

# CITY SHAPING

Choosing Directions for Planning and Developing Edmonton in the Future

A Process of Bylaw Reform  
Executive Summary  
November 2000



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# EXECUTIVE SUMMARY

## Introduction

The need to revise the current Land Use (Zoning) Bylaw was first raised by public and industry during the 1996 Planning Process Round Table and in the report, *Towards a New Land Use Bylaw*, prepared by the Planning and Development Department in that same year. The Department report concluded that while the basic structure and foundation of Edmonton's Land Use Bylaw was solid, there were some significant areas of the Bylaw that needed renewal and change. This direction fit well with Provincial requirements that all municipalities review their land use bylaws in light of the new *Municipal Government Act*.

In the fall of 1997, City Council agreed that the Land Use (Zoning) Bylaw should be renewed in conjunction with the new Municipal Development Plan (MDP). The decision to embark on this project was consistent with many of the initiatives that Council had been involved with over the last few years, including the Municipal Development Plan and City Council's Vision for Economic Prosperity. In this dynamic environment, the development of a new zoning bylaw was seen as a contribution that the Planning and Development Department could make to the overall direction of the City. It is also recognized that the project included more than just a bylaw. It would provide City administration with the opportunity to advance its customer service focus and adhere to the recommendations contained in the new Municipal Development Plan for more aggressive approaches to implementing civic policy and achieving city goals.

The Land Use (Zoning) Bylaw reform process was launched in January 1998 and work began in earnest.

## Project Goals

The goals of the Land Use (Zoning) Bylaw reform process were to:

1. Review and update the existing Land Use (Zoning) Bylaw and correct problems identified with the existing regulations;
2. Create a seamless, customer focused regulatory process that encompasses all of the municipal decisions around land use and the occupancy of land; and
3. Provide innovative and effective solutions for the implementation of specific City Council land use policies, and assume a stronger role in the development of these solutions than occurs under the existing system.

These goals were founded on the principals of the Planning Process Round Table, City '97, City Council's Vision for Economic Prosperity, the Municipal Development Plan (*Plan Edmonton*) and the Corporate and Departmental Business Plans.

In addition to these general goals, the Department expected that a new zoning bylaw would allow it to:

- respond to public and industry concerns raised during the 1996 Planning Process Round Table;
- address both Corporate (City '97) and Departmental business objectives to provide customer-oriented service delivery; and
- correct a number of major problems that had been identified in the existing 20-year old Land Use (Zoning) Bylaw, including the conversion of the zoning classifications for the lands annexed to Edmonton in 1981.

## Principles

From the beginning, the City of Edmonton Planning & Development Department was committed to an open and transparent process that would be driven by the people most affected by changes to the Land Use (Zoning) Bylaw. At every step of the process, progress was checked with stakeholders, new ideas were tested and feedback was used to inform the next step.

From this input, basic principles were established against which the Department could test possible bylaw text changes. These principles were:

- Focus on updating as opposed to setting out to break new ground.
- Do not upset the balance of influence that exists in the present system among development proponents and neighbors.
- Simplify wherever possible.
- Clarify the text so that there is a transparent relationship between what is written and what people ultimately see on the ground.
- Minimalize both text and issues that are regulated. Do not attempt to address everything that impacts the planning process.

## The Bylaw Reform Process

- **Step 1: Research and Information Gathering**

Between January 1998 and August 1998, Department staff identified the major areas of the existing Land Use (Zoning) Bylaw that needed to be reviewed for possible revision and explored a number of new ideas for changing the current approach to land use regulation. The results of this work were presented in nine discussion papers that:

- √ Documented areas in the present Bylaw in need of attention and provided a context for the need for change and renewal.
- √ Highlighted policy areas in *Plan Edmonton* that have implications for a new zoning bylaw.
- √ Introduced a number of ideas for change and provided a detailed review of four alternative zoning systems.
- √ Refined the more radical ideas for a pure performance-based approach into what was called the "Made in Edmonton Approach."

In August 1998, the Planning & Development Department presented a report to Executive Committee of City Council that recommended that an aggressive program of change be reviewed with stakeholders. This proposal called for a radical reshaping of the system to focus on a performance-based approach in place of the current use based approach. Executive Committee accepted the report as information and Planning & Development set out to test its major ideas.

