at the time of writing this report, they will be presented on the Zoning Bylaw Renewal Initiatives website.

Regulating Uses with Community Concerns

Over the years, Administration has reported on and amended the Zoning Bylaw to address uses with community concerns. This has led to increased regulation and a bylaw that is complex and not user-friendly, added time and cost to applicants during the development permit process, and difficulty to do business and invest in Edmonton.

With this in mind, the new Zoning Bylaw proposes a different approach to regulating uses, including:

- Combining activities with similar land use impacts into more broadly defined uses
- Applying a GBA+ and equity lens to the regulation of uses
- Ensuring that regulations are consistently based on land use impacts

Feedback provided on the proposed direction for uses has been mixed. While there is general support for broadened definition of uses, flexible regulations, and less restrictions on business locations, several concerns around the loss of City jurisdiction over contentious uses (e.g. pawn stores and adult-oriented stores/services) were expressed.

Canadian municipalities are often faced with similar issues. A jurisdictional review across the country revealed that cities often regulate uses based on community concerns. For example, separation distances are generally applied by cities to adult-oriented uses to create buffers from residential uses, schools, and places of worship. However, it was not clear if separation distances were applied based on land use impacts or on negative perceptions of those uses. Uses with quasi-industrial activities were either restricted to industrial zones or regulated based on land use intensity (e.g. Saskatoon permits microbreweries in some commercial zones, but limits breweries that have larger production facilities to industrial zones).

Findings to Date

Discussions with subject matter experts revealed general consensus:

- Regulations should consider land use impacts, not morality
- Regulations should be evidence-based
- Regulations should enable enforcement when required
- Specific uses should only be regulated when there are land use impacts associated with that particular activity, or when the scale/intensity of a use differs in certain contexts
- The Zoning Bylaw should be clear on the intent of regulations and the problems they aim to solve
- Changes to how uses will be regulated need to be socialized

- Identify tools to enforce issues that the Zoning Bylaw is unable to address
- Pre-notification requirements for uses with community concern can set up false expectations for engagement if the public is not able to influence decisions being made
- Separation distances can constrain location opportunities when separation distances are used in combination with restrictive zoning, in some cases to the extent that businesses will operate without permits and licencing
- Adult mini theatres and pawn stores do not need to be regulated as separate uses from other indoor sales and services uses

There was less consensus for child care services, crematoriums, breweries, body rub centres, bars and neighbourhood pubs, and nightclubs.

The Decision Informing Tool and GBA+ and Equity Toolkit provides several key insights:

- There is no legal requirement to regulate uses with community concerns as separate uses or to apply separation distances
- Health and safety impacts or other nuisances may need to be mitigated through zoning regulations to address specific uses
- Consolidate uses where possible into broader land use categories to reduce the potential of disproportionately impacting specific users/groups and use conditional uses to address land use impacts for specific activities
- More research is needed to evaluate land use impacts associated with crematoriums and to reevaluate separation distance requirements between child care services and industrial activities

Adult Mini Theatres

In researching permit data related to adult mini theatres, Administration found that since 1995, there has only been one development permit issued for an adult mini theatre, and this was permitted through the Subdivision and Development Appeal Board. This indicates that the use itself is antiquated and no longer requires use-specific regulation.

Pawn Stores

In 2018, Administration reported on the impact of pawn stores in *CR_4754 - Impact of Clustered Pawn Stores on Local Socio-Economic Conditions* and *CR_4755 - Amendments to Zoning Bylaw 12800 - Regulations for Pawn Stores*. Key findings of the report highlighted:

- Pawn stores provide alternative short term credit options to clients who may not be served by traditional lenders and face barriers to accessing credit, and who may rely on such loans to fill immediate needs, pay bills or support dependents
- Development permit decisions related to pawn store applications did not identify land use impacts directly associated with pawn stores

- Pre-notification requirements for pawn stores in specific areas of the city have not resulted in the identification of land use impacts that could inform the Development Planners decision
- Some pawn stores have more signage and less transparency along storefronts, limiting sightlines into and out of shops, which may contribute to a less attractive appearance
- Defining pawn stores separately from other similar uses, such as retail stores or financial services, can lead to reinforcing perceptions that pawn stores are associated with undesirable activities

The research also identified that an unintended consequence of regulating this use separately and restricting the location of this use to a limited number of zones may have contributed to the clustering of pawn stores along main streets and within the current CB1 and CB2 zones. This clustering may in turn amplify negative perceptions of the areas in which they occur.

Based on these findings and the feedback from internal subject matter experts, Administration's preferred approach is to incorporate Pawn Stores Use into the Indoor Sales and Service Use and apply regulations to promote better design and safety more broadly to new development. This change will ensure that the new Zoning Bylaw does not disproportionately impact specific users/groups and will support an efficient and predictable development permit process.

Child Care Services

There are currently a number of zones where Child Care Services can locate in Edmonton. Child Care Services is generally a permitted use in most commercial and mixed use zones, and a discretionary use in light industrial and residential zones. To support the public benefit of widely available child care, Administration proposes to incorporate this Child Care Services within the Indoor Sales and Services use, with uses that have similar land use impacts. This approach will provide widespread opportunities for child care providers as the Indoor Sales and Services use will be broadly permitted in many parts of the city. In addition, Administration proposes to make Child Care Services a defined term in order to establish regulations to address risk from hazardous uses or activities and where it is necessary to maintain separation distances from other uses.

