

Charter Bylaw 18613

Text amendment to Zoning Bylaw 12800 - Clarifying Regulations and Reducing Barriers for Businesses and Special Events

Purpose

To amend Zoning Bylaw 12800 to remove barriers for businesses and special events by exempting some change of use developments and minor home based businesses from requiring development permits; introduce a regulatory framework and development permit exemptions for special events; make changes to the flea markets use to align with Business Licence Bylaw 13138 and to expand opportunities for markets in more areas of the city; and to rationalize regulations for temporary Residential Sales Centres.

Readings

Charter Bylaw 18613 is ready for three readings after the public hearing has been held.

A majority vote of City Council on all three readings is required for passage.

If Council wishes to give three readings during a single meeting, then prior to moving third reading, Council must unanimously agree “That Charter Bylaw 18613 be considered for third reading.”

Advertising and Signing

This Charter Bylaw has been advertised in the Edmonton Journal on November 9, 2018 and November 17, 2018.

Position of Administration

Administration supports this Charter Bylaw.

Previous Council/Committee Action

At the June 5, 2018, Urban Planning Committee meeting, the following motion was passed:

That Administration prepare amendments to Zoning Bylaw 12800 as generally outlined in Attachments 1, 2 and 3 of the June 5, 2018, Urban Form and Corporate Strategic Development report CR_5598, and return to a future City Council Public Hearing.

Report Summary

This report proposes text amendments to Zoning Bylaw 12800 to streamline the development permit process for new businesses opening in existing buildings and for minor home based businesses. It also establishes a clear framework for temporary special events to support community activities, businesses, and festivals.

The proposed amendments will remove the requirement for a development permit for Change of Use and Minor Home Based Business applications in cases where the proposed use is a permitted use in the land use zone. This will decrease costs for applications and improve timelines.

The text amendment will introduce a new use, Special Events, to accommodate a range of non-permanent activities, and provide clear regulations to minimize potential impacts from these events. The text amendments will also amend the definition for the Flea Market use to Market, to align with Business Licence Bylaw 13138, and will expand opportunities for this use by adding it to more zones and eliminating the associated special land use provisions. Additionally, the proposed amendments will provide a number of updated and rationalized regulations for temporary Residential Sales Centres.

Report

Regulations in Zoning Bylaw 12800 are intended to help manage potential land use impacts of different types of development, but can at times become a barrier to individuals, businesses and community groups. Administration has identified a range of activities that have minimal impacts and that could benefit from reduced or clarified regulations.

Change of use developments are required when the use of a building or site changes, such as when a retail store opens where a hair salon used to be located, or when the activities of the use intensify, such as adding more seats to a restaurant. Minor home based businesses are businesses that a resident operates in their home that have minimal impacts to neighbouring properties and are seldom detectable from the outside of the property.

Temporary special events can range from a backyard wedding, seasonal garden centre, ceremony, community event, pop-up store, farmers market, to temporary patios on private property. These events are generally short-term in nature and range from a one-day event to a seasonal event that takes place over a few weeks during the year, or in the case of a seasonal garden centre, a few months of the year.

Despite the minimal land use impacts for many of these activities, there are a range of barriers within Zoning Bylaw 12800 for change of use developments, minor home based businesses, and temporary special events. These barriers can include development permit fees, the cost of preparing detailed site and floor plans, parking justification reports, and the time required to review applications during the development permitting process. Administration proposes to reduce these barriers by exempting the need for development permits for some change of use developments and minor home based businesses, and by developing new regulations and development permit exemptions for temporary special events and sales centres.

Attachment 2 - Proposed Text Amendments for Change of Use Developments includes background information and the mark-up of the draft text amendments for change of use developments. This includes development permit exemptions for non-residential change of use developments where:

- the use is listed as a permitted use;
- the development will not result in any changes to the exterior of the building or the site; and
- no changes will be made to the amount of floor area of the building, such as the development of additional floor space within the building.

An implication of the proposed amendments is that minimum parking requirements will not apply for change of use applications for those uses listed in Attachment 2 - Proposed Text Amendments for Change of Use Developments, however existing parking on site will be retained. As highlighted in the attachment, an analysis of recent change of use development permit applications suggests this change will have minimal impacts compared to current practice, while making the permitting process easier for applicants.

Attachment 3 includes background information and the mark-up of the draft text amendments related to minor home based businesses. This includes development permit exemptions for minor home based businesses where:

- the use is listed as a permitted use; and
- the development complies with the Special Land Use Provisions for Minor Home Based Businesses

As these businesses must still obtain a business licence, Administration will verify compliance with Zoning Bylaw 12800 during the business licence application process.