- **Step 2: Idea Testing**

Following the decision of Executive Committee, a communications consultant was engaged to develop a strategy for testing ideas and options with key stakeholders. This process would allow the Planning & Development Department to solicit feedback at a very general level and very early in the process. It was decided that only ideas and issues that received customer support and would add value to the final Bylaw would be pursued further.

In March and April 1999, six Stakeholder Input Sessions were held with key stakeholder groups representing communities, builders and developers. Almost 100 individuals participated in the sessions, including 36 community members, 34 builders and 24 developers. Participants were selected as trusted representatives of their sectors. The goal of the sessions was to obtain effective input by testing specific ideas with appropriate stakeholders rather than simply seeking opinions.

To facilitate this process, ideas from Step 1 were refined and presented in a workbook that covered three general concepts:

- √ Updating the Land Use (Zoning) Bylaw.
- √ Managing Land Use, Development and Occupancy Services.
- √ Planning Enhancements.

These six input sessions were followed by two plenary consultation sessions in May and June 1999. The purpose of the first session was to confirm the results of the six Stakeholder Input Sessions and the second was to give participants an opportunity to view the results and to receive an outline of future action.

At the January 26, 2000 meeting of the Executive Committee, the Planning and Development Department reported that, while opinions from the various groups differed, the response from the Stakeholder sessions could be summarized as follows:

- √ stakeholders supported updating the existing Bylaw. However, they were much more supportive of the existing Bylaw structures and processes than had been anticipated;
- √ stakeholders supported a customer service focus but did not wish to change the balance between certainty and flexibility in the existing system nor the balance of influence between applicant and neighbour; and
- √ stakeholders supported a *limited* addition of innovation (performance-based approach).

In response to this input, the Department recommended that the new Bylaw follow direction taken from the following:

- √ a pure system of performance-based planning that restricts Council's role to policy formation is overly complex for the vast majority of development proposals and, therefore, should be limited to high level corporate objectives;
- √ the larger community is supportive of the existing Bylaw and planning processes; and
- √ there is both policy and stakeholder support for limited innovations around an industrial land strategy and an intensification strategy.

- **Step 3: Technical Update of the Bylaw**

In January 2000, the Planning and Development Department initiated an internal process to update the existing Bylaw, review potential customer information and service improvements, and look in depth at two specific performance-based innovations. This work fell into three distinct streams:

1. Updating the Bylaw.
2. Managing land use and development services.
3. Zoning innovations.

The intent of *Updating the Bylaw* was to have a bylaw that would meet the demands of a complex city in the new millennium. Project teams were formed to review different segments of the Bylaw and find ways to:

- √ Remove duplication.
- √ Remove redundancy (e.g another piece of legislation deals with this).
- √ Use plain language.
- √ Review all ad hoc and temporary additions made to the Bylaw over the last 20 years to ensure that the additions fit and are consistent with the rest of the Bylaw.

*Managing Land Use and Development Services* included a review of the Planning & Development processes within the City of Edmonton and a review of how information is accessed by and delivered to decision-makers, applicants and the general public. Project teams were to look for ways to:

- √ Enhance customer service.
- √ Significantly improve accessibility to and quality of information.
- √ Streamline the number of administrative steps in any given zoning procedure.
- √ Seek opportunities for parallel processes.
- √ Clarify responsibilities.
- √ Improve readability of documents.

Finally, *Zoning Innovations* considered possible innovations in three areas: Industrial Zone, Industrial Plan Preparation and Mature Neighborhoods Residential Zoning. Responding to community direction that any innovations be treated cautiously, the project team:

- √ Followed the direction laid out by Plan Edmonton.
- √ Developed a framework for a new single Industrial District and Industrial Plan.
- √ Implemented existing regulations relative to mature districts.
- √ Reviewed best practices in other jurisdictions.

Throughout this process, each project and sub-project team undertook focused discussions with individual customer groups affected by specific changes for the proposed Bylaw. During the month of June 2000, the Department reviewed the major proposals for changes with specific groups of stakeholders. This included:

- √ A review of the 10 major ideas for change with a group of 15 invited stakeholders representing community interests, small business, homebuilders and land developers.
- √ A review of the proposed sign regulations with the permanent sign industry, the billboard industry and the portable sign industry.
- √ A review of the proposed parking regulations with a number of interest groups.

- √ A review of the proposed new industrial zone with 14 stakeholders representing industrial developers, land developers and real estate agents. In addition, two local consulting firms were retained to provide a critical analysis of the proposed regulations.
- √ A review of the Mature Neighborhood Overlay with homebuilders and community representatives.

