

## **BYLAW 20890 - To Introduce Shelter Regulations in Zoning Bylaw 20001**

### **Purpose**

The text amendment to Zoning Bylaw 20001 proposes to introduce regulations for year-round and seasonal shelters. One set of amendments propose changes to the Business Employment (BE) Zone that are intended to remove floor area restrictions on shelters within this zone and prevent them from locating beside sites in a Heavy Industrial (IH) Zone. A second set of amendments propose to limit the overnight occupancy of congregate sleeping areas in all year-round shelters while allowing for exemptions to this limit in emergency situations.

### **Readings**

Bylaw 20890 is ready for three readings after the public hearing has been held. A majority vote of City Council on all three readings is required for passage. If Council wishes to give three readings during a single meeting, Council must unanimously agree that "Bylaw 20890 be considered for third reading."

### **Advertising and Signing**

This Bylaw was advertised in the Edmonton Journal on June 13, 2025, and June 21, 2025. The Bylaw can be passed following third reading.

### **Previous Council/Committee Action**

At the April 8, 2025, City Council meeting, the following motion was passed:

1. That Attachment 2 of the April 1, 2025, Urban Planning and Economy report UPE02714 be amended to delete "and Seasonal Shelters" and "or Seasonal Shelters" from row 1, and "and Seasonal Shelters" and "or a Seasonal Shelter" from row 2.
2. That Administration prepare amendments to Zoning Bylaw 20001, as outlined in Attachment 1 and Attachment 2, as revised as above, of the April 1, 2025, Urban Planning and Economy report UPE02714, and return for consideration at a future City Council Public Hearing.

### **Position of Administration**

Administration supports Part 1 of Bylaw 20890.

### REPORT

Edmonton emergency shelters provide accommodations with different arrangements to clients experiencing homelessness. Individuals may be housed temporarily in private rooms, semi-private rooms or large common spaces (sometimes known as congregate sleeping areas), depending on the shelter. Edmonton currently has 14 year-round shelters and one seasonal shelter operating.<sup>1,2</sup> Currently, shelters are regulated through Alberta Health Services, Fire Code requirements and any funding arrangements between the operators and the Government of Alberta. There are no shelter-specific regulations in Zoning Bylaw 20001.

#### Shelter Size and Locations in Non-Residential Areas

At the October 16, 2023, City Council Public Hearing, after Zoning Bylaw 20001 was adopted, Council directed Administration to investigate the appropriate size of shelters and provide any recommendations as necessary to regulate future shelters as part of the City of Edmonton Minimum Emergency Shelter Standards review. In 2024, City Council also raised concerns about the suitability of shelters on sites where the Business Commercial (CB) Zone or the Business Employment (BE) Zone may be located and directed Administration to investigate the implications of limiting shelters from locating in these zones.

As part of the Minimum Emergency Shelter Standards Review, Administration engaged with shelter operators to understand their needs, challenges and opportunities. Administration also conducted separate research into the locations of Business Employment and Business Commercial properties and their proximity to Medium Industrial (IM) and Heavy Industrial (IH) sites in Edmonton. Administration presented the analysis at the August 27, 2024, Urban Planning Committee meeting as part of the Community Services report CS02526, Implications of Limiting Temporary Shelter Locations - Providing the Emergency Shelter Best Practices Guide. The analysis found that there were more BE sites than CB Sites. Shelter operators have had more opportunity finding potential locations in BE sites, but those are more likely to abut properties zoned IM or IH than sites zoned CB. As a result, restricting shelters from locating in the BE Zone would hinder opportunities for shelters to find suitable locations, even recognizing that these are not ideal locations (see Attachment 1 - Business Employment and Business Commercial Property Locations and Attachment 2 - Analysis of Business Employment and Business Commercial Sites).

The discussion at the August 27, 2024, Urban Planning Committee meeting also included regulating congregate sleeping areas in shelters, which led to a motion passed at the September 10, 2024, City Council meeting requesting Administration provide recommendations to limit congregate sleeping areas in shelters.