Attachment 4 includes background information and the mark-up of the draft text amendments for temporary special events. This includes:

- the introduction of a new land use - Special Events - and associated Special Land Use Provisions;
- development permit exemptions for specific events; and
- parking requirement exemptions for special events.

The special event regulations provide a simple and clear framework in Zoning Bylaw 12800 for temporary special events while minimizing impacts to surrounding landowners. Attachment 4 also proposes to make changes to the Flea Market definition and to eliminate the special land use provisions for Flea Markets. These changes will align with changes to Business Licence Bylaw 13138 for public markets (adopted in April 2018) and will streamline development permit applications for these developments. The Attachment also outlines proposed changes to rationalize regulations for temporary Residential Sales Centres, including a moderate increase in height and length of duration, consideration of site specific context for determining setbacks for temporary Residential Sales Centres in Direct Control Zones, and the removal of parking requirements for Residential Sales Centres located in the downtown and pedestrian oriented areas.

Conclusion

While change of use developments, minor home based businesses, and temporary events will continue to be subject to regulatory requirements, including business licensing and all permits required under the *Safety Codes Act*, the proposed changes reduce barriers to businesses and events in Edmonton at the development permit stage. Taken together, the proposed amendments can contribute to a more robust economy and a more vibrant city for all Edmontonians.

Public Engagement

An earlier draft version of this report was circulated to external stakeholders on March 9, 2018, for four weeks. External stakeholders circulated to include:

- Edmonton Federation of Community Leagues
- All Community Leagues
- Realtors Association of Edmonton
- National Association for Industrial and Office Parks (NAIOP) Commercial Real Estate Development Association
- Edmonton Economic Development Corporation
- 13 Business Improvement Area Associations
- Edmonton Tourism, Edmonton Economic Development Corporation
- 113 market vendors operating in Edmonton

Comments were received from two organizations noting support for the proposed changes to reduce the barriers for simple change of use applications and small local

businesses and events. One community league noted concerns regarding informal non-permitted events in public parks, and issues with noise and enforcement.

Administration also conducted a short survey as part of the April mixed topic Insight Community survey. In this survey, Administration asked three questions related to the proposed changes, to identify support or opposition to the direction of the proposed changes. Overall, 2,238 individuals participated in the survey and the results indicated:

- 63 percent were in support of allowing businesses to make the choice about whether existing parking on a site was enough for their customers
- 71 percent strongly or somewhat supported the removal of development permit requirements for minor home based businesses
- 79 percent strongly or somewhat supported the high level categories and exemptions for special events.

The survey also collected additional written comments from 457 individuals (20 percent of total respondents). For additional information on the results of this survey, please refer to Attachment 6 – Insight Survey Results.

Based on the open ended comments from the Insight Survey, Administration reduced the originally proposed maximum duration for special events exempt from development permits from 5 consecutive days and 10 cumulative days per calendar year to a maximum of 5 consecutive and cumulative days per calendar year.

A draft of this report was also circulated to the groups mentioned above, as well as the Edmonton Chamber of Commerce, between July 13th to August 10th. No comments were received by external stakeholders.

Administration would note that the proposed changes related to Residential Sales Centres were not identified in the June 5, 2018, Urban Planning Committee report CR_5598 - Clarifying Regulations and Reducing Barriers for Businesses and Special Events. The need for these changes was identified during the circulation period for this Public Hearing report and as such were not included in the draft report circulation or in previous surveys.

Budget/Financial Implications

By exempting certain uses from requiring development permits, the City will lose revenue generated by application fees. In 2017, this would have accounted for:

- Nearly \$350,000 of revenue from minor home based business development permits (\$122 per application: 2,841 applications).

- Nearly \$83,000 of revenue from change of use (permitted use) development permit fees (\$271 per application: 306 permitted non residential uses that would be exempt under the proposals).

Although losing revenue, Administration believes these changes will create a net benefit through efficiency gains. Staff resources can be redeployed to more complex development permit applications, which can in turn support faster overall processing times. These changes also advance Edmonton's position as a business friendly city.

Attachments

1. Charter Bylaw 18613
2. Mark-up of Proposed Text Amendments for Change of Use Developments
3. Mark-up of Proposed Text Amendments for Minor Home Based Businesses
4. Mark-up of Proposed Text Amendments for Temporary Special Events
5. Combined Mark-up of Proposed Text Amendments
6. Insight Survey Results

Others Reviewing this Report

- R. Kits / S. Padbury, Acting Deputy City Managers, Financial and Corporate Services
- G. Cebryk, Deputy City Manager, City Operations
- A. Laughlin, Deputy City Manager, Integrated Infrastructure Services
- K. Block, Acting Deputy City Manager, Citizen Services