Crematoriums

Based on a jurisdictional scan of how other municipalities regulate crematoriums, Administration found that other Canadian cities tend to restrict this use to industrial zones or institutional zones as an accessory activity to cemeteries. Some municipalities and provinces (i.e. Nanaimo, Mississauga, Toronto, and Manitoba) apply separation distance requirements between residential areas and crematoriums ranging from 60 metres to 300 metres. Only one municipality (Strathmore, Alberta) had zoning regulations related to crematorium emissions,

hours of operation and complaint reporting; however, this was cross referenced with their community standards bylaw regulations.

From a brief literature review on the impacts of crematoriums, Administration found that emissions from crematoriums are relatively low but are related to the material being combusted, some of which can be toxic to humans. However, the amount of emissions released is dependent on the type of incinerator that is used and operational practices and emission control measures (e.g., removing dental fillings containing mercury prior to cremation). Administration will conduct stakeholder engagement in June 2021 to gather further feedback on zoning regulations for crematoriums and will present this information in a future What We Heard report.

Body Rub Centres

Further analysis of the body rub centres use through the Decision Informing Tool and the GBA+ and Equity toolkit revealed that body rub centres should be incorporated with other indoors sales and services uses and separation distances should be eliminated to ensure the new Zoning Bylaw does not regulate land use impacts in a way that directly affects specific users and groups. However, at this time Administration proposes to maintain current separation distance requirements based on the recommendations outlined in the recent Community and Public Services Committee report *CR_7638 - Merits of a Five year exit Strategy on Licensing Body Rub Centres*. The report identified that the majority of practitioners, owners and community stakeholders support licensing body rub centres in Edmonton.

Further, a recent research study suggested keeping the relatively new licensing framework for body rub centres in consideration of the shifting legal landscape related to the federal legislation, the release of Alberta's action plan to address trafficking, and unknown impacts of the COVID-19 pandemic on citizens, governments and the economy. However, to support safer and better designed development across Edmonton, including Body Rub Centres, Administration proposes that regulations related to Crime Prevention Through Environmental Design (CPTED) be applied more broadly to more uses in the new Zoning Bylaw.

Breweries, Wineries and Distilleries

The current Breweries, Wineries and Distilleries use is characterized by three activities: industrial for the production of alcohol; retail for the sale of that alcohol for off-site consumption; and a drinking establishment for the consumption of alcohol produced on-site.

The Breweries, Wineries and Distilleries use is generally permitted in industrial areas and discretionary in commercial and mixed use areas. This use also has specific regulations to limit outdoor activities and public space available to

patrons, and is subject to design requirements to support safer environments for pedestrians. The intent of the current zoning of this use and associated regulations is to enable small scale operations, such as microbreweries, in commercial and mixed use areas, and to limit the floor area where patrons can taste and sample alcohol in more intensive industrial areas to prevent a brewery, winery or distillery from becoming a defacto bar or pub. To achieve this in the new Zoning Bylaw, Administration proposes to incorporate within the new Urban Industrial use and to apply regulations to ensure large industrial scale operations are located outside of commercial and mixed use areas.

Bars and Neighbourhood Pubs

Currently Bars and Neighbourhood Pubs are regulated based on land use intensity related to the amount of space that can accommodate customers. Bars and Neighbourhood Pubs tend to be zoned for commercial and mixed use areas, and listed as a discretionary use when accommodating larger capacities.

Although Bars and Neighbourhood Pubs appear to have similar characteristics to restaurants and specialty food services, in that they provide places for people to gather for eating and drinking, they may have impacts to other uses depending on their scale and hours of operation. Based on this, Administration proposes to incorporate this activity as a defined term in the proposed Food and Culture Establishment use and to apply regulations to the defined term to manage the potential land use impacts.

Nightclubs

Currently, Nightclubs are regulated based on land use intensity associated with the amount of space the establishment can accommodate patrons. Nightclubs tend to be listed as a discretionary use in commercial and mixed use areas, and permitted in some zones that can accommodate large commercial developments.

Although Nightclubs are similar to Bar and Neighbourhood Pubs, in that they provide places for people to gather for drinking, their primary purpose is to accommodate space for entertainment events, activities or performances, such as a dance club or cabaret. Based on these characteristics, Administration proposes to incorporate this activity into the Entertainment Establishments use, and apply more broadly regulations related to the size of the establishment, noise, lighting and hours of operation to this use.

Options Considered and Preferred Approach

Based on the findings to date, Administration considered the following options for the uses with community concerns.

Adult Mini-Theatres and Pawn Stores

- Option 1: No change to existing use definition or regulations
- Option 2: Incorporate these uses into the Indoor Sales and Service Use and eliminate the need for specific regulations related to Adult Mini-Theatres.

Administration's preferred approach is Option 2.

Child Care Services

- Option 1: No change to existing use definition or regulations
- Option 2: Incorporate this use into the Indoor Sales and Service Use and use a defined term to establish regulations to address risk from hazardous uses/activities and separate from other uses that have separation distances to this land use

Administration's preferred approach is Option 2.