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<sup>1</sup> <https://www.alberta.ca/find-shelters>. Government of Alberta. Cited February 13, 2025.

<sup>2</sup> The seasonal shelter is operated by Al Rashid Mosque and funded by the City of Edmonton. They offer overnight shelter during extreme cold weather activations.

### **Regulating Congregate Sleeping Areas in Shelters**

Administration presented an analysis of options to regulate congregate sleeping areas in Zoning Bylaw 20001 at the April 1, 2025, Urban Planning Committee meeting as part of the Urban Planning and Economy report UPE02714, Options for Regulating Congregate Sleeping Areas for Shelters. This included engagement with shelter providers, the Government of Alberta and City staff (see Attachment 3 What We Heard Report Congregate Sleeping Areas). An analysis of different approaches to regulating congregate sleeping areas in shelters and the different considerations associated with each approach are outlined in Attachment 4 - Congregate Sleeping Area Regulations Analysis.

Administration heard the City should not create restrictions on the size, location or spacing of congregate sleeping areas in shelters. When asked about the ideal size of shelters, feedback resulted in shelter size ranges of 30-50 or 100-125 persons, depending on the programming model. However, these shelter sizes were identified as being optimal and would not necessarily be attained when considering funding and physical space limitations. Concerns about limitations focused on a worry that shelter operators would not have the flexibility to quickly create new shelter sites or increase capacity at current sites as needed.

The analysis also included a jurisdictional review of national, provincial and municipal standards and best practice documents on shelter design to better understand how appropriate sleeping area needs within shelters should be considered (see Attachment 5 - Jurisdiction Scan of Best Practices for Sleeping Area Considerations). The research found that in general, congregate sleeping areas, where large groups of people sleep in a single common space were generally discouraged. Some jurisdictions provide guidance on shelter size limits but do not recommend or regulate specific limits to congregate sleeping area size. Administration did not identify any regulations in other municipalities' Zoning Bylaws that regulated the activity or spaces within shelters.

The Urban Planning and Economy report UPE02714 included a mark-up of proposed regulations that would limit congregate sleeping areas in shelters to 125 people, with an exemption for additional capacity in emergency situations for up to 90 days or the duration of the emergency, whichever is less. However, in consideration of the jurisdictional review, analysis and engagement, Administration did not recommend regulating the size of congregate sleeping areas in year-round and seasonal shelters. This led to further discussions at the April 8, 2025, City Council meeting where City Council passed a motion directing Administration to prepare amendments to Zoning Bylaw 20001, as generally proposed in the mark-up but modified to exclude seasonal shelters, and return for consideration at a future City Council Public Hearing.

### **Proposed Text Amendments**

Administration considered the need to balance the interest in further regulating shelter location and layout while minimizing the challenges shelter operators could face in finding a location to

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provide overnight accommodations to those who need it. Administration is proposing Bylaw 20890 to amend Zoning Bylaw 20001 with a text amendment composed of two parts for Council's consideration (see Attachment 6 - Bylaw 20890 and Attachment 7 - Markup and Rationale of Proposed Text Amendment).

### Part 1: Proposed Shelter Regulations for the Business Employment Zone

Part 1 of Bylaw 20890 would prohibit shelters from locating in the Business Employment (BE) Zone when it is located beside a site zoned Heavy Industrial (IH) but not Medium Industrial (IM). This intends to mitigate concerns about locating shelters near sites with potential risk sources while still maintaining more options for shelters to be located on BE sites. The amendment also proposes to exempt year-round shelters and seasonal shelters from the 500 sq. m. floor area limit in the BE Zone. This responds to feedback from shelter operators on the importance of having flexibility to allow the opportunity to provide wraparound services within one location or to increase/decrease the size of an operation with minimal barriers. Maintaining a floor area limit may result in shelter operations accommodating the same or more people within less space or without the needed support services, which could result in a less effective operation.

Administration supports Part 1 of Bylaw 20890 to provide appropriate restrictions around Heavy Industrial sites while minimizing barriers for shelters to find locations that can provide the necessary floor space for shelter and other supportive activities within a building.

