

Bylaw 18083

Text Amendment to Zoning Bylaw 12800 - Updating the Process for Notification of Variances to Regulations in Six Overlays

Purpose

To update the process for notification of variances to regulations in six Overlays.

Readings

Bylaw 18083 is ready for three readings after the public hearing has been held. If Council wishes to give three readings during a single meeting, Council must unanimously agree "That Bylaw 18083 be considered for third reading."

Advertising and Signing

This Bylaw has been advertised in the Edmonton Journal on Friday, August 11, 2017, and Saturday, August 19, 2017. The Bylaw can be passed following third reading.

Position of Administration

Administration supports this Bylaw.

Previous Council/Committee Action

At the April 19, 2017, Urban Planning Committee meeting, the following motion was passed:

That Administration prepare amendments to Zoning Bylaw 12800 as generally outlined in Attachment 3 of the April 5, 2017, Sustainable Development report CR_4280, except to amend the Medium Scale Residential Infill Overlay landscaping provisions by either moving it to Tier 1 or delineate landscaping between tiers based on public impact and return to a future City Council Public Hearing.

Report

Background

Seven Overlays in Zoning Bylaw 12800, including the Mature Neighbourhood Overlay, require that applicants notify Community Leagues and owners of property within 60 metres of any development that does not comply with the regulations of the Overlay in order to solicit input on the potential impacts of variances, prior to making a decision on a development permit application. Business Improvement Area Associations are also notified in the case of Commercial Overlays. In order to solicit this feedback, the applicant goes door-to-door with feedback forms outlining the proposed variances. The contacted property owners will typically sign the form or provide feedback if they wish. For some Overlays, the completed forms are then submitted to the Development Officer who must wait 21 days from the notification of neighbours before rendering a decision. Some Overlays require that this process occur prior to submission of an application,

while others require that it happen after the Development Officer's preliminary review. The consultation process was introduced into Zoning Bylaw 12800 in 2001, and is not required by the *Municipal Government Act*.

Proposed Approach

The proposed bylaw will move the consultation requirements to their own subsections of each Overlay in order to distinguish these requirements from development regulations. The proposed approach transfers responsibility for the solicitation and collection of feedback from the applicant to the Development Officer, with the intent to ensure a greater level of transparency and consistency in the process. This new procedure will have the Development Officer send notices to a specified number of neighbouring property owners in order to solicit their feedback on the specific variances. The proposed process would take place following the Development Officer's preliminary review in order to ensure the information being sent is accurate, and reflects all applicable variances.

The purpose of the proposed approach, which is stated in the new regulations, is to solicit relevant information for the Development Officer to consider in determining whether the development would unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties. The focus will no longer be on requiring door-to-door interaction between applicants and neighbours. Should applicants choose to meet with neighbours in person, they will still have the opportunity to do so, and notices will provide the contact information of the applicant should property owners wish to make contact with applicants.

A tiered approach is proposed for the Medium Scale Residential Infill Overlay. For most building form regulations, building design regulations, and vehicular access and parking, property owners and residents within a distance of 60 metres of the site of the proposed development and the President of each applicable Community League would be notified. For side setbacks, some landscaping regulations, and amenity area regulations, property owners and residents next door and across a lane of the site would be notified of the proposed variance(s). At the April 18, 2017, Urban Planning Committee meeting, concerns were raised that some landscaping regulations may have further-reaching impacts. As a result, the requirement to incorporate entry transitions through landscaping has been moved to the top tier of consultation.

The effective date of this bylaw will be September 1, 2017, in order to align with the effective date of the revised approach to consultation in the Mature Neighbourhood Overlay. The proposed approach for the Mature Neighbourhood Overlay was adopted at City Council Public Hearing on May 29, 2017, as part of Bylaw 18013.

Policy

The Way We Grow, Edmonton's Municipal Development Plan:

- 3.2.1.4 - Provide an open planning process which involves residents in policy development and planning for growth and change.

Edmonton's Infill Roadmap:

- Action 22 - Pursue changes to processes to help reduce costs, expedite approvals, and support affordability.
- Action 23 - Re-examine infill-related notification and consultation processes and approaches in order to inform potential changes that can improve their effectiveness and transparency.

Corporate Outcomes

The Way Ahead, Edmonton's Strategic Plan, 2009-2016:

This report contributes to the corporate outcomes "Edmontonians are connected to the city in which they live, work and play" as it will facilitate involvement in the development process.

Public Consultation

A draft of this report and the bylaw amendment was circulated for information on May 24, 2017, to Edmonton Federation of Community Leagues, Business Improvement Area Associations, Urban Development Institute, Infill Development Edmonton Association, Canadian Home Builders Association - Edmonton Region, NAIOP Commercial Real Estate Development Association and adjacent municipalities.

Attachments

1. Bylaw 18083
2. Mark-up of Proposed Text Amendment