

Edmonton's New Zoning Bylaw and City-wide Rezoning Position of Administration: Support



Summary

Charter Bylaw 20001 proposes to adopt a new Zoning Bylaw for the City of Edmonton and repeal the existing Zoning Bylaw (Bylaw 12800). Charter Bylaw 21001 proposes to amend Charter Bylaw 20001 by adding a Zoning Map to Section 1.20 of the proposed new Zoning Bylaw and rezones all properties across Edmonton accordingly.

Edmonton's Zoning Bylaw is the primary regulatory tool required to implement The City Plan and determines what can be built where. Although the current bylaw was reviewed, updated and adopted in 2001, the last significant overhaul was completed in 1961. Now, 60 years later, many development regulations that were designed for a small prairie city in the 1960s are still shaping the built form of Canada's fifth-largest city. Outdated regulations impede land development and business opportunities, add time and cost to the development process, strain government resources and provide barriers to creating the built environment Edmontonians want.

Renewing the Zoning Bylaw is a long-overdue process that will help implement The City Plan's long-term vision and enable a city where all people, places and businesses can thrive and prosper.

Administration supports this application because it:

- Meets the *Municipal Government Act* requirements for a land use bylaw.
- Aligns with and advances the goals of ConnectEdmonton (Edmonton's Strategic Plan) to be a healthy, urban and climate-resilient Edmonton.
- Aligns with and advances The City Plan as outlined in Appendix 1.
- Aligns with and advances the goals of Edmonton's Corporate Business Plan to transform the way the City delivers land development services to Edmontonians.
- Aligns with and advances the Edmonton Economic Action Plan to improve Edmonton's regulatory processes and reduce red tape to be more agile.
- Implements various City plans and policies (e.g. Top of Bank Policy, Edmonton Bike Plan).
- Enables the future implementation of the City's district plans (if approved).
- Is informed by extensive research and public and stakeholder engagement.

Application Details

The Zoning Bylaw Renewal Initiative is a comprehensive, multi-year overhaul of Edmonton's current Zoning Bylaw that involves rethinking how, what and why the City regulates in terms of land development. The initiative will simplify and streamline the regulatory and planning framework, which supports key objectives in The City Plan, including support climate resiliency, protect Edmonton's natural systems, enable attractive and vibrant urban places, improve service delivery, sustain community and economic investments and create more equitable outcomes for all Edmontonians.

The initiative comprises four projects:

1. A new Zoning Bylaw - writing a new Zoning Bylaw
2. A city-wide rezoning - rezoning land across the city to align with the new Zoning Bylaw
3. Updating technology - harnessing new technology to manage the new Zoning Bylaw and improve the online user experience
4. Implementation - navigating a smooth transition to the new Zoning Bylaw and technology

The new Zoning Bylaw and city-wide rezoning require adoption by bylaw, whereas the technology and implementation projects focus on the transition period to the new Zoning Bylaw after adoption.

New Zoning Bylaw

Charter Bylaw 20001 proposes to repeal Edmonton's current Zoning Bylaw (Bylaw 12800) and replace it with a new Zoning Bylaw. The proposed new Zoning Bylaw considers equity and accessibility through the use of plain language, regulating uses based on land use impacts,

assessing unintended impacts on underrepresented groups and includes graphics and diagrams to visually communicate the intentions of various regulations. The proposed new Zoning Bylaw is provided in a new layout and interface to improve the user experience and help Edmontonians understand the regulations and their impacts.

The new Zoning Bylaw proposes to reduce the number of standard zones from 46 (current) to 24. The proposed zones are intended to support implementation of the long term city-building goals that are outlined in The City Plan and other land use plans. See the intentions of the proposed new Zoning Bylaw's standard zones below.

