

Zoning Bylaw Omnibus 2020

Recommendation

That the October 27, 2020, Urban Form and Corporate Strategic Development report CR_8487, be received for information.

Executive Summary

This report outlines a proposed omnibus of text amendments to Zoning Bylaw 12800.

Many amendments in Zoning Bylaw Omnibus 2020 (ZBO2020) are minor modifications to improve clarity and grammar, but some amendments present big and bold moves. Developed in the context of a global pandemic of COVID-19 and unprecedented economic conditions, the proposed text amendments described in this report reimagine how Administration can more quickly and effectively realize some of the City Plan's city building outcomes, while supporting businesses impacted by the COVID-19 pandemic. These moves come with trade-offs in terms of built outcomes, reputation, community engagement, and potential impacts to residents.

Report

Edmonton's Zoning Bylaw is a critical tool for both enabling and regulating the ongoing development and redevelopment of Edmonton's urban form. In addition to setting out how, where, and what types of development are permitted, Zoning Bylaw 12800 informs and provides direction to Administration on how to review, administer, and make decisions about new developments. As a consequence, it has a direct impact on the delivery of the permitting service and the experience of applicants accessing that service.

Bold Moves

Attachment 1 - Bold Moves provides a summary and high-level description of the bold moves in play with the proposed amendments, as well as a description of the potential opportunities and trade-offs of each of the changes.

Attachment 2 - Select Amendments - Markup and Rationale contains rationale and a track-change style markup of Zoning Bylaw 12800 for proposed text amendments that Administration has identified as bold moves. Some of these moves create opportunities that will allow Administration to advance toward some of the City Plan's city building outcomes and ConnectEdmonton's strategic goals more quickly.

Many of the moves represent opportunities to refocus, reprioritize and reimagine how services are delivered. This is especially true where a change allows Administration to redirect staff attention from relatively low risk, low impact developments and instead redeploy those resources to focus on developments with higher impact on the community. In some of these cases that means that there will be less direct oversight of certain types of development and, consequently, an opportunity for fewer process and regulatory barriers, improving service overall. For these moves to be effective in the long run, there will need to be trust, shared accountability, and a mutual understanding of acceptable risk between Administration, Council, the public, and businesses.

It's important to note that several of the moves presented in Attachment 1 are currently being examined through the Zoning Bylaw Renewal Initiative. However, Administration is presenting these changes as an option to Council in an effort to reduce red tape during a time of unprecedented economic hardship, to make more effective use of the City's human and financial resources, and to better enable development outcomes that align with the City Plan prior to the completion of the replacement of the Zoning Bylaw in 2022.

For convenience in referencing the particular amendments contained in Attachment 2 and summarized in Attachment 1, please refer to the left most columns of each table. Specific bylaw amendments in Attachment 2 are labelled alphabetically from *A* to *DD*.

Regulatory and Service Improvements

The development permitting service is regulated largely by Zoning Bylaw 12800 and Administration's interpretation and implementation of the bylaw directly shapes the way the city is built.

Development permitting is operated in an integrated way with the other processes and rules that govern current development, including: rezoning, subdivision, building permits, business licensing, and community standards.

Staff who deliver this service are tasked with providing excellent customer service while applying policies, plans and bylaws to real world circumstances. This work is the primary point of contact between policy and long-range planning, and current development.

Due to the development permit service's front-line position, staff provide the public with the following services through the development permit process:

- Information and education
- Professional review and decision making of permit applications
- Enforcement and compliance of illegal developments

- Community consultation and notification to property owners and stakeholders of substantial changes in their community
- Support to the appeals process.

Many of the text amendments are proposed as a direct result of Administration's ongoing effort to improve service outcomes and make more effective use of human and financial resources. This work complements improving permit services, as outlined in the October 26, 2020, Urban Form and Corporate Strategic Development report CR_7581, Reductions to Small Business Regulations, to Executive Committee.

Clean-up

Attachment 3 - Zoning Bylaw Omnibus - Markup and Rationale contains rationale and a track-change style markup of Zoning Bylaw 12800 for proposed text amendments that Administration has identified as minor modifications.

Most of the proposed amendments in Attachment 3 are of a 'clean-up' nature, written to:

- Improve readability
- Provide clarity
- Correct unintended omissions or outcomes of recent Charter Bylaws, such as those which implemented Open Option Parking or expanded opportunities for Missing Middle development.

These 'clean-up' amendments enable more effective service delivery because a bylaw with fewer complexities is easier for both applicants and staff to interpret.