- **Step 4: Circulation of the Draft Bylaw**

In July 2000, the Draft Zoning Bylaw was broadly circulated for input. The circulation list included:

- √ City Council;
- √ civic departments and agencies;
- √ adjacent municipalities and counties;
- √ key customer groups including UDI, BOMA, the BRZs, the Chamber of Commerce, the Greater Edmonton Homebuilders Association, and the Edmonton Real Estate Board;
- √ the Edmonton Federation of Community Leagues; and
- √ individuals and organizations involved or expressing interest in the development of the plan.

The Draft Bylaw was also placed on the City web page and copies were made available in public facilities such as libraries. Information packages and a number of response vehicles were provided to facilitate input from individuals and groups, these included:

- √ e-mail directly to the Bylaw reform project team in the Planning and Development Department;
- √ an interactive telephone service; and
- √ telephoning the Department directly.

Meetings to provide an overview of the Draft Bylaw were held with key industry groups, including the sign industry, the Urban Development Institute, the Edmonton Real Estate Board, and the Greater Edmonton Home Builders Association. The Department also met with community groups and representatives such as a special committee of the Edmonton Federation of Community Leagues and specific Community Leagues. Several of these overview meetings led to the formation of review committees by the individual organizations and the subsequent preparation of formal submissions on how the Draft Bylaw could be improved.

Communications during this period were guided by the following principles:

- √ **Plain language.** Recognizing that Planning and Development language is often technical, this process will emphasize the use of layman's language throughout.
  - √ **Informative not consultative.** Testing proposed changes to the Bylaw is an information process. The purpose of testing is to obtain input and feedback, not to seek approval or consensus. The mandate for change is clear: the Bylaw will be reworked and updated. There will not be a wholesale rewriting.
  - √ **Transparent.** Phase One consultation set a precedent for openness and clarity with stakeholders. The follow-up communication phases will continue that approach.
  - √ **Goal Oriented.** All communications activities will help to move the project toward approval by Council and ultimately towards acceptance by stakeholders and general public.
- **Step 5: Approval of the Draft Bylaw**

The Department received input from groups, industry sectors and individuals, in the form of both informal feedback and formal submissions. In response to this input, the Department has made several changes and adjustments to the original proposal. In addition, it has worked through issues raised by other Departments and agencies such that there are no technical or policy conflicts.

The final Draft Zoning Bylaw has now been placed on the City's web page and in public facilities such as libraries. A summary report of key issues that were addressed in the Draft Bylaw or that have arisen as a result of changes to the Bylaw has also been prepared.

A Public Hearing as set out in the Municipal Government Act has been scheduled for January 2001. This meeting will be formally advertised to invite additional citizen input.

## Highlights Of The Proposed Zoning Bylaw

The primary changes to the existing Zoning Bylaw can be summarized in the following key themes:

- **Conversion of Annexed Lands to City of Edmonton Zoning Bylaw**

The "annexed lands" were acquired by the City of Edmonton from the surrounding municipalities of the County of Strathcona, Sturgeon County, County of Parkland and the City of St. Albert on January 1, 1982. However, these lands were never incorporated into the fabric of the City's current Land Use (Zoning) Bylaw. As a result, the review and administration of development proposals in the annexed lands has been difficult, requiring City of Edmonton administrators to work within four different Land Use Bylaws, each with their own approaches and regulations.

These bylaws are considerably out of date and often conflict with other City of Edmonton policy and procedures. City Council has looked at plans to convert these provisions to City of Edmonton provisions several times but because of the costs involved (some estimates as high as \$400,000) it was never accomplished. The process of Bylaw reform was so extensive that the conversion of the annexed lands could be accomplished within the overall aims of the project. The Proposed Bylaw completes the conversion of all of these lands to zones within a single bylaw all of which are in line with City of Edmonton policies and procedures. *See Issues Report – Annexed Lands.*

- **Simplification of Overlay System**

The 1980 Land Use Bylaw established a tool called Overlays to allow for the modification of regulations for portions of the City without having to create new zones each time. This provision has brought some major advantages for dealing with special circumstances. However, it has also added a level of complexity to the system and the use of Overlays has changed over time. The new Zoning Bylaw proposes to replace the 49 variants of standard zoning contained within the 11 Statutory Plans with 5 "off the shelf" solutions. This change recognizes that zoning is an attempt to simplify controls to a core of key regulations affecting key impacts arising from development. The change is being made because:

- √ the current provisions have been written at different times with different approaches but to very similar issues. A simplification and an up-to-date drafting approach will make the new provisions more sustainable overtime;

- √ the new provisions can be offered to a wider area of the city than the present provisions thus offering planning solutions to issues in these areas that are not presently available; and
- √ this new approach follows the direction given by Council when considering the Mature Neighbourhood Overlays.

