

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.

| Project Goals | Project Objectives | Expected Outcomes |
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| 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 |
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| 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.

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| 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 |
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| 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 |

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| | <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 | |
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| 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 readvertising) • 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 |
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| <ul style="list-style-type: none"> • 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 | |
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| 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. |

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| 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.