

Charter Bylaw 18837

Text Amendment to Zoning Bylaw 12800 - Amendments to the Overlay Created by Bylaw 18171

Purpose

To amend Zoning Bylaw 12800 to update and improve the Main Streets Overlay.

Readings

Charter Bylaw 18837 is ready for three readings after the public hearing has been held. If Council wishes to give three readings during a single meeting, then prior to moving third reading, Council must unanimously agree “That Charter Bylaw 18837 be considered for third reading.”

Advertising and Signing

This Charter Bylaw was advertised in the Edmonton Journal on April 26, 2019, and May 4, 2019. The Charter Bylaw can be passed following the third reading.

Position of Administration

Administration supports this Charter Bylaw.

Previous Council/Committee Action

At the January 29, 2019, Urban Planning Committee meeting, the following motion was passed:

That Administration proceed to Public Hearing with amendments as outlined in Attachment 4, of the January 29, 2019, Urban Form and Corporate Strategic Development report CR_6478, except that the following be added to section 819.6:

- 1. 2.5 metre setback at 8.9 metres when facing low-density residential*
- 2. Provision to remove variance power for larger bars*
- 3. Restrictions on parking, loading, and storage in the rear setback*

And remove the Mainstreet Overlay for 111 Street in Parkallen, and reinstitute the 21-day notice across the overlay.

Report

Background

On September 11, 2017, Administration presented the Main Streets Overlay for approval by Council, which replaced and expanded the previous Pedestrian Commercial Shopping Street Overlay. At that meeting, speakers from a number of neighbourhoods along 109 Street brought forward concerns with the proposed Overlay. After a year of discussions and analysis with a range of stakeholders, Administration presented a revised Main Streets Overlay at the January 29, 2019, Urban Planning Committee. At that meeting Council directed Administration proceed to Public Hearing with the Overlay as generally proposed, with three key changes to be made. These changes include:

- the addition of area-specific regulations for 109 Street;
- retaining the pre-notification requirements for all areas of the Overlay; and
- removing the Overlay from 111 Street in the Parkallen neighbourhood.

The following sections summarize the key proposed amendments emerging from stakeholder engagement, data analysis, and Committee direction. Further detail is provided in Attachment 2 - Description of Changes to the Main Streets Overlay.

Structure of the Overlay and Application of Regulations

Several development regulations within the existing Overlay do not function effectively when reviewing applications for minor alterations to existing buildings or sites. This leads to an increased number of variances and increased permit processing timelines, creating barriers for businesses wishing to reinvest in their property. The proposed changes to the Overlay structure clarify which regulations apply to new and existing buildings to ensure only relevant standards are applied.

Mixed Use Development

The proposed amendments create additional opportunity for mixed use development in main street and transit areas by removing existing restrictions on the amount of apartment housing allowed in commercial zones. This approach will create additional opportunities for mixed use in all areas of the Overlay. In the 109 Street area-specific regulations, the opportunity for increased height and floor area ratios in the (CNC) Neighbourhood Convenience Commercial Zone and (CB1) Low Intensity Business Zone are available only if mixed use development is provided, creating additional incentives for mixed use in these areas.

Setbacks and Stepbacks

The proposed amendments provide more flexibility in side setbacks to allow for parking, loading, storage and other similar activities, provided a 1.5 metre landscaped

buffer is introduced next to low scale residential properties. Shorter buildings will also be subject to setback requirements similar to other low scale zones. The amendments also propose a range of design features to reduce the perception of massing as alternatives to the existing requirement for a 2.5 metre setback at 8.9 metres in height. Based on community feedback, 109 Street Area Redevelopment Plan policies, and direction from Urban Planning Committee, these allowances will not apply in the 109 Street area.

Since the January 29, 2019, Urban Planning Committee meeting, Administration has also clarified the front setback requirements to ensure a visual break by preserving a minimum 2.0 m setback in the building above 14.5 metres in Height, regardless of the setback at grade.

Limits to Bars and Neighbourhood Pubs

The previous Pedestrian Commercial Shopping Street Overlay included a regulation which prevented Development Officers from allowing larger bars and nightclubs. This regulation was removed as part of the original Main Streets Overlay as larger bars and nightclubs were already discretionary uses in the underlying zones. Following direction from Urban Planning Committee, Administration has reintroduced the size limitation for Bars and Neighbourhood Pubs and Nightclubs in the 109 Street area.

Notification Requirement

Administration had initially proposed to remove the 21 day notification requirement for development permit applications with variances to the Overlay prior to the Development Officer making their decision. Following discussions at the January 29, 2019, Urban Planning Committee meeting, Council directed Administration to retain these requirements in the updated Overlay, which is reflected in the proposed amendments.