### Part 2: Proposed Shelter Regulations to Limit the Occupancy of Congregate Sleeping Areas

Part 2 of Bylaw 20890 would limit the number of people permitted to sleep in congregate sleeping areas within a year-round shelter to a total of 125. Seasonal shelters are not affected by the proposed regulation. This number allows most existing shelters to remain a legal conforming development. Two of the larger existing shelters would become legal non-conforming. These buildings can continue with their current operations and any proposed major alteration, enlargement or rebuild would require a variance (discretionary development). This can create uncertainty as a discretionary development requires notification to surrounding properties and can result in an appeal to the Subdivision and Development Appeal Board (SDAB).

The proposed amendments include a regulation to allow shelters to exceed the capacity limits for up to 90 days without a development permit in emergency situations. Examples of emergency situations include extreme weather-related events (e.g. flooding, extreme cold, etc.), disaster relief in support of municipalities outside of Edmonton or failures impacting a shelter site (e.g. fires, water main break, etc.).

Based on the jurisdictional review, analysis and engagement, Administration does not support regulating congregate sleeping areas as outlined in Part 2 of Bylaw 20890. Limiting the number of people who are permitted to sleep in congregate sleeping areas would introduce a layer of regulation at the municipal level for shelter operators that could constrain shelter operators' ability to provide accommodations to their clients.

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If Council wishes to approve both sets of regulations, then it can provide three readings to Bylaw 20890. However, should Council only support one part of Bylaw 20890 and not the other, then Council will need to make a motion indicating which part of Bylaw 20890 it wishes to approve.

### Community Insight

To inform the proposed amendments on congregate sleeping areas, Administration reviewed findings from previous engagement with shelter users and operators and conducted further engagement with shelter operators and the Government of Alberta in November and December of 2024. Seven shelter operators participated in structured online interviews or provided feedback by email to explain their operational considerations when determining appropriate sleeping arrangements. This included operators serving specific at-risk populations, such as youth, women and the Indigenous community. The Government of Alberta was also engaged to assess the potential impact of the proposed regulations on existing agreements with shelter operators. A summary of this feedback was shared with all participants in a What We Heard report (See Attachment 3).

Previous engagement with shelter users indicated a preference for less crowded and more private sleeping arrangements. However, the high demand for shelter space often makes achieving this goal challenging, sometimes resulting in individuals being turned away from their preferred shelter. Prior engagement with Edmonton shelter operators also revealed general opposition to operational restrictions through land use regulations.

Feedback received through engagement with shelter operators and the Government of Alberta revealed the following key points:

- **Congregate Sleeping Areas:** Shelter operators generally support moving away from congregate sleeping areas. However, they emphasized that these areas are currently necessary for some shelters to meet demand due to limitations in facilities, funding and staffing necessary for private/semi-private spaces. Operators with existing congregate settings expressed greater concern about the impact of proposed regulations on their ability to accommodate clients.
- **Flexibility to respond to need:** Stakeholders expressed that regulating congregate sleeping areas could reduce their flexibility to provide appropriate sleeping space in varying situations. They were concerned that limits could:
  - hinder the ability to find suitable sites
  - reduce future capacity; and
  - potentially increase encampments.
- **Emergency Capacity:** All participants expressed concern about accommodating additional shelter users during emergencies if zoning regulations limit capacity. While they did not suggest specific extra capacity levels, they stressed the importance of ensuring the Zoning Bylaw does not impede responses to emergency situations.

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### **Attachments**

1. Business Employment and Business Commercial Property Locations
2. Analysis of Business Employment and Business Commercial Sites
3. What We Heard Report Congregate Sleeping Areas
4. Congregate Sleeping Area Regulations Analysis
5. Jurisdiction Scan of Best Practices for Sleeping Area Considerations
6. Bylaw 20890
7. Markup and Rationale of Proposed Text Amendment

### **Others Reviewing the Report**

- M. Gunther, City Solicitor