

# 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**

<b>Corporate Outcome(s): Edmonton is attractive and compact</b>			
<b>Outcome(s)</b>	<b>Measure(s)</b>	<b>Result(s)</b>	<b>Target(s)</b>
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><b>2020 Engaged Edmonton:</b> 4,238 total website visits 3,084 people aware 512 people informed 228 people engaged</p> <p><b>2020 Information Sessions:</b> 6 city-led sessions 50 stakeholder meetings</p> <p><b>2018-2019 Engagement:</b> 692 total engaged</p>	<p><b>2020 Engaged Edmonton:</b> 3,000 total website visits 1,000 people aware 500 people informed 200 people engaged</p> <p><b>2020 Information Sessions:</b> 6 city-led sessions 25 stakeholder meetings</p> <p><b>2018-2019 Engagement:</b> 200 people engaged</p>
	Type/reach of communication platforms.	<p><b>2020 Communication Platforms/Reach</b> 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><b>2020 Communication Platforms/Reach</b> 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