

Zoning Bylaw Renewal Report #2

Initiative Update and Next Steps

Recommendation

That the February 2, 2021, Urban Form and Corporate Strategic Development report CR_7509, be received for information.

Previous Council/Committee Action

At the October 27, 2020, Urban Planning Committee meeting, the following motion was passed:

That Administration include how feedback and learnings will be incorporated into the Zoning Bylaw Renewal, as part of the Zoning Bylaw Renewal report to Urban Planning Committee in 2021.

At the December 8, 2020, City Council Public Hearing, the following motion was passed:

That Administration provide data, as part of the Zoning Bylaw Renewal Initiative, regarding Cannabis Retail regulations regarding separation distances.

Executive Summary

To support Edmonton's growth, change and competitiveness as a major Canadian city, the City's policies and regulatory tools need to evolve and align with Edmonton's long term city-building needs. The Zoning Bylaw Renewal Initiative is an integral part of this work, and represents a complete re-think of what, why and how the City regulates development to meet the changing needs of a diverse population in a growing city. It will provide the necessary regulatory framework to help advance the strategic goals of ConnectEdmonton, implement The City Plan and transform the way we deliver land development services, as directed in Edmonton's Corporate Business Plan with the goal to reduce red tape.

This report provides an update on the Zoning Bylaw Renewal Initiative's progress and outlines the work planned for the next phase of the project. Phase 1 of the initiative included research, determining the philosophy of the new Zoning Bylaw, and foundational activities, including engagement on a series of discussion papers, developing a decision making framework and GBA+ and Equity Toolkit, to prepare for

developing and building the new bylaw. Phase 2 of the initiative will include drafting the new bylaw and a corresponding zoning map, testing various implementation scenarios, and securing technology to support and create a user-friendly interface for the new Zoning Bylaw.

Additionally, this report includes data regarding cannabis stores, next steps for the review of cannabis separation distance requirements, and how feedback and learnings from the recent Zoning Bylaw Omnibus changes will be included in the Zoning Bylaw Renewal Initiative.

Report

The Zoning Bylaw Renewal Initiative is a multi-year comprehensive overhaul of the current Zoning Bylaw that includes rethinking how, what and why the City regulates in terms of zoning and land development. Renewing the Zoning Bylaw is a long overdue process in reimagining Edmonton's regulatory framework to deliver excellent services to the community and realize the vision of ConnectEdmonton and The City Plan. The proactive decisions made in Edmonton's new Zoning Bylaw will enhance Edmonton's competitive advantage, lay the groundwork for generations to come and help create a more equitable, open and caring city for all.

Why Renew?

It has been 20 years since the Zoning Bylaw has been renewed and almost 60 years since it has gone through an extensive overhaul. Many development regulations that were designed for a small prairie city in the 1960s are still shaping the built form of Edmonton today. This has led to a misalignment with long term city-building goals and strategies to support compact, mixed-use and sustainable development. The bylaw's rigid structure has also kept activities separated from each other, inhibiting innovative, collaborative and connected communities where housing and services are within easy access by residents. Increasingly complex and outdated rules and zones in the current Zoning Bylaw have acted as a barrier to economic development and emerging business models and building trends.

Renewing the Zoning Bylaw provides the opportunity to:

- Align with long term city-building goals and strategies
- Enhance and deliver excellent service to our community
- Advance equity and foster vibrant and inclusive communities
- Enable people, places, and businesses to thrive and prosper

The philosophy of the New Zoning Bylaw (Attachment 1) provides a more fulsome discussion on the need to renew Edmonton's Zoning Bylaw and the opportunities the initiative presents.

Approach and Work To-Date

Renewing the Zoning Bylaw is a large undertaking. To ensure the review is done in a comprehensive manner, the work has been separated into the following four **projects**:

1. Writing a **New Zoning Bylaw**
2. **Rezoning** land to align with the new Zoning Bylaw
3. Providing **Technology** to manage the new Zoning Bylaw, and improving the on-line customer experience for planning and development services
4. Ensuring a smooth transition to the new Zoning Bylaw and technology through thoughtful **Implementation**

Work on the projects will integrate, overlap and occur concurrently over the span of the initiative. The Zoning Bylaw Renewal Initiative will also involve a thorough and robust engagement and communications plan. Attachment 2 provides more information on the projects and phases of the Zoning Bylaw Renewal Initiative.

Goals and Approach for the New Zoning Bylaw

Combining feedback from stakeholders and residents from 2018 and 2019 with research into municipal best practices, jurisdictional scans, development trends, and direction from ConnectEdmonton and The City Plan, Administration identified four goals and an approach to drafting a new Zoning Bylaw. The goals of the new Zoning Bylaw are:

- Align with strategic policy and directions
- Support better development outcomes
- Be user-friendly for everyone with clear, purposeful and enforceable regulations
- Be efficient, effective, and adaptable

The approach to write a strategic, simplified and streamlined Zoning Bylaw includes:

- A Zoning Bylaw for everyone
- New layout and interface
- Accessible language
- Hybrid bylaw (incorporating elements of use-based, form-based, performance-based, and incentive-based zoning)
- Fewer and more enabling and inclusive zones
- Broader uses
- Purposeful and enforceable regulations