Crematoriums

- Option 1: Maintain the existing use definition for Funeral, Cremation and Interment Services
- Option 2: Create a separation distance for crematorium when residential neighbourhoods are nearby but allow it in commercial or industrial areas
- Option 3: Only permit it in the industrial zones that have off-site impacts
- Option 4: Only permit in industrial areas and create separation distance when residential neighbourhoods are nearby

Further research and engagement is required to inform Administration's preferred approach.

Body Rub Centres

- Option 1: Incorporate this defined term as a subset of the Indoor Sales and Services use and maintain existing regulations and separation distances
- Option 2: Incorporate this defined term as a subset of the Indoor Sales and Services use and maintain existing separation distances but apply design regulations to support safer environments more broadly to new development
- Option 3: Incorporate this use into the Indoor Sales and Services use without separation distances and apply design regulations to support safer environments more broadly to new development

Administration's preferred approach is Option 2.

Breweries, Wineries and Distilleries

Option 1: Maintain existing separate use and regulations

Option 2: Incorporate this use into the Urban Industrial use to enable small scale breweries, wineries and distilleries in commercial and mixed use zones. Larger industrial scale operations would still be located outside of commercial and mixed use zones.

Administration's preferred approach is Option 2

Bars and Neighbourhood Pubs

Option 1: Maintain existing the existing use definition for Bars and Neighbourhood Pubs in order to exclude from specific zones

Option 2: Incorporate this use into the Food and Culture Establishments use and use defined terms in order to establish regulations addressing impacts from scale, noise, lighting, and operating hours

Administration's preferred approach is Option 2.

Nightclubs

Option 1: Maintain the existing use definition for Nightclubs in order to exclude from specific zones

Option 2: Incorporate this use into the Entertainment Establishments use and use regulations to address impacts from scale, noise, lighting, and operating hours

Administration's preferred approach is Option 2.

New Approaches to Regulating Residential Neighbourhoods

Regulating Residential Activity

Administration has and continues to simplify residential use regulations and definitions to reduce barriers and enable more diverse residential development throughout Edmonton. In 2019, the Missing Middle Zoning Review simplified the definitions for Apartment Housing and Stacked Row Housing to “Multi-unit Housing” to enable a greater variety of building types when developing more than three dwelling units. In 2020, Zoning Bylaw text amendments simplified the definitions for Group Homes, Limited Group Homes, and Temporary Shelters to “Supportive Housing” to provide more flexibility for housing providers to adapt to changing situations.

The Zoning Bylaw Renewal Initiative is an opportunity to examine how the Zoning Bylaw regulates land use development using a more effective and equitable approach, prompting a review of whether the Zoning Bylaw needs to differentiate between different living arrangements or residential building types if land use impacts are typically similar. For example, under the current rules, four townhouses with secondary suites could be allowed, but not an eight unit stacked townhouse building, despite having similar levels of residential activity. In addition, The City Plan provides policy direction to create opportunities for diverse housing options in all neighbourhoods of the city.

The Residential Zones Discussion Paper¹ proposed to define all different living arrangements using a single “Residential” use definition:

Existing Residential Use Definitions in Zoning Bylaw 12800		Proposed Definition in the new Zoning Bylaw
1. Duplex Housing	7. Semi-detached Housing	Residential
2. Garden Suite	8. Single Detached Housing	
3. Mobile Home	9. Fraternity and Sorority Housing	
4. Multi-unit Housing	10. Lodging Houses	
5. Row Housing	11. Live Work Unit	
6. Secondary Suite	12. Supportive Housing	

¹ The Zoning Bylaw Renewal Initiative’s Discussion Papers can be found on Engaged Edmonton and on the Initiative’s website (edmonton.ca/zoningbylawrenewal).

This simplified use definition would recognize that the act of living in one's home is similar for everyone regardless of the type of building that it is in. Impacts from residential activity are typically from the scale and intensity of the use of the site, which can be addressed through regulation.

The Municipality of High River uses a form-based Zoning Bylaw and is the only municipality that has simplified its residential use categories to a similar extent as currently proposed by Administration:

Residential: “means a category of Uses that include premises available for long-term human habitation by means of ownership and rental, but exclude short-term renting of less than a month's duration”

Previous public engagement indicated that residents and stakeholders may not have been aware of the proposed changes to Residential Use definition when reviewing the Discussion Papers. However, Administration has heard support for the increased diversity of housing types being offered.

Options Considered

Based on this previous work, Administration considered two options for regulating residential activity:

Option 1: Continue to define residential activities based on building types or other residential characteristics.

Option 2: Regulate all residential activity under a single use definition — “Residential”.

Findings to Date

While engagement on the proposed Residential use is scheduled for June 2021, preliminary findings at the time of writing this report indicates that a single Residential Use that focuses on whether the site is appropriate for someone to live in instead of the type of building that the home is located in has several potential benefits. It offers the potential to allow more diverse housing to be built throughout Edmonton's neighbourhoods by not being selective about building type (e.g. Single-detached Housing vs. Multi-unit Housing) or activity type (e.g. supportive housing). This would align with The City Plan's goals and directions to enable more housing options in all of Edmonton's neighbourhoods to ensure that every resident has reasonable access to safe and suitable housing. More housing options could also support people to age-in-place. The intensity, scale,

and massing of any residential use in the new Zoning Bylaw can be controlled through appropriate regulations within each zone.