It is important to note that the basic tool of an Overlay has not been changed or removed from the Bylaw. Flexibility still exists to deal with new issues as they arise. *See Issues Report - Overlays.*

- **Use of Direct Control**

The Existing Land Use (Zoning) Bylaw has 5 separate provisions for the use of Direct Control. The Proposed Bylaw simplifies this to just 2 provisions. One provision will be used in conjunction with Heritage designations and the implementation of City Policies. The second provision will be available to applicants who have a special development proposal that will not fit within existing zones.

In preparing the Proposed Bylaw the Department has reviewed how Direct Control has been used over the last 20 years and has made changes to the conventional zones in an attempt to reduce the requirement for Direct Control applications. The Proposed Bylaw also strengthens the requirements for submissions for Direct Control to require that applicants be much more specific in their proposals and to give Council much more certainty as to the outcome. This has been necessary because Direct Control has drifted towards a system of presenting less detail at the actual application stage and relying on discretion later on to resolve issues. This can lead to development that bears little resemblance to what was discussed at the time of the Council approval. Such a system is not Direct Control or Zoning and must be addressed. *See Issues Report – Direct Control.*

- **Affordability**

While housing costs in Edmonton remain relatively competitive with other major municipalities, the question of affordability is always important. The Department has reviewed issues raised by industry organizations and made some minor adjustments. However, issues of lot size, side yard provisions, and density and building bulk provisions have ramifications beyond just affordability. The proposed Bylaw attempts to balance the need for affordability with the ultimate living environment created not just on the site in question but in the surrounding area in all of the changes that are proposed. *See Issues Report – Required Lot Widths and Floor Area Ratio (FAR).*

- **Information and Notification**

A zoning bylaw is part of a larger Planning Process. The Planning Process is designed to guide the preparation and development of land from one state to another. For example, the Planning Process in Edmonton includes a Municipal Development Plan to set overall goals and directions, Area Structure Plans and Area Redevelopment Plans to specifically guide change in certain areas. It also includes processes for changing the zoning designations of property and for obtaining development permits. Each of these steps in the process provides opportunities for input from neighbours.

The Department has reviewed all of these provisions and has presented some major innovations in the Proposed Bylaw. There has been an attempt to standardize how notification opportunities are advertised and facilitated across all processes to reduce confusion. There have also been major advances on how information is distributed. A combination of these efforts has allowed the Land Use (Zoning) Bylaw to be simplified in terms of the types of notification and the amount of information that will be available has significantly increased. *See Issues Report – Notification.*

- **Restaurants**

The present Land Use Bylaw includes 2 definitions for restaurants. This has led to a situation where the impacts of some restaurants on local areas far exceed what is acceptable. The Proposed Bylaw divides restaurants into 4 categories. Specialty Food Services will not include alcohol service. Restaurants will not include a lounge. Pubs and Neighbourhood Bars may include both a restaurant and a lounge but will not include entertainment. Nightclubs will include entertainment.

These new use classes will be distributed such that the higher impact uses are directed away from local residential areas, and Nightclubs will be a discretionary use in all cases. *See Issues Report – Restaurants.*

- **Parking**

The existing parking regulations have not been comprehensively reviewed since 1961. As part of the process of preparing the new Zoning Bylaw the parking regulations have been reviewed by a consultant, compared to practices in other major cities in western Canada, and compared to best practices. The Proposed Bylaw includes increases in parking requirements for such uses as health services and nursing homes, churches, large commercial facilities and visitor parking associated with multifamily residential development. It also includes reductions in parking requirements for some small commercial developments, and improvements to the design of parking lots and access and egress from parking lots. *See Issues Report – Parking.*

- **Signs**

The sign provisions have been completely redone. Emphasis of the regulations has shifted from regulation of the message to regulation of the physical structure of signs. Signs have been categorized into Use Classes to avoid confusion about what is allowed and where it is allowed. The regulations have been made more flexible for on premise signs (e.g. local businesses) and slightly more restrictive for off premise signs (e.g. billboards) and temporary signs (e.g. portable signs). *See Issues Report – Signs.*

- **Industrial Development**

The Proposed Zoning Bylaw signals a major new direction for the regulation of industrial development. The present Land Use (Zoning) Bylaw uses a traditional use based zoning system to separate light medium and heavy industrial uses. While this approach will continue for the present, it is not sustainable given the growing pressures to deal with issues like risk management, contamination and economic development.