Zoning Bylaw Renewal

Given that the bylaw is set to be replaced in 2022, Administration has been cautious to further amend Zoning Bylaw 12800.

The Zoning Bylaw Renewal Initiative is a separate and distinct project from ZBO2020. While ZBO2020's proposed amendments were developed with awareness of the ongoing work of the renewal initiative, they are intended to address current barriers to effective service delivery and desired development outcomes.

The research and development of a new Zoning Bylaw remains ongoing and has not been interrupted by the development of ZBO2020. The amendments contained in ZBO2020 will not impact the Zoning Bylaw Renewal Initiative's ongoing public and stakeholder consultation efforts.

More information on the Zoning Bylaw Renewal project is available at edmonton.ca/zoningbylawrenewal.

Next Steps

Administration is prepared to advance the text amendments contained in both Attachments 2 and 3, in separate bylaws, to a future City Council Public Hearing.

Though direction from Council or Committee is not needed to proceed, Council may wish to direct Administration, with a recommendation from Urban Planning Committee, to bring forward only specific proposed text amendments.

Should Council direct that some or all of the text amendments contained in Attachment 2 or 3 not advance to Public Hearing, Administration will incorporate further study of the proposed amendments within the comprehensive and ongoing work of the Zoning Bylaw Renewal Initiative, which is anticipated to have a new bylaw ready for implementation in 2022.

Should Urban Planning Committee wish to recommend to Council that Administration be directed to bring forward only select Amendments, the following motion wording may be considered:

That Administration prepare amendments to Zoning Bylaw 12800, specifically as outlined in sections [INSERT SECTION LETTER(S) CORRESPONDING TO SELECTED TEXT AMENDMENT] in *Attachment 2 - Select Amendments - Markup and Rationale* of CR_8487 Zoning Bylaw Omnibus 2020, and return to a future City Council Public Hearing as soon as possible.

Budget/Financial

The majority of proposed changes will improve efficiency of service delivery or simplify regulation and process barriers for customers but do not have specific budget implications.

Public Engagement

Separate engagement for Zoning Bylaw Omnibus 2020 informed stakeholders of proposed amendments. Administration leveraged the results of engagement occurring both as part of standalone initiatives, such as the Permit and Licensing Improvement Initiative, and through staff's ongoing contacts with members of the public and stakeholder groups.

The Zoning Bylaw Renewal Initiative has committed to engaging with the public, key stakeholders and industry throughout the project, and the big and bold moves in this report have not been discussed with our community partners in this context.

Administration provided representatives from EFCL, CHBA-Edmonton, UDI, NAIOP, YEGarden Suites, and IDEA with a summary and draft of the proposed text amendments in advance of this report to Urban Planning Committee. These stakeholders along with the general public have an opportunity to provide feedback directly at Committee and Public Hearing.

Administration recognizes that these amendments are being brought to Council with a significantly different level and extent of engagement than is typical. This approach has potential knock-on impacts to the work of Zoning Bylaw Renewal going forward.

Engagement was done this way in response to the challenges associated with COVID-19, which, in addition to bringing additional urgency to reimagine the City's permitting service, also presents practical difficulties that make conventional methods of engagement inappropriate. Administration is intentionally presenting these proposed amendments to Urban Planning Committee in order to ensure that the public, stakeholders, and communities have an opportunity to provide feedback and input prior to bylaws being brought to a future Public Hearing.

Corporate Outcomes and Performance Management

Edmonton has a globally competitive and entrepreneurial business climate			
Outcomes	Measures	Results	Targets
Edmonton has a global competitive and entrepreneurial business climate	Number of Edmonton small to medium-sized business	-1.4 percent (2017)	Positive growth rate
Edmonton is attractive and compact			
Neighbourhoods are designed for more efficient use of land	City Wide Density (units per net residential hectare)	28.17 (2018)	75.00 (2018)
Effective and efficient service delivery. Support and guide business and industry	Percentage of business owners satisfied with the process of obtaining a permit or licence	50 percent (2020)	Consistent, upward trend year over year

Attachments

1. Bold Moves
2. Select Amendments - Markup and Rationale
3. Zoning Bylaw Omnibus - Markup and Rationale

Others Reviewing this Report

- M. Persson, Chief Financial Officer and Deputy City Manager, Financial and Corporate Services
- C. Owen, Deputy City Manager, Communications and Engagement
- R. Smyth, Deputy City Manager, Citizen Services
- B. Andriachuk, City Solicitor