

Proposed Text Amendments for Change of Use Developments

Change of use development permits are required when the use of an existing building changes, for example a restaurant opening where a store used to be located. Often a business owner is unaware of this permit requirement until they apply for their business licence. During the zoning clearance process, Administration advises applicants if a development permit is required due to changes in land use activities approved for the site.

When a new building is constructed, the development permit review includes consideration of a range of regulations, including height, setbacks and landscaping, all of which can have significant impacts on adjacent properties and surrounding streets. When reviewing an application for a change to a permitted use, with no special land use provisions, and no exterior alterations to the building or the site are being proposed, the Development Officer focuses primarily on minimum parking requirements, as this is often the only regulation impacted by the change of use.

Despite the minimal scope of the change of use development permit review, the applicant must still provide a detailed site plan and floor plans, including information of the other tenants on the site and an inventory of available off-street parking. Administration uses this inventory to determine the total parking requirement for the site, based on the land uses on site. When a site does not meet the minimum parking requirements of Zoning Bylaw 12800, the applicant must provide a parking justification report, and in some cases a parking impact assessment. This adds significant cost and time for business owners wishing to open.

When a variance to minimum parking requirements is issued as part of a change of use application, notification is sent to surrounding landowners, community leagues and Business Improvement Area Associations. This occurs regardless of how minimal the parking variance is. With the recent changes made to the Municipal Government Act, this notification period has increased from 14 days to 21 days, further lengthening the development permit review period and delaying businesses from opening.

Proposed changes

The proposed changes will exempt change of use developments from requiring a development permit for specific non-residential land uses, if they are listed as a permitted use in the zone the site is located in. These uses were chosen for their generally minimal impacts and because these uses do not have any specific special land use provisions that would apply in these circumstances. The uses under this exemption include:

- Business Support Services
- Commercial Schools
- Convenience Retail Stores
- Community Recreation Services
- Creation and Production Establishments
- Equipment Rentals, provided that all equipment and goods for rent are contained within an enclosed building
- Greenhouses, Plant Nurseries and Garden Centres, provided that all goods are contained within an enclosed building
- General Retail Stores
- Government Services
- Household Repair Shop
- Limited Contractor Services
- Media Studios
- Minor Amusement Establishments
- Mobile Catering Food Services
- Personal Service Shops, not including those operating as a Body Rub Centre
- Professional, Financial, and Office Support Services
- Public Libraries and Cultural Exhibits
- Public Parks
- Specialty Food Services, for less than 100 occupants and 120 m2 of Public Space
- Restaurants, for less than 200 occupants and 240 m2 of Public Space
- Veterinary Services
- Warehouse Sales

If any of these uses are listed as discretionary in a zone, a development permit will continue to be required. Additionally, the change of use exemption only applies to development that will not result in any changes to the exterior of the building or the site, such as adding an outdoor patio, or any changes to the Floor Area of the building, such as the development of additional floor space, for example through a mezzanine within the building.

The requirement for development permits will continue to be monitored as businesses come forward for their business licence. Prior to a business licence being issued, the business application goes through a zoning clearance process, where a Development Officer reviews the application to check to see whether a development permit is required. This process will continue and can be used to determine when a change of use is exempted from a development permit. Any uses not meeting the development permit exemption criteria will be identified at the zoning clearance stage and will be required to obtain the necessary permits.

Analysis of potential impacts

In order to understand the potential implications of removing the requirement for change of use development permits for those activities listed above, Administration examined the 828 change of use applications made in 2017. It was found that only 25 of the applications were refused, representing a high general approval rate of 96%.

Of the 828 change of use applications, 306 of those were for permitted non-residential uses that would be impacted by the proposed changes. It was found that 11 percent of the 306 approved development permits required a variance to parking, which were deemed appropriate by Transportation Services. One implication of the proposed change is that in cases where a parking variance was granted, notices would not be sent to surrounding neighbours, community leagues, and business associations.