While allowing more housing opportunities in neighbourhoods would provide positive benefits to residents looking for a home, the GBA+ and Equity Toolkit analysis indicates that this may also contribute to the risks of gentrification due to increased redevelopment opportunities. A simplified definition could more easily enable affordable housing. However, a broad-based change such as this does not guarantee more affordable housing will be built, as it addresses regulatory barriers but not economic or market-related challenges. This requires a suite of approaches and supports which are beyond the scope of the Zoning Bylaw Renewal Initiative. The analysis also identified the “fraternity and sorority housing” living arrangement as a residential activity needing further consideration to determine whether potential impacts would require this activity to be regulated separately.

Implementing this change will involve Administration working with services such as EPCOR and internal City departments to ensure that changes to land use definitions do not affect service processes that may rely on zoning definitions. Regulations within the new zones would also be needed to ensure that a simplified residential use does not result in increased infrastructure requirements.

Preferred Approach - Residential Use

Option 2: Administration’s preferred approach is to replace all residential use definitions in the current Zoning Bylaw and use a single Residential Use definition to describe the activity of living in a home.

How to Regulate Development in Mature Areas of the City Without the Mature Neighbourhood Overlay

The Mature Neighbourhood Overlay was introduced in 2001 due to the city's mature areas of Edmonton seeing suburban-style infill homes being built that appeared to not fit within the context of existing development. Its purpose was to maintain pedestrian friendly streets, limit the size of new homes to be similar to existing, provide sunlight access and privacy for neighbouring properties, and increase community awareness and opportunities to comment on proposed new development.

The original objectives of the overlay were to:

- protect treed boulevards by requiring the use of the rear lane for vehicular access;
- increase the rear yard requirements;
- maintain contextual front setbacks;
- lower the height allowed by conventional low scale residential zones;
- lower the allowable proportion of the basement to protrude from the ground; and
- address issues around gables and lofts in the top half storey.

Consideration was given to introducing additional architectural controls but the decision was made to not intrude further in the rights of property owners over design proposals.

In 2017, a revised Mature Neighbourhood Overlay was adopted to support infill development by requiring designs to respond to the context of a property and increasing predictability in the approvals process. The review was prompted by ongoing issues with infill development in mature areas including concerns about side yard setbacks (insufficient setbacks and their effect on drainage), height of new buildings, and new development creating overlook, privacy, and shadowing impacts.

Administration's recent Overlays and Residential Zones Discussion Papers discussed the Mature Neighbourhood Overlay and identified that this additional set of development regulations separate from the underlying zone results in a more complex regulatory process. In alignment with the goals of the new Zoning Bylaw, Administration is proposing to remove the Mature Neighbourhood Overlay and incorporate any relevant development regulations into the applicable residential zones of the new bylaw.

There is strong policy direction in The City Plan to allow for communities to evolve over time, to achieve more income diverse neighbourhoods, to enable ongoing residential infill and to support new regulations that are efficient, easily understood and supportive of innovative development outcomes. The City Plan

encourages high quality urban design, enhanced street design, an expanded urban tree canopy and preservation of our historic resources. The City Plan calls for us to be sensitive yet bold as we design and renew Edmonton's urban form, density, image and identity.

Findings to Date

While further engagement is needed to help inform the transition of Mature Neighbourhood Overlay regulations into the new Zoning Bylaw, Administration has received some feedback on this topic. Engagement during the release of the Overlays and Residential Discussion Papers involved the question of whether to keep the Mature Neighbourhood Overlay in the Zoning Bylaw or not. Feedback received included general support for the concept of simplifying the bylaw by removing overlays, but indicated that there are a number of regulations in the Mature Neighbourhood Overlay that should be retained, including front setback requirements, contextual regulations (such as height, building materials and side setbacks) and the required 40 percent rear yard setback.

General consensus was that the Mature Neighbourhood Overlay in its current incarnation is outdated, increases permit approval timelines and needs to be removed. The discussion within Administration focused on what elements of the Mature Neighbourhood Overlay should continue to be regulated, what should be removed and where further research and engagement is required.

Those elements of the Overlay that Administration determined **should be carried forward (but potentially regulated differently)** and incorporated more broadly to the proposed residential zones include:

- **Site access from a lane** - important to allow for boulevard trees, enhanced streetscape, and a safe mobility environment.
- **Design regulations** - regulating the characteristics and features that make a building notable or identifiable is challenging, as what is important to one person is not to another. However, through feedback from communities and within Administration it is believed that if design elements are removed, new developments could rely on materials and design elements that could reinforce an economic divide between neighbourhoods. Instead of regulating the architectural style of a specific building, the new regulations could control aspects of a building, such as its shape and scale, that contribute to the urban design of the city and create a pleasant environment along the street.
- **Side Setbacks** - Remove the contextual element found in the Mature Neighbourhood Overlay and align with the requirement under the Alberta Building Code of a minimum of 1.2 metres.
- **Building Height** - Should be consistently applied based on the level of intensity of the applicable zone and not restricted based on the

surrounding development that may have been developed under different standards and aesthetics.