Decision Making Framework

Developing regulations for the new Zoning Bylaw will involve difficult decisions to determine whether something needs to be regulated in the bylaw and the level of regulation required to achieve a specific outcome. This process will be guided through a decision making framework which will include consideration of policy alignment,

engagement feedback, risks and tradeoffs, alternative means of regulations, and learnings from jurisdictional scans, best practices, and reviews of Subdivision and Development Appeal Board decisions, among others. The development and refinement of regulations will also consider feedback and learnings from the recent Omnibus amendments made to Zoning Bylaw 12800 in December 2019 and February 2021. For more information on the decision making framework, please refer to Attachment 3 - Choosing *What* to Regulate and *Why*: A Robust Process for Drafting Regulations.

GBA+ and Equity Toolkit

Since the early twentieth century, communities have used zoning to organize land use and minimize conflicts between different activities to protect public health, safety, and welfare of citizens and the environment. Over time and with social progress, the City has learned how zoning has separated more than just land uses — it has segregated people. Regardless of intention, zoning rules have and can lead to disproportionate impacts for some segments of the population. For this reason, zoning has a dual legacy: of promoting the public good and of exclusion.

Work must be done to ensure the new Zoning Bylaw does not systematically perpetuate, or unintentionally create, social inequities. To work towards creating a new Zoning Bylaw for everyone, Administration is partnering with the University of Alberta to study best practices in applying equity into a regulatory and policy framework.

One of the outcomes of this work is to create a Gender-Based Analysis Plus (GBA+) and Equity Toolkit that Administration can use to address the social inequities created or supported by the Zoning Bylaw. The toolkit will guide Administration on how best to consider concepts of equity and diversity while drafting regulations as part of a decision making framework. This will help guide the creation of equity measures, which will help to make the new Zoning Bylaw and the development it supports more inclusive and accessible for all Edmontonians. For more information on this work, please refer to Attachment 3.

Discussion Papers

Previous engagement and new strategic direction from ConnectEdmonton and The City Plan have charted a course for the new Zoning Bylaw. From July through November 2020, Administration released and engaged on a series of discussion papers which take those ideas and policies and translate them into a zoning context. The discussion papers help set the foundations for the new Zoning Bylaw by exploring various topics and zones, and proposing a new regulatory framework for development in Edmonton. The discussion papers provide an entry point into the renewal of the Zoning Bylaw and are meant to spark a conversation on zoning, giving Administration an opportunity to test ideas with and get feedback from the public and key

stakeholders. The papers demonstrate how the City will achieve the vision, goals, outcomes and directions outlined in The City Plan and other City policies.

The discussion papers can be found on the Engaged Edmonton platform and the City of Edmonton's external website. The list of topics covered in the discussion papers include:

- Nodes and Corridors
- Residential Zones
- Commercial & Industrial Zones
- Agriculture & Rural Zones
- Open Space & Civic Services Zones
- Special Area Zones
- Direct Control Zones
- Notification & Variances
- Overlays
- Signs
- Climate Resilience & Energy Transition
- Economy: Supporting Small Businesses

Attachment 4 summarizes the highlights of the discussion papers and outlines the key directions being considered for the new Zoning Bylaw. Changes may occur through the course of drafting the new bylaw, as informed by factors such as engagement, technical analysis, and application of the decision making framework. For instance, feedback to date has identified a number of directions requiring further research and analysis, such as:

- The zones and regulations proposed within each zone (e.g., the proposed number of residential zones)
- Some of the proposed approaches to climate resilience (e.g., development permit point system)
- Proposed approach to the use of Overlays
- Use and application of incentives
- Proposed approaches to notification
- Requirements for additional information or studies (e.g., urban design brief)

These are just some examples of possible changes in direction from what was presented in the discussion papers. A summary of the feedback received on the discussion papers, is included in Attachment 5 - What We Heard: Discussion Papers.

The City Plan Implementation

The Zoning Bylaw Renewal Initiative is one of the more significant actions needed to implement The City Plan. The Zoning Bylaw Renewal requires integration with several other City initiatives to enable efficient city building and support the transformational change envisioned in The City Plan. The short, medium and long term city building

initiatives are described in Attachment 2 of the February 2, 2021, Urban Form and Corporate Strategic Development report UFCSD00140, The City Plan Implementation.

Next Steps / Timeline

Early in 2021, Administration will transition into Phase 2 of the Zoning Bylaw Renewal Initiative: Develop and Build. This phase of the project is about drafting the new Zoning Bylaw, which will include creating the new bylaw’s structure, zones, regulations, and determining how everything fits together. During this phase Administration will procure, design, and build technology and a user interface that will serve the City’s business needs and make the bylaw easy to use. Administration will also begin work on updating processes and services that will be impacted by the new Zoning Bylaw.

The current initiative timeline below shows the next steps. Before presenting a draft bylaw to Urban Planning Committee, the next report, in June 2021, will feature direction on new uses, information on what a new zone will look like and a draft bylaw structure. The outcome of Phase 2 is a preliminary draft of the new Zoning Bylaw, which is planned to be presented to Urban Planning Committee in Q1 2022.