Another implication of the proposed changes relates to refused applications. The analysis found that only five applications for permitted non-residential uses were refused in 2017. Of these five, only one would be affected by the proposed exemption. The analysis suggests that the proposed exemptions for change of use development permit requirements would result in a change in outcomes in less than one percent of applications. These uses would continue to be subject to other applicable regulations such as the Community Standards and Business Licence Bylaws, and the Safety Codes Act, which could help mitigate any impacts caused by operations.

Conclusion

Removing development permit requirements for a number of permitted non-residential uses has implications related to community notification and the ability to refuse certain change of use applications due to parking requirements. The data suggests that refusals based on parking occur in a minority of cases and that the proposed amendments offer a number of benefits for a significant majority of cases. In addition to reducing barriers for new businesses, these amendments will help facilitate emerging business trends such as business incubators or adaptive re-use of shopping centres, creating more opportunities for new businesses to enter the market. The changes support continued investment in Edmonton's existing building stock and a thriving local economy.

Mark-up of Proposed Text Amendment to Zoning Bylaw 12800 Black Font Existing Text in Zoning Bylaw 12800 Strikethrough: Proposed deletion from Zoning Bylaw 12800 <u>Underline:</u> Proposed addition to Zoning Bylaw 12800	Rationale
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Part I. Text Amendments

12.2 No Development Permit Required

1. A Development Permit is not required for:
 - e. interior alterations and maintenance to a non-residential building, including mechanical or electrical work, provided that neither the Use nor the intensity of Use is changed, nor that another Use is added, except in accordance with subsection 12.2.(1)(f);
 - f. a change of Use, provided that:
 - i. it does not result in exterior alterations to the building or Site;
 - ii. it does not result in additional Floor Area;
 - iii. it is a Permitted Use and it complies with all the regulations that restrict the location of the Use in the applicable Zone;
and
 - iv. it is for one or more of the following Uses:
 - A. Business Support Services
 - B. Commercial Schools
 - C. Convenience Retail Stores
 - D. Community Recreation Services
 - E. Creation and Production Establishments
 - F. Equipment Rentals, provided that all equipment and goods for rent are contained within an enclosed building
 - G. Greenhouses, Plant Nurseries and Garden Centres, provided that all goods are contained within an enclosed building
 - H. General Retail Stores
 - I. Government Services
 - J. Household Repair Shop
 - K. Limited Contractor Services
 - L. Media Studios
 - M. Minor Amusement Establishments
 - N. Mobile Catering Food Services
 - O. Personal Service Shops, not including those operating as a Body Rub Centre
 - P. Professional, Financial, and Office Support Services
 - Q. Public Libraries and Cultural Exhibits
 - R. Public Parks
 - S. Specialty Food Services, for less than 100 occupants and 120 m2 of Public Space
 - T. Restaurants, for less than 200 occupants and 240 m2 of Public Space
 - U. Veterinary Services
 - V. Warehouse Sales

The intent of this regulation is to eliminate the requirement for a Development Permit when there is a change of Use for land use activities that generally do not create a nuisance or major land use impact to the surrounding neighbourhood.

<i>(remaining list to be renumbered accordingly)</i>	
<p>54.1 Off-street Parking and Loading Regulations</p> <p>1. Applicability and Exceptions</p> <p>b. Notwithstanding the above, the regulations contained within this Section shall not apply to buildings or Uses existing at the time of the adoption of this Bylaw, except that:</p> <p>ii. where any building or Use undergoes a change of Use, intensity of Use or capacity, <u>other than those listed in subsection 12.2(1)(f)</u>, and the change results in an increase in the parking requirements, the off-street parking, including parking for the disabled and visitors, shall be increased to equal or exceed the off-street parking requirements resulting from application of the provisions of this Bylaw to the entire building, structure or Use as modified in use; and</p>	<p>This revision exempts development for a change of use, as outlined above, from the requirement to increase off-street parking to meet current parking standards.</p>