- **Dormer size** - It is understood that the intent is to limit massing and control for design, however this requirement is overly restrictive and represents a degree of prescriptive control not anticipated for the new Zoning Bylaw.
- **Rear Yard Setback** - Regarding rear setbacks, consideration should be for impact to the lane and abutting properties, as the provision of parking is no longer a requirement. Administration will reassess the 40% rear yard requirement as this measurement can be inflexible for a range of potential residential forms.
- **Platform Structures** - simplify and streamline requirements for this form of development.

There were a number of regulations that require further engagement, research, and input:

- **Contextual Front Setback** - Due to the varied development patterns of the City's older neighbourhoods there can be stark changes in development patterns, resulting in infill development being pushed significantly further forward on the lot than adjacent properties, which can cause concern among neighbouring residents. A minimum and/or a maximum front setback would be easier to regulate and automate in the new bylaw.
- **Basement Elevations** - It was suggested that higher basement elevations can have an impact on the neighbourhood streetscape resulting in taller front entrances, bigger steps and imposing structures. This can sometimes be a necessity due to shallow utilities. While these issues were discussed, no clear consensus was reached within the subject matter experts.
- **Privacy** - The concept of neighbour-to-neighbour privacy in an urban environment is challenging where any building above a single story development can and will generate overlook into neighbouring properties. Regulating window placement and material type has some merit in terms of preventing sightlines into neighbouring homes; however, the process of applying privacy screening or setbacks as a means to prevent sightlines into outdoor space should not be regulated as extensively as it is currently regulated in the bylaw.
- **Garage Type** - Currently, rear attached garages are not permitted in the Mature Neighbourhood Overlay. If permitted, they could provide an alternative to front attached garages while preserving front streetscapes and boulevards. On the other hand, rear attached garages may raise concerns of neighbouring residents about impacts on rear yards. There

has not been a clear consensus on whether this type of built form should be permitted.

Preferred Approach - Mature Neighbourhood Overlay

Carry forward the following regulations and incorporate them into new residential zones:

- Site Access
- Design regulations
- Side setbacks
- Building height
- Dormer size
- Rear yard setback
- Platform structures

Further engagement, research and input are needed on the following regulations:

- Contextual front setback
- Basement elevations
- Privacy
- Garage type

Climate Actions in the new Zoning Bylaw

The 2018 Edmonton Declaration committed the City to take actions required to ensure that the global average temperature increase does not exceed 1.5°C. City Council also declared a Climate Emergency in 2019 and directed Administration to report quarterly on the City's climate action progress and future actions.

Further reinforcing strategic goals on energy transition and climate resilience, The City Plan provides policy direction to have more energy efficient buildings, transition to renewable energy sources, provide an efficient land use and transportation system, preserve natural areas and adapt to climate impacts. This policy aligns with the updated Community Energy Transition Strategy and Action Plan, which includes the following pathways and direction for regulatory changes relevant to the Zoning Bylaw:

- **Pathway 1: Renewable & Resilient Energy Transition**
 - **Action 1.3:** Regulatory and policy changes to support widespread adoption of renewable energy on appropriate land use
- **Pathway 2: Emissions Neutral Buildings**
 - **Action 2.2:** Incentives for new construction to build above minimum Building Code standards
- **Pathway 3: Low Carbon City and Transportation**
 - **Action 3.2:** Regulatory and policy changes to enable sustainable and resilient development
- **Pathway 4: Carbon Capture and Nature Based Solution**
 - **Action 4.2:** Expand green infrastructure, Low Impact Development, preserve natural areas in existing and new developments

The City Plan also aligns with Climate Resilient Edmonton: Adaptation Strategy and Action Plan, which was approved by Council in 2020. The action plan outlines some actions for the Zoning Bylaw, including:

- Integrating climate adaptation and resilience into The City Plan and Zoning Bylaw updates;
- Developing planning tools to integrate climate change resilience into planning processes; and
- Developing food and urban agricultural standards for urban development.

The climate-related actions proposed for the new Zoning Bylaw are focused on addressing two main issues:

- reducing carbon emissions and improving energy efficiency where possible; and
- ensuring development can adapt to the impacts of a changing climate.

Public engagement during the summer and fall of 2020 on the proposed directions identified in the Climate Resilience and Energy Transition Discussion Paper generated a wide variety of responses. In general, feedback included general support for electrifying neighbourhoods, solar panels on buildings, preserving solar access and reducing flood risks. The feedback also recognized the bylaw should consider how the cost and ease in implementing the rules can influence the effectiveness of the regulations.

Development industry feedback focused mainly on concerns about increased costs to development due to additional requirements, whether city infrastructure can support any new climate requirements and potential for regulatory overlap. Industry comments preferred the new Zoning Bylaw focus on increasing neighbourhood densities and only incentivize actions where appropriate instead of implementing regulatory requirements.

The following table highlights the climate action commitments that will be undertaken as part of the Zoning Bylaw Renewal Initiative, actions to be done after the renewal of the Zoning Bylaw, and actions that require further engagement and direction. At a minimum, Administration would ensure the new Zoning Bylaw does not create barriers for residents, businesses and developers to install climate friendly designs on their own.