For a more detailed timeline of the Zoning Bylaw Renewal Initiative, please refer to Attachment 2 - Projects and Phases of the Zoning Bylaw Renewal Initiative.

Public Engagement

Engagement began in 2018 to understand how residents and applicants interact with the Zoning Bylaw and to gather input on the idea of renewing the Zoning Bylaw. In 2019, additional input was gathered to help refine the direction of the Zoning Bylaw Renewal Initiative, including whether simplification and consolidation of the bylaw is needed, what to regulate, and what changes are desired in a new Zoning Bylaw (see Attachment 6 - What We Heard Report 2018 - 2019).

Edmontonians have expressed their values and priorities for the future of the city through engagement for ConnectEdmonton and The City Plan, which set the strategic and policy direction for how Edmonton will change and grow to support a population of up to two million. Engagement on the new Zoning Bylaw focuses on the ‘how’, rather than revisiting the ‘what’ and ‘why’ questions of Edmonton’s future development outcomes. There are many ways to achieve these outcomes, leading to important engagement with Edmontonians about how the new Zoning Bylaw will help enable the

future land use and development envisioned by The City Plan while transforming the way we deliver land development services to Edmontonians (see Attachment 7: City Plan Engagement Data Analysis: Zoning).

The Zoning Bylaw Renewal Initiative discussion papers were the cornerstone of engagement for the new Zoning Bylaw project in Phase I. These papers were supported by public engagement through the Engaged Edmonton online platform and a number of webinars, presentations, and conversations with the public and targeted stakeholder groups (see Attachment 5 - What We Heard: Discussion Papers). Feedback from the discussion papers will be incorporated during the drafting of the new zones. Stakeholders and the public will have an opportunity to engage with the draft zones and provide feedback.

Data on Cannabis Retail Sales Separation Distances

Since the legalization of cannabis, 15 percent of Cannabis Retail Sales stores were granted variances to the required separation distance requirements by the Subdivision and Development Appeal Board. Not included as part of the Zoning Bylaw Renewal Initiative, but occurring peripherally, Administration is researching and monitoring the impacts of cannabis separation distance regulations. Due to the relatively recent introduction of the cannabis regulations, and to allow for a better understanding of their effectiveness, Administration intends to review separation distance requirements after the new Zoning Bylaw is implemented. For more information on this topic, please see Attachment 8 - Next Steps for Reviewing Separation Distances for Cannabis Retail Sales.

Corporate Outcomes and Performance Management

Corporate Outcome(s): Conditions of Success			
Outcome(s)	Measure(s)	Result(s)	Target(s)
Effective and efficient service delivery: Effective communication and collaboration with stakeholders, partners and citizens support the achievement of goals	Total number of people engaged through targeted and City-Wide engagement activities	2018 - 2019 Engagement: <ul style="list-style-type: none"> 692 total engaged 133 people directly engaged (targeted) 559 people engaged at city-wide events or surveys 2020 Online Engage Edmonton Engagement: <ul style="list-style-type: none"> 4238 total visits 3084 people aware 512 people informed 228 people engaged 2020 City-led stakeholder information sessions <ul style="list-style-type: none"> 6 Information sessions 	2018 - 2019 Engagement: <ul style="list-style-type: none"> 200 people engaged Engaged Edmonton Online Engagement: <ul style="list-style-type: none"> 1000 people aware 500 people informed 200 people engaged

	Engage and communicate with the public in a wide variety of ways	<p>For more information on the engagement results please refer to the What We Heard: Discussion Papers and the What We Heard Report 2018 - 2019.</p> <p>Communication occurred through a variety of channels:</p> <ul style="list-style-type: none"> ● Zoning Bylaw Newsletter: 418 subscribers ● Building Edmonton Newsletter: 1,377 subscribers ● Evolving Infill Newsletter: 1,583 subscribers ● Phase II Insight Survey: 187 responses ● Facebook: 59,253 people reached, 796 engaged users ● Instagram: 42,776 people reached, 749 engaged users ● Twitter: 63,667 Twitter impressions, 474 engagements 	<ul style="list-style-type: none"> ● 1 Survey ● 10 Public Engagement Events ● 6 Targeted stakeholder events ● 12 Discussion Paper Surveys ● 12 Discussion Paper Forums ● 1 General Poll ● 1 Q&A tool ● 1 General Feedback Form ● 5 Online Information Sessions ● 50 meetings with stakeholder groups
--	--	---	--

Attachments

1. Philosophy of the New Zoning Bylaw
2. Projects and Phases of the Zoning Bylaw Renewal Initiative
3. Choosing What to Regulate and Why: Creating a Robust Process for Drafting Regulations
4. Discussion Paper Highlights
5. What We Heard: Discussion Papers
6. What We Heard Report 2018 - 2019
7. City Plan Engagement Data Analysis: Zoning
8. Next Steps to Review Separation Distances for Cannabis Retail Sales

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
- A. Laughlin, Deputy City Manager, Integrated Infrastructure Services
- R. Smyth, Deputy City Manager, Citizen Services
- B. Andriachuk, City Solicitor