Privacy Screening for Rooftop Terraces

New development regulations have been introduced to the Overlay to require privacy screening where the location of the rooftop terrace faces an abutting residential property, based on feedback from community representatives.

Reducing Impacts of Vehicle-oriented Uses

The current Main Streets Overlay addresses drive-through windows but not other vehicular oriented uses, such as gas bars. The proposed regulations strengthen the development regulations governing vehicle-oriented development, requiring that these uses be located at the rear or to the sides of buildings facing a main street.

Glazing Requirement Reduction

The basic requirement for glazing is 70 percent for the ground level of any new development within the Overlay's boundaries. This requirement can at times create

hardships for existing buildings. Administration has included an exception clause to the Overlay that reduces this requirement to 50 percent for existing buildings.

Area of Application

Based on direction from Urban Planning Committee, the portion of the Overlay applying to 111 Street in the Parkallen neighbourhood has been removed. The Overlay has also been extended to the east side of 82 Street to provide consistency on both sides of this street. Other minor updates to the area of application have also been made based on community feedback, alignment with the 109 Street Area Redevelopment Plan, and to include full rather than partial properties.

Other Changes to the Overlay

The proposed regulations make a number of other administrative changes to improve the functionality of the Main Streets Overlay, including removing duplication and clarifying interpretation of regulations. More details can be found in Attachment 2 - Description of Changes to the Main Streets Overlay and Attachment 3 - Mark-up of Recommended Amendments to the Main Streets Overlay.

Policy

The proposed amendments supports the following policies in *The Way We Grow*:

- Policy 5.2.1.7 - Support traditional retail shopping streets as centres of community activity by:
 - Encouraging good quality development of a type, density and form compatible with the character of the area and adjacent uses.
- Policy 5.2.1.8 - Identify and encourage the creation of key pedestrian streets in each quadrant of the city to provide a focus for a walkable urban lifestyle.
- Policy 5.6.1.1 - Encourage new buildings adjacent to pedestrian streets to support pedestrian activity by providing visual interest, transparent storefront displays, pedestrian amenities and connections to interior spaces.
- Policy 6.2.1.3 - Design commercial centres based on a main streets concept to better accommodate pedestrians.
- Policy 6.2.1.8 - Support neighbourhood-oriented commercial corridors and local economic development initiatives through the Business Revitalization Zones.

Corporate Outcomes

The proposed amendment contributes to the following corporate outcomes:

- “Edmonton is attractive and compact” by introducing the Main Streets Overlay to enhance the quality of development along the city’s main streets.

Public Engagement

This report was circulated for a four week period between Tuesday February 12 to March 14, 2019 to the Edmonton Federation of Community Leagues, each affected Community League, Urban Development Institute - Edmonton Region, Canadian

Homebuilders' Association - Edmonton Region, Infill Development in Edmonton Association and each Business Improvement Area affected by the Main Streets Overlay. The feedback received from this circulation included a written submission from a representative of the Garneau Community League. Their submission highlighted several concerns related to:

- Perpetuating poor design in main streets
- Creating both barriers and providing inadequate regulations for additions to existing buildings
- Lack of alignment of the area of application with the 109 Street Corridor Area Redevelopment Plan
- Reduced setbacks for shorter buildings adjacent to low density residential
- Lack of clarity about notification requirements in the 109 Street area
- Undermining of transitional massing mitigation
- Changes to terminology
- Lack of transparency about the loss of landscaped area in setbacks
- Errors in the explanation of the history of size limitations for bars, neighbourhood pubs, and nightclubs

A number of adjustments were made to both the report and the proposed amendments in response to these comments including:

- Clarifying the range of design requirements that apply to existing buildings
- Applying all Overlay regulations for additions of height or floor area to existing buildings
- Updating wording to align the Overlay's area of application with the 109 Street Corridor Area Redevelopment Plan
- Maintaining smaller setbacks for shorter buildings outside of the 109 Street area to be consistent with allowances of the underlying zone
- Clarifying that notification requirements apply to the full Overlay area
- Removing a provision to allow facade articulation options in the 109 Street area
- Clarified rationale for updates to terms
- Additional wording in the report to highlight impacts to landscaping area
- Updates to correct information about the original application of the size restriction of bars and neighbourhood pubs

More details can be found in Attachment 2 - Description of Changes to the Main Streets Overlay and Attachment 3 - Mark-up of Recommended Amendments to the Main Streets Overlay.

Attachments

1. Charter Bylaw 18837
2. Description of Changes to the Main Streets Overlay
3. Mark-up of Recommended Amendments to the Main Streets Overlay