- **Residential Zones:** Consolidate the 16 current residential zones into six residential zones that allow small- to large-scale residential developments and provide flexibility for different housing types. The proposed residential zones will also enable a greater diversity of non-residential uses to support meeting The City Plan's goal of creating 15-minute communities, enabling Edmontonians to meet their daily needs closer to where they live.
- **Mixed Use Zones:** Bring The City Plan's node and corridor vision to life, which are intended to support walkable areas with diverse businesses, services and residential development. The two proposed mixed use zones will allow more density and compact urban form to enable and encourage more sustainable development.
- **Commercial Zones:** Consolidate the seven current commercial zones into three commercial zones, which are intended to serve a variety of commercial contexts and scales, including vehicle-oriented sites, and be applied outside of the nodes and corridors.
- **Industrial Zones:** Manage and maintain the city's industrial lands while supporting commercial development, where appropriate, with the (BE) Business Employment Zone serving as a buffer between the medium and heavy industrial zones and non-industrial zones.
- **Open Space and Civic Services Zones:** Consolidate the 16 urban service zones into eight open space and civic services zones to steward and protect Edmonton's parks, open spaces and natural areas, as well as allow community infrastructure to meet the demands of a growing city.
- **Agricultural Zones:** Preserve existing agricultural land and allow continued agricultural and rural activities to occur, while maintaining the potential for future comprehensive planning and development.

The proposed new Zoning Bylaw also includes the following additional zoning tools:

- Reduce the number of **uses** from 125 current uses to 51 proposed uses, by grouping activities based on their common functional or land use impacts. This approach will allow for a greater range of activities to occur in a building or space, accommodate innovative business models and operations, or emerging trends, and will help future-proof the proposed new Zoning Bylaw through a more versatile, inclusive approach.

- Reduce the prevalence of **discretionary uses** to provide greater certainty in the development review process and clearly establish development expectations through regulations.
- Introduce a new tool—**zone modifiers**—which tailor development regulations to a specific site’s context, while allowing the rest of the zone to remain the same. The modifier tool will allow fewer standard zones across the city while accommodating sites that require extra considerations due to physical limitations. The proposed zone modifiers are maximum building height, floor area ratio (building size relative to site size) and commercial frontage. Zone modifiers can be changed depending on the context of the site and policy direction provided by statutory plans, The City Plan and other relevant City policy through the rezoning process.
- Retain and update three existing **overlays** related to environment protection and risk reduction. Retire eight outdated overlays to reduce complexity and facilitate desired development outcomes.
- Continue to recognize portions of the North Saskatchewan River Valley and Ravine System in the proposed **River Valley Special Area** due to their unique characteristics and tailored regulations. The majority of uses in zones that apply to the River Valley and Ravine System are discretionary to ensure that new development is aligned with statutory plans.
- Update, add, retire or relocate **general and specific development regulations** as required. These additional rules work together with the rules in zones and overlays:
 - General development regulations apply to development on all sites, for example, landscaping, parking and residential fences.
 - Specific development regulations apply only to specific uses or activities, for example, Cannabis Retail Stores, Crematoriums and Home Based Businesses.
- Reorganize the content of **administrative and interpretive regulations** to improve navigation, readability and clarity.
- Retain and update relevant **general definitions**, retire irrelevant definitions and create new definitions to support new regulations.
- Rezone two **special area zones** (that are no longer required to achieve a specific planning or built form outcome as detailed in a statutory plan) to standard zones, while maintaining and updating the remaining special area zones to align with the new Zoning Bylaw, including aligning the current uses with the new use classes, where possible.
- Create a single **direct control** zoning tool for all future Direct Control Zones (i.e. DC Zone) and limit the use of Direct Control Zones to specific circumstances. DC1 and DC2 zones existing as of December 31, 2023, will be incorporated into the new Zoning Bylaw in their existing forms and may be interpreted under the previous land use bylaw.

The proposed new Zoning Bylaw with rationale is provided in Appendix 2. Summarized information on the proposed zones and additional zoning tools is provided in the Overview of the New Zoning Bylaw (Appendix 3).

City-wide Rezoning

Charter Bylaw 21001 proposes to rezone all properties within the City of Edmonton's corporate boundaries from zones under Bylaw 12800 (as of October 15, 2023) to their closest equivalent zones under Charter Bylaw 20001, with the exception of Direct Control Zones. A set of guiding principles (Appendix 4) was used to determine the city-wide rezoning strategy and inform each property's new zone equivalency under the new bylaw (Appendix 5).