Timing	Action / Commitment
<p>Adopt in the New Zoning Bylaw</p>	<p>Better Land Use Planning</p> <ul style="list-style-type: none"> Introducing standard mixed-use zones, allowing more business opportunities in residential neighbourhoods, and increasing housing options and densities <p>Protect Floodplains</p> <ul style="list-style-type: none"> Limiting development in flood risk areas, and requiring flood proof design for development in flood risk areas <p>Manage Stormwater Runoff at its Source</p> <ul style="list-style-type: none"> Continue to limit the maximum site coverage of impermeable surfaces for low density residential developments <p>Improve Food Security</p> <ul style="list-style-type: none"> Allow more urban agriculture without the need for permits while limiting urban expansion into agricultural lands <p>Ecosystem Resilience</p> <ul style="list-style-type: none"> Continue to preserve natural areas and require on-site landscaping to include diverse plant material and preserve trees

	<p>Enabling Regulations</p> <ul style="list-style-type: none"> ● Allow for height exemptions for renewable energy devices or green roofs, reduce setbacks for energy efficiency, and not require permits for district energy systems
<p>Adopted after Zoning Bylaw Renewal</p>	<p>Minimize Wildfire Risk</p> <ul style="list-style-type: none"> ● Adopting a wildfire risk map, apply wildfire hazard assessment in risk areas in order to limit or regulate development in these areas <p><i>Note: Current research study and mapping of wildfire risk for Edmonton is in progress with the University of Alberta and will inform potential future regulations</i></p>

On April 19, 2021, the *Revised Community Energy Transition Strategy - Final Strategy, Action Plan and Policy* was approved. Administration committed to work on developing an approach to climate-oriented development regulations and incentives, and to continue to engage with industry stakeholders on this topic. Included in this work could be the potential for future regulations in the Zoning Bylaw after the approval of the new Zoning Bylaw. Future amendments/additions could address:

- **Manage Stormwater Runoff at its Source**
 - Low Impact Development (LID) as an approach with performance metrics and regulations for these design elements
- **Increase Energy Efficiency / Carbon Emissions Reduction**
 - Improved energy efficiency for new development
- **Improve Transportation Options**
 - Electric Vehicle infrastructure requirements
- **Mitigate Temperature/Heat Risk**
 - Reflective roofing, greenwalls, cool paving etc.
- **Improve Food Security**
 - Edible landscapes through landscaping requirements
- **Increase Ecosystem Resilience**
 - Drought tolerant plant material through landscaping requirements

Preferred Approach - Climate Actions

Administration will continue to scope this work and the potential timing of implementation for the topics identified above. Administration is committed to working with the development industry on developing climate regulations and a

plan for their phasing in conjunction with other related bodies of work. The City of Edmonton will also advocate for a coordinated approach with regional partners and work with other levels of government to develop a more coordinated, comprehensive approach.

Rezoning Framework

Purpose

The Rezoning Framework will guide the implementation of the Rezoning and Rezoning Map project, which will rezone properties (standard or non-complex special area zones) city-wide to align with the zones in the new Zoning Bylaw. This framework aims to provide stakeholders and Edmontonians with a degree of transparency and predictability throughout the process.

The Rezoning Framework will provide the following:

- A set of guiding principles to inform what a property's new zone will be, during development and implementation of the new Zoning Bylaw.
- Guidance for transient in-progress development applications that may be subject to the new Zoning Bylaw while the file is actively being reviewed.

Objectives and Outcomes

Table 1 provides information on the objectives and anticipated outcomes of the Rezoning Project.

Table 1: Rezoning/Rezoning Map Project Goals, Objectives, and Outcomes		
Project Goals	Project Objectives	Expected Outcomes
Goal 1: Rezone properties city-wide to align with the zones in the new Zoning Bylaw in an organized and strategic manner	Objective 1.1 An approach to rezoning all lands in Edmonton is developed and implemented	Successful application of new zones to properties in Edmonton
	Objective 1.2 There will be minimal reductions to property development rights	Closest equivalencies between zones will not include development rights more than 25% of the current development rights.

Framework

To create the Rezoning Framework, Administration undertook a jurisdictional scan of best practices observed across the country, a review of governance models, and a series of internal/external engagements. As a result, a series of General Guiding Principles were developed to inform the rezoning process and ensure that landowners are able to reasonably predict how their land development rights will be affected in the absence of a completed draft of the new Zoning Bylaw.

General Guiding Principles

1. It is intended that properties should experience little to no loss of development rights¹.
2. Properties will be rezoned to the closest equivalent zone under the new Zoning Bylaw.
3. Infrastructure and service upgrades are not expected to be required as a result of the new zoning map. Infrastructure requirements will be reviewed on a case-by-case basis at the subdivision and/or development permit application stage.
4. Protection of Municipal Historic Resources and Heritage Areas will be maintained.
5. Rezoning will be closely aligned with taxation and assessment timelines to support a seamless transition.
6. It is intended that property assessment values should be minimally impacted.
7. Direct Control Zones are out of scope.
8. Complex/Major Special Area Zones are out of scope.

Unique (“One-Offs”) Approach

As shown in Table 2, Edmonton contains unique sites where the General Guiding Principles may be unable to provide clear guidance.

Scenario	Approach
Existing Non-conforming — where a site is developed with a use that does not conform to the current zoning. Examples may include a commercial development that was built prior to	The existing zoning of the site (rather than the development of the site) will be used to determine the equivalent zone under the new Zoning Bylaw.