The new Proposed Bylaw introduces a single industrial zone that will be based on the performance of the proposed development as opposed to the actual use. This approach fits well with other initiatives coming from the Municipal Development Plan and from work being sponsored by Economic Development Edmonton. The Municipal Development Plan calls for an Industrial Land Strategy and work is currently underway on this strategy. In addition, Economic Development Edmonton is leading a Cluster Study. Both of these initiatives will help define the best direction for future industrial growth and will help define the geographical locations of this growth.

The Department is also developing the prototype of a new industrial plan that will make the single industrial zone functional. The Proposed Bylaw is providing the basic tool kit for the policy work that is underway and within a year the I Zone will replace the use of IB, IM, and IH for a portion of Edmonton's industrial areas. *See Issues Report – Industrial Development.*

- **Certainty versus Flexibility**

Any zoning bylaw is intended to provide both property owners and neighbours certainty on what might happen on a particular piece of land. However, there must also be a degree of flexibility within the system in recognition that not all issues can be rigidly regulated. The Proposed Bylaw has taken two specific actions to aid in the understanding of Certainty and Flexibility without upsetting the necessary balance between these 2 elements:

- √ First, the Proposed Bylaw has reduced the number of permit classes from 4 to 2. The 2 classes simply divide permits into either Permitted Development or Discretionary Development.
- √ Second, in preparing the proposed Bylaw, each instance in the existing Bylaw where discretion (flexibility) is identified was reviewed to ensure that there were some parameters placed on it and the use of discretion was clearly recognized.

These two actions were taken so that necessary flexibility was maintained, while making it possible for an individual to predict what is a Permitted Development, where no notification would be required, and what is Discretionary Development, which does require notification.

- **Information Delivery**

A final key outcome of the Bylaw reform process was the development of initiatives that will significantly improve the delivery of timely information to both development proponents and residents. At the core of these initiatives will be a series of products available on the City's Web page and based on the City's new consolidated database that is being prepared as part of the Spatial Land Inventory Management (SLIM) project. In addition, the text of the Bylaw will be available on the Web and customers will be able to view the land use map and use it to link to property addresses and relevant sections of the Bylaw. Also available and linked by address will be maps and text of statutory plans such as Area Redevelopment Plans, Area Structure Plans and Neighbourhood Plans.

The long term plan is to expand the Web site to include explanations about the regulations and other important information about the planning process. Ultimately this system will not only improve information availability but will also help the Department continue to offer better customer service and to refine processes.

## What The Bylaw Reform Process Did Not Do

The process to update the zoning Bylaw did not include the development of new policies. As such, issues and/or policies that have already been addressed by Council, such as those regarding group homes and liquor stores, were not revisited or revised in the Bylaw reform process

This process also did not consider the appropriateness of any particular zone on any particular parcel of land. In other words, development of the Proposed Bylaw did not provide an opportunity for property owners to seek rezoning of their land.

## Conclusion

The process used to prepare the Proposed Zoning Bylaw has been both effective and efficient. It has been open, responsive to input and fair while making best use of the time and resources available.

The Proposed Bylaw reflects the directions set by the public process. The process has updated the document and fixed things that were broken but has not altered the balance of influence that exists amongst the various participants in the planning process.

The Proposed Bylaw has simplified growing complexities in areas like Overlays and Direct Control.

The Proposed Bylaw has maintained the balance between certainty and flexibility and at the same time clarified when discretion is being used and when it is not. This has served to make the Proposed Bylaw more predictable than the existing Bylaw, helping clarify for applicants what will be approved and for neighbours what might develop beside them.

The Proposed Bylaw has provided innovation where practical and necessary, as in the case of industrial land use regulation.

The Proposed Bylaw and the project to develop it have also made best use of emerging technologies ensuring that the new Bylaw is accompanied by an information delivery system that is second to none.

All Zoning bylaws have a shelf life and, therefore, must be renewed. This has been achieved through this Bylaw reform process.