The proposed city-wide rezoning would implement the proposed new Zoning Bylaw with the following goals:

- Rezoning each property to its closest current equivalent zone so Edmontonians experience little to no loss of development rights.
- Minimize buildings and uses becoming legally non-conforming pursuant to s.643 of the *Municipal Government Act*.
- Preventing new infrastructure and service upgrade requirements.
- Maintaining existing protection of Municipal Historic Resources and Heritage Areas.
- Incorporating existing Direct Control Zones identically in their existing forms.
- Migrating the majority of Special Area Zones in their administratively updated forms.

As noted above, the new Zoning Bylaw proposes to retain all existing Direct Control Zones in their existing form, as these zones are tailored to a site's specific context and built form. As part of implementing the new Zoning Bylaw, Administration will guide applicants proposing new Direct Control Zones and those proposing to replace existing Direct Controls on how to align with the new Zoning Bylaw, such as updating regulations, uses and terminology or recommend a comparable standard zone.

Community Insights

Public Engagement

Public engagement is an important part of an effective, open and transparent government. Administration has made concerted efforts to bring Edmontonians along on the journey, to embody the change that Edmontonians and Council collectively envision for the city's future-built environment, including striving for equity. These efforts began in 2018, alongside the creation of The City Plan, and have included focused research, community conversations, discussions with stakeholder groups, online workshops, open houses, pop-up events, zone-testing workshops and 'Chat With a Planner' virtual meetings. These efforts have been intentionally planned and phased to coincide with the different stages of drafting the bylaw – building on past efforts to advance the writing of the bylaw. A summary of public engagement activities can be found in Appendix 6.

Communications

Throughout the initiative, a number of tools and resources were created to break down complex zoning topics and help Edmontonians better understand zoning's connection to The City Plan. The award-winning [Making Space podcast](#) and [City Building Youtube video series](#) were two key educational resources developed by Administration.

A variety of traditional and digital marketing and communications tactics were also used throughout the engagement phases to create awareness about the Zoning Bylaw Renewal Initiative and to invite diverse stakeholders to participate in engagement opportunities, including:

- Extensive digital advertising (Facebook, Instagram, Reddit, YouTube, Google, Spotify)
- Traditional advertising (newspaper and radio ads, editorial features)
- Digital outdoor signage (in LRT stations and the Ice District area)
- The City's owned communications channels (newsletters, websites, public service announcements)
- Print insert in a property assessment notice (mailed to approximately 400,000 property owners in 2022)
- Various communications with stakeholders (emails, letters and marketing packages with social media and newsletter content created to share with their networks)

A detailed summary of public engagement and communications tactics that were used throughout the course of the Zoning Bylaw Renewal Initiative may be found in the Public Engagement Summary (Appendix 6).

Notification of Public Hearing

In accordance with Subsection 606(2)(a) of the *Municipal Government Act*, R.S.A. 2000, c M-26, notice of a new land use bylaw may be given by publishing in a newspaper once a week for two consecutive weeks prior to the Public Hearing. Administration provided notice of Charter Bylaw 20001 by publishing in the Edmonton Journal on September 15, September 23, September 29, October 7 and October 15, 2023, thereby adhering to, and exceeding, the minimum notification requirement under the *Municipal Government Act*.

In accordance with Bylaw 18826 – Public Notification Bylaw, a notice of a large-scale rezoning (more than 500 parcels) may be given by posting the notice on the City's public website (edmonton.ca) a minimum of 30 days before the public hearing related to the amendment occurs. Administration provided notice of Charter Bylaw 21001 by posting on the City's website more than 30 days in advance of the public hearing, thereby adhering to the notification requirements of Bylaw 18826 – Public Notification Bylaw.

In alignment with the City's commitment to transparency, Administration implemented a range of additional traditional and digital marketing tactics to inform Edmontonians of the proposed new Zoning Bylaw and Rezoning Map, as well as invite them to participate in the public hearing.