¹ Given the permissive direction of the Zoning Bylaw Renewal, it is anticipated and intended that the city-wide rezoning will result in few buildings and uses becoming legally non-conforming pursuant to s.643 of the Municipal Government Act.

being rezoned for residential uses or a single detached residence that is currently zoned for commercial uses.	
Split-zoning — where zoning lines do not match property lines post-subdivision.	The zoning lines can be adjusted where warranted as part of the rezoning project.
No equivalent zone - where application of a new zone would increase or decrease development rights beyond the target threshold or would change the nature of the zone (eg. Commercial to Mixed Use).	The decision will be made based on a review of policy direction, technical requirements, and the Rezoning Framework guiding principles.

Advertising and Notification

The *Municipal Government Act* (Act) sets out the rules that a municipality must follow for the advertising and notification of public hearings regarding rezonings, Zoning Bylaw text amendments, statutory plan adoption, and statutory plan amendments (collectively, Planning Bylaws).

The Zoning Bylaw Renewal Initiative will require a public hearing for both the consideration of the new Zoning Bylaw and new Zoning Map. The new Zoning Map generally consists of rezoning all properties in Edmonton, with some exceptions (e.g. Direct Control Districts). As such, utilizing Charter powers to develop an Electronic Notification Bylaw will help to streamline and simplify the advertising and notification process (in addition to other benefits outlined in Table 4 below).

As summarized in Table 3, Section 606 of the Act relates to all Planning Bylaws and addresses advertising requirements, and Section 692 relates to notification (directly to property owners) and applies to rezoning bylaws.

MGA Section	MGA Requirements	City of Edmonton Utilization of Charter Powers
Section 606 of the Municipal Government Act	<ul style="list-style-type: none"> • Advertise in a city-wide newspaper once a week for two consecutive weeks • Mail or deliver notice to every 	As per Section 606 of the MGA, Council enabled an alternative method of notification through the

	<p>residence in the area where the proposed bylaw applies or where the public hearing will be held <u>or</u></p> <ul style="list-style-type: none"> • An alternative method as provided in a municipal bylaw 	<p>Public Notification Bylaw (Charter Bylaw 18826), approved in 2019.</p> <p>Table 5 provides details on this bylaw.</p>
<p>Section 692 and 608.2 of the Municipal Government Act</p>	<ul style="list-style-type: none"> • When property is being rezoned, written notice must be sent to the owner of the parcel of land and to the owners of all adjacent parcels of land <u>or</u> • Pursuant to section 608.2, council may, by way of bylaw, create a process for giving notice of a rezoning by electronic means where the proposed amendment would affect more than 500 parcels of land. 	<p>As per Section 608.2, Council may enable an electronic notification process for rezoning public hearings, by way of municipal bylaw. To date, no bylaw has been passed under this section.</p> <p>Table 4 and 5 identifies how an Electronic Notification Bylaw bylaw can be used to implement the new Zoning Bylaw. In addition, this bylaw could be utilized for other future Planning Bylaw amendments that meet the 500 parcel threshold.</p>

While there are risks to an Electronic Notification Bylaw, the benefits are significant, and are detailed in Table 4.

Table 4: Electronic Notification Bylaw — Benefits and Risks	
Benefits	Risks
<ul style="list-style-type: none"> • Low cost as compared to traditional notification methods (print) • Less confusion for landowners • Decreased risk of administrative error (which could result in delays, increased costs and re-advertising) • Flexible approach (full discretion to Council on the method and contents of notification) • Supports reduction in carbon footprint 	<ul style="list-style-type: none"> • Requirement to educate stakeholders of the change in process • If an Electronic Notification Bylaw is not approved, there will likely be impacts to the timeline of the Zoning Bylaw Renewal Initiative

Other Considerations

- There is no prohibition on providing notification in addition to what is legally required. This allows the City to use its discretion to provide additional, targeted notification, as necessary.
- The Electronic Notification Bylaw will only apply in cases where the City is impacting 500 or more parcels of land under one bylaw
- The text of the new Zoning Bylaw must be approved prior to the rezoning of the entire city. Although these steps must be distinct, they can both occur at the same City Council Public Hearing.

In addition to the MGA requirements under section 606 (including Bylaw 18826), the proposed Electronic Notification Bylaw (Table 5) will set the minimum legal requirement for notification of the public hearing relating to the implementation of the new Zoning Bylaw. Administration is committed to an extensive communications and marketing plan to provide further education and information regarding the initiative and the statutorily required public hearing for the general public and internal/external stakeholders.

Table 5: Options for Rezoning Notification with Charter Powers	
Municipal Bylaw	Notification Requirements
<p>Public Notification Bylaw 18826</p> <p>Approved by Council on October 7, 2019</p>	<p>For one lot or site:</p> <ul style="list-style-type: none"> • City must publish a notice for the rezoning on its website 10 days prior to the Public Hearing • If the rezoning is for one lot or site, the City must mail notices to every property owner within 60 metres of the subject site, the Edmonton Federation of Community Leagues, and the affected Business Improvement Area Association <p>For more than one lot or site (e.g. area-wide rezoning):</p> <ul style="list-style-type: none"> • City must publish a notice for the rezoning on its website 10 days prior to the Public Hearing. • Post notice at the Edmonton Service Centre at least 10 days prior to the Public Hearing • Send a public service announcement to local media outlets 10 days prior to the Public Hearing
<p>Electronic Notification Bylaw</p> <p>To be presented to Council in</p>	<p>Potential digital notification methods:</p> <ul style="list-style-type: none"> • City of Edmonton webpage; • City of Edmonton social media; and • Electronic Public Service Announcements.

