

## 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This approach will support a wider range of activities within a particular building or space and removes outdated and historically inequitable uses, while consolidating those that have similar activities or impacts.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.

<b>Proposed Uses</b>	<b>Description</b> <i>(to be used as a guideline for creating use definitions)</i>	<b>Existing Uses</b> <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"> <li>- Livestock Operations</li> <li>- Recreational Acreage Farms</li> <li>- Rural Farms</li> <li>- Small Animal Breeding and Boarding</li> <li>- Urban Gardens</li> <li>- Urban Indoor Farms</li> <li>- Urban Outdoor Farms</li> <li>- Greenhouses, Plant Nurseries and Garden Centres</li> </ul>
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"> <li>- Community Recreation Services</li> <li>- Government Services</li> <li>- Protective and Emergency Services</li> <li>- Public Education Services</li> <li>- Private Education Services</li> <li>- Public Libraries and Cultural Exhibits</li> </ul>
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"> <li>- Detention and Correction Services</li> <li>- Extended Medical Treatment Services</li> </ul>
4. Food and Culture Establishments	Places where people come together for worship, food, drink, and small scale	<ul style="list-style-type: none"> <li>- Bars and Neighbourhood Pubs</li> <li>- Drive-in Food Services</li> <li>- Major Amusement Establishment</li> </ul>

**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"> <li>- Minor Amusement Establishment</li> <li>- Private Clubs</li> <li>- Religious Assembly</li> <li>- Restaurants</li> <li>- Specialty Food Services</li> </ul>
<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"> <li>- Adult Mini-Theatre</li> <li>- Casinos and Other Gaming Establishments</li> <li>- Exhibition and Convention Facilities</li> <li>- Natural Science Exhibits</li> <li>- Nightclubs</li> <li>- Spectator Entertainment Establishments</li> <li>- Spectator Sports Establishments</li> </ul>
<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"> <li>- Animal Hospitals and Shelters (<i>indoors</i>)</li> <li>- Apartment Hotels</li> <li>- Auctioneering Establishments (<i>indoors</i>)</li> <li>- Business Support Services</li> <li>- Cannabis Lounge</li> <li>- Cannabis Retail Sales</li> <li>- Child Care Services</li> <li>- Commercial Schools</li> <li>- Convenience Retail Stores</li> <li>- Equipment Rentals</li> <li>- General Retail Stores</li> <li>- Health Services</li> <li>- Hotels</li> <li>- Household Repair Services</li> <li>- Indoor Participant Recreation Services</li> <li>- Limited Contractor Services</li> <li>- Liquor Stores</li> <li>- Market (<i>indoor</i>)</li> <li>- Media Studios</li> <li>- Mobile Catering Food Services</li> <li>- Motels</li> <li>- Pawn Stores</li> <li>- Personal Service Shops</li> <li>- Professional, Financial and Office Support Services</li> <li>- Residential Sales Centre</li> <li>- Secondhand Stores</li> <li>- Veterinary Services</li> <li>- Warehouse Sales</li> </ul>
<p>7. Major Industrial</p>	<p>Activities that cause significant impacts, such as</p>	<ul style="list-style-type: none"> <li>- Land Treatment</li> <li>- General Industrial Uses</li> </ul>

	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"> <li>- General Contractor Services</li> <li>- General Industrial Uses</li> <li>- Special Industrial Uses</li> <li>- Temporary Storage</li> </ul>
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"> <li>- Breweries, Wineries and Distilleries</li> <li>- Creation and Production Establishments</li> <li>- General Industrial Uses</li> <li>- Funeral, Cremation and Interment Services</li> <li>- Recycling Depots</li> <li>- Vehicle and Equipment Sales/Rentals</li> </ul>
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"> <li>- Cemeteries</li> <li>- Outdoor Participant Recreation Services</li> <li>- Publicly Accessible Private Park</li> <li>- Public Park</li> <li>- Tourist Campsites</li> </ul>
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"> <li>- Auctioneering Establishments (<i>outdoors</i>)</li> <li>- Aircraft Sales/Rentals</li> <li>- Fleet Services</li> <li>- Drive-in Motion Picture Theatres</li> <li>- Train Station</li> <li>- Truck and Mobile Home Sales/Rentals</li> </ul>
12. Minor Outdoor Sales and Services	Activities that primarily occur outside and have some off-site impacts.	<ul style="list-style-type: none"> <li>- Animal Shelters and Hospitals (<i>outdoor</i>)</li> <li>- Automotive and Minor Recreation Vehicle Sales/Rentals</li> <li>- Convenience Vehicle Rentals</li> <li>- Market (<i>outdoor</i>)</li> <li>- Outdoor Amusement Establishments</li> </ul>
13. Natural Resources Development	Removal, extraction, and primary processing of natural resources.	<ul style="list-style-type: none"> <li>- Natural Resource Development</li> </ul>
14. Non-regulated Uses	Areas and facilities that the City of Edmonton has no jurisdiction to regulate.	<ul style="list-style-type: none"> <li>- Any Use that is consistent with those Uses, activities and operations prescribed in the appropriate superior legislation.</li> </ul>

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.

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

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.