As part of the communications plan, Charter Bylaw 21001 was also advertised in the Edmonton Journal throughout September and October.

Application Analysis

The changes presented in the proposed new Zoning Bylaw challenge the City's conventional way of regulating land use. Creating a modern regulatory environment that aligns with City policy and simplifies and streamlines requirements, while helping to create a more equitable, climate-resilient, livable and adaptable city for all, requires a different approach to regulation.

This new approach to writing a Zoning Bylaw was developed at the onset of the Zoning Bylaw Renewal Initiative and considers feedback and perspectives from Edmontonians, aligns with City policy and municipal best practices, and supports development trends. The approach has resulted in a Zoning Bylaw that allows for greater flexibility, adaptability and service excellence by:

- **Providing a Zoning Bylaw for everyone—advancing equity through zoning:** The zoning regulations were written through the lenses of inclusivity, accessibility and reconciliation to ensure that the new Zoning Bylaw builds an Edmonton for everyone. The new Zoning Bylaw considers the unintended social impacts of proposed regulations through an equity lens with the support of a GBA+ and Equity Toolkit, with the intent that proposed regulations address land use impacts, enable diverse housing options throughout the city, use inclusive language, reduce opportunities for discriminatory appeals with fewer discretionary uses, and increase consistency, clarity and predictability to embed equity in the decision-making process.
- **Purposeful and enforceable regulations:** The new Zoning Bylaw has fewer regulations overall—and each regulation has a purpose, which is intended to deliver a more accessible bylaw, with reduced regulatory complexity and more predictable development and enforcement processes.
- **Fewer, more enabling and inclusive zones:** The new Zoning Bylaw has reduced the number of standard zones (from 46 to 24) to ensure that each zone serves a distinct purpose, allowing for greater flexibility in building types and use combinations. This will allow communities to adapt over time, streamline the permitting process, and reduce the number of rezonings, Zoning Bylaw text amendments and the reliance on Direct Control and Special Area zones.
- **Broader uses:** The new Zoning Bylaw has reduced the number of uses (from 125 to 51) to provide more flexibility and less prescriptive control, which is intended for a greater range of activities to occur in a particular building or space to accommodate emerging business models and housing forms, and reduce the need for change of use development permits. Further, equity in the decision-making process is improved by providing greater consistency, clarity and predictability in the bylaw.
- **New layout and interface:** The new Zoning Bylaw has a consistent layout with tables and diagrams to clearly communicate regulations and intended outcomes in a visual way, and a new online platform for the Zoning Bylaw has been acquired to improve user

experience and accessibility. The intent is to develop a bylaw that is approachable in its presentation and easy to navigate.

- **Accessible language:** The new Zoning Bylaw uses plain language and commonly-understood terms, where possible, while minimizing the use of jargon, which is intended to develop a bylaw that is easier to read and interpret by Edmontonians.

Municipal Government Act

The City of Edmonton, as a municipality, is required under the *Municipal Government Act* to pass a land use bylaw. If approved, the new Zoning Bylaw would replace Zoning Bylaw 12800, which integrated five land use bylaws into one: the old City of Edmonton bylaw, the Sturgeon County bylaw, Parkland County bylaw, Leduc County bylaw and Strathcona County bylaw.

The proposed new Zoning Bylaw meets the *Municipal Government Act* requirements for a land use bylaw as outlined in Section 640 and modified by the *City of Edmonton Charter*.

ConnectEdmonton

The proposed new Zoning Bylaw supports the City's strategic plan, ConnectEdmonton, by embracing the core principles of building a healthy, urban, climate-resilient and prosperous city. The proposed new Zoning Bylaw focuses on creating a well-connected and accessible city that promotes a mix of land uses, encourages compact and transit-oriented development, and supports a high quality of life for residents.

By implementing flexible zoning regulations that allow for diverse and adaptable development patterns, the proposed new Zoning Bylaw will, through development, facilitate the creation of complete communities that are socially and economically diverse, while also promoting environmental sustainability.