December 2021	Proposed content of notification: <ul style="list-style-type: none">• The municipal address, if any, and the legal address of the impacted parcel of land;• A map showing the location of the impacted parcel of land;• A statement of the general purpose of the bylaw/public hearing; and• The date, time and place of the public hearing related to the Planning Bylaw.
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Next Steps and Target Timeline

Administration will continue to refine and implement the Rezoning Framework in quarter three of 2021. Work will also include the development of technical guidance around transient development applications and to mitigate impact on applicants with active files.

Beginning in the fall of 2021, Administration will be preparing an Electronic Notification Bylaw under section 608.2 to enable notification by electronic means for the implementation of the new Zoning Bylaw.



ZONING BYLAW RENEWAL INITIATIVE

TIMELINE-AT-A-GLANCE

PHASE 1

Research and Foundations

This phase involves research and analysis to support the drafting of the new Zoning Bylaw

2018–February 2021

Explore zoning challenges and opportunities, best practices, and assess related impacts

Conduct engagement to understand users' interactions with the Zoning Bylaw and their input on the prospect of renewing the bylaw

Identify zoning implications from The City Plan's prior engagement results

Establish the Philosophy of the New Zoning Bylaw

Explore zoning topics and issues through 12 Discussion Papers, and solicit feedback

Develop a Decision Informing Tool to determine what to regulate and to what degree

Identify improvements to Zoning Bylaw technology from a customer experience perspective

Identify service impacts to City staff, industry, and public

GET INVOLVED!

[History of Zoning in Edmonton](#)

[What We Heard Reports](#)

[What We Heard Report 2018–2019](#)

[City Plan Engagement Data Analysis: Zoning \(2020\)](#)

[What We Heard: Discussion Papers \(2021\)](#)

PHASE 2 – WE ARE HERE

Develop and Build

This phase involves drafting the new Zoning Bylaw and map, conducting engagement, acquiring new technology, and creating technology/service delivery implementation plans

March–June 2021

Set the direction for the new Zoning Bylaw

Compile engagement feedback and research to inform:
 – Proposed number of zones and uses
 – High level outline of zones
 – Modelling and testing framework for the new zones
 – Rezoning Framework

Targeted public and stakeholder engagement to discuss and develop solutions and approaches to various priority topics

Launch the GBA+ and Equity Toolkit to embed equity considerations throughout the regulation writing process

Explore and evaluate technology options to enhance the user experience for digital Zoning Bylaw interface and interactive map

June 2021: Targeted public and stakeholder engagement

June 29, 2021: Zoning Bylaw Renewal Report #3 at Urban Planning Committee

July–December 2021

Draft the Zoning Bylaw and map and assess related impacts

Draft Zoning Bylaw and map

Model and test new zones

Assess impact of draft Zoning Bylaw on City services

Limited engagement and communications due to municipal election restrictions and concentrated work on drafting the Zoning Bylaw

Check out edmonton.ca/zoningbylawrenewal for project updates and informational material

December 2021: Charter Bylaw for electronic notifications for city-wide rezoning at City Council (1st reading)

January–March 2022

Test the Zoning Bylaw and map through engagement

Public and stakeholder engagement and outreach on draft Zoning Bylaw and map

January – March 2022: Circulation and engagement on draft Zoning Bylaw and map

February 2022: Charter Bylaw for Notifications for city-wide rezoning to Public Hearing

PHASE 3

Finalize and Adopt

This phase involves presenting the new Zoning Bylaw and map at Public Hearing, creating the new Zoning Bylaw display and interactive map, and updating related city services

April–June 2022

Prepare final draft of Zoning Bylaw and map

Draft What We Heard Report on public and stakeholder engagement

Amend Zoning Bylaw and map

Model and test new zones

Deliver further engagement as needed

Design, build, and test technology and service delivery items:
 – Digital Zoning Bylaw interface,
 – Interactive zoning map with site specific zoning content
 – Update City services

May 2022: Circulation of draft Zoning Bylaw and map

June 2022: Zoning Bylaw Renewal Report #4 at Urban Planning Committee

July–September 2022

Finalize new Zoning Bylaw and map for Public Hearing

Incorporate feedback, and finalize Zoning Bylaw and map for Public Hearing

Continue to design, build and test technology and service delivery items

September 2022: Zoning Bylaw and map at Public Hearing

PHASE 4

Implementation

This phase involves training and education for staff and customers on regulatory and process changes

October–December 2022

Embed new Zoning Bylaw into City systems and tools, and reporting back

Update City services based on the new Zoning Bylaw

Continue to design, build and test technology and service delivery items

October – December 2022: Education sessions for the public and industry

January 1, 2023 Launch:

– New Zoning Bylaw
 – Interactive zoning map
 – New digital zoning content interface
 – Updated Services