The City Plan

With major policy documents being adopted that direct regional density targets, more infill, more mixed-use development and transit-oriented development, the existing Zoning Bylaw 12800 no longer meets the needs of a city that is on track to grow to a population of two million. The proposed new Zoning Bylaw is intended to enable development that will build the city as envisioned in The City Plan.

Renewing the Zoning Bylaw is one of the first City Plan implementation projects to demonstrate the change that Edmontonians and Council collectively envisioned for the city's future-built environment including striving for equity, while thinking through concepts like housing, open space, mobility and neighbourhood amenities.

The proposed new Zoning Bylaw enables development opportunities that will help to realize The City Plan's vision to live locally (a community of communities), bring the nodes and corridors to life, enable incremental infill with diverse and flexible housing options, support economic opportunities, enhance equity, protect Edmonton's natural systems and advance climate actions through more effective land use planning. Further details on alignment with The City Plan's directions can be found in Appendix 1.

Draft District Plans

The City Plan identifies 15 districts across Edmonton, and each district is a collection of diverse, connected and accessible neighbourhoods, where Edmontonians can access most of the services and amenities they need within a 15-minute walk, roll or transit trip from their home. District plans are intended to highlight the key features, current district conditions and future opportunities based on The City Plan.

The draft district plans provide a link between high-level policy within The City Plan and the land use regulations of the Zoning Bylaw. District plans, if approved, will inform recommendations and decision-making through rezoning applications and decisions on discretionary development when the new Zoning Bylaw is in place. The proposed new Zoning Bylaw has been developed in conjunction with the draft district plans and District Policy to ensure common language and standards. For example, definitions of land use intensities, such as building heights and commercial frontage requirements in certain areas, are points of alignment between the two projects. This ensures that the necessary tools and zones are available to implement the district plans, if approved, in the future.

The proposed new Zoning Bylaw, however, is discrete and independent of the District Planning project. The city-wide rezoning project to implement the new Zoning Bylaw is an exercise of migrating properties to their closest equivalent new zones and does not consider the direction of the draft district plans. The proposed new Zoning Bylaw will be subject to further amendments, as Bylaw 12800 has over the years, in order to continue to adapt to change as required.

Edmonton Corporate Business Plan

The Corporate Business Plan takes the long-term goals in ConnectEdmonton and The City Plan, along with Council's budget decisions, and maps out how the City will deliver programs, services and capital projects. The corporate objective—Transforming for the Future—prioritizes work to transform Edmonton into a city of two million people as set out in The City Plan. The Zoning Bylaw Renewal is identified as a key project that is essential to preparing for a forecasted population of two million people.

Edmonton Economic Action Plan

The Edmonton Economic Action Plan advances the direction provided in ConnectEdmonton and The City Plan by offering a roadmap to building a vibrant, inclusive and sustainable economy. The proposed new Zoning Bylaw supports the principle that focuses on advancing the local economy and entrepreneur support by reducing regulatory complexity, making it easier to build and do business in Edmonton and streamline service delivery. Broader-use categories will allow for a greater range of activities to occur in a building or space and accommodate new and emerging business models and trends. Change of use development permit application requirements will be reduced where no major exterior alterations or additions are proposed for existing facilities. Moving towards more permitted as-of-right uses will enable greater certainty for applicants and communities by clearly signalling what is allowed in a zone and under what

conditions. Customer service will be improved by creating a more transparent and efficient permitting process.

The Zoning Bylaw Renewal is identified as a continuous improvement project, refining the City's internal processes and further streamlining regulatory requirements across the corporation, that addresses the priority action to "Leverage projects designed to improve Edmonton's regulatory processes and reduce red tape so that we are agile".

Climate Resilience

Decisions made today about how the city is designed and built will, in part, set the course for Edmonton's future climate resilience. Urban form decisions are environmental and climate decisions. Administration recognizes that addressing Edmonton's climate risks requires activating multiple different tools in order to reduce carbon emissions and create more climate-resilient communities. The Zoning Bylaw is one of many planning tools to integrate aspects of climate resilience within the land development process.

The proposed new Zoning Bylaw will support reductions of carbon emissions by enabling more compact and complete communities. Transitioning to a higher density built form and more diverse land uses that include opportunities for housing, recreation, schools and employment will support more mobility options, make more efficient use of City infrastructure and reduce outward growth. Efficiencies and potential greenhouse gas emissions reduction that are enabled through increasing density can help the City progress towards its climate resilience goals, at the same time, consideration for other environmental impacts such as biodiversity, urban heat island, and air and water quality should be factored into discretionary development decisions where applicable.

The new Zoning Bylaw proposes the following actions to advance climate resilience:

- Reduce land consumption, provide places for people to live and reduce travel distances for people to access everyday services and amenities by:
 - proposing to allow more diverse and dense housing forms in residential neighbourhoods city-wide, including up to three-storey apartments;
 - introducing two mixed use zones - (MU) Mixed Use Zone and (MUN) Neighbourhood Mixed Use Zone; and
 - proposing to allow more business opportunities in residential neighbourhoods through expanded home-based business opportunities and by enabling commercial development in select locations.
- Continue to limit development in flood-risk areas and protect natural areas.
- Enhance landscaping requirements.
- Reduce regulations around urban farming and community gardens and not require development permits in locations where the contamination risk is low to make it easier for such activities to occur in the city.

- Continue to protect agricultural land from development until future Councils decide to plan for and determine the use of these lands.

Beginning in Q4 2023, Administration will begin designing a planning and development framework that will identify the process that will guide the integration of climate consideration into all aspects of the urban planning and development continuum. This work was approved through the 2023-2026 Operating Budget and presents an opportunity for the City of Edmonton to be a leader in climate-resilient planning. There will be opportunities to align Administration's post-Zoning Bylaw Renewal work with the development of the climate change planning and development framework.

Infrastructure

Administration is in discussion with infrastructure partners around how land use planning informs infrastructure planning. One specific topic is challenging the notion that new infrastructure should always be built to accommodate maximum built form for each zone.

Many design standards were developed when the predominant growth type was greenfield construction. Applying the standards to infill projects based on zoning can result in conservative estimates of infrastructure needs, which has been a significant barrier to redevelopment in the city's downtown and developed neighbourhoods.

Design and Construction Standards

Work by EPCOR, in consultation with the development industry and the City of Edmonton, is currently underway to modernize the Design and Construction Standards for water, storm and drainage provision. This work is intended to conclude by the end of 2023, prior to the new Zoning Bylaw effective date of January 1, 2024, pending approval by City Council.

Fire Rescue Services and EPCOR are investigating alternate methods to fire flow requirements without compromising safety. Fire Rescue Services has examined the fire flow requirements associated with the current zones in Zoning Bylaw 12800 against the proposed zones in the new Zoning Bylaw to ensure the City's Design and Construction Standards can be applied consistently following the city-wide rezoning process.

Preliminary analysis has demonstrated that no zone or generally anticipated built form introduced by the new Zoning Bylaw will increase the existing fire flow requirements in Volume 4 of the Design and Construction Standards. Further, Fire Rescue Services is proposing reductions in fire flows to a number of commercial zones. Proposed fire flows are currently being discussed as part of the Greenfield Fireflow Technical Committee.

Transportation

The cumulative impacts of neighbourhood densification will be continually assessed as part of the City's long term planning through analytical tools, such as the City of Edmonton's Regional Travel Model (RTM). These look at how the transportation system functions in the future and is used to evaluate where and when improvements should be made. Administration will continue to review Transportation Impact Assessments in support of land development applications

which takes into account active transportation, transit connectivity, safety and other aspects to inform transportation system performance and infrastructure requirements.

Appendices

1. City Plan Policy Alignment
2. Proposed New Zoning Bylaw with Rationale
3. Overview of the New Zoning Bylaw
4. City-wide Rezoning Guiding Principles
5. Zone Equivalencies
6. Zoning Bylaw Renewal Initiative Public Engagement Summary
7. Phase 3 What We Heard Report - May 2023

Approved By: Livia Balone

Branch: Development Services

Section: Zoning Bylaw Renewal Initiative