

ZONING BYLAW RENEWAL INITIATIVE

DISCUSSION PAPER

7

DIRECT CONTROL
ZONES

Edmonton

July 2020 | edmonton.ca/ZoningBylawRenewal

These papers were created in 2020 to support Phase 1 of engagement.
The content of these documents is subject to change as the draft Zoning
Bylaw continues to be refined.



HOW TO USE THE DISCUSSION PAPERS

The discussion papers provide an entry point into the world of zoning by breaking it out into understandable parts and allowing Edmontonians to select topics that interest them. They explore various aspects of zoning and the new Zoning Bylaw, and provide the preliminary thinking and direction for the approach it may take. Please refer to the [Overview and Philosophy of the New Zoning Bylaw](#) for more information.

These papers are a **first attempt** at exploring potential directions for new zoning regulations. All Edmontonians – from developers to residents – are encouraged to explore the topics that interest them and provide feedback through the [Engaged Edmonton](#) platform. Information gathered through the discussion paper conversation will be used to help inform how the new Zoning Bylaw will be written.

TOPICS



PHILOSOPHY OF THE NEW ZONING BYLAW



NODES & CORRIDORS



RESIDENTIAL ZONES



COMMERCIAL & INDUSTRIAL ZONES



AGRICULTURE & RURAL ZONES



OPEN SPACE & CIVIC SERVICES ZONES



SPECIAL AREA ZONES



DIRECT CONTROL ZONES



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CONVERSATION STARTER

How should the new Zoning Bylaw use **Direct Control Zones?**

1

The new Zoning Bylaw proposes to simplify zones by **consolidating uses and development regulations within standard zones**. This will mean taking a new approach to regulation, with **simpler and more adaptable standard zones that can accommodate a greater range of development**. As a result, the need to custom-zone sites and areas through the use of Direct Control zones **will be reduced**.

2

When used appropriately, a Direct Control zone is a beneficial tool that can **enable unique development or respond to a specific site context in ways that cannot otherwise be accommodated by the Zoning Bylaw**. Direct Control zones can function reasonably well in the short term and enable innovative development that keeps Edmonton's economy competitive and makes a positive contribution to the community **when no standard zone could achieve the same result**.

3

However, **control comes at a cost**. Direct Control zones **lack flexibility and adaptability over time, and add time and cost to the development process**. While it is important to ensure that unique development is regulated appropriately, Direct Control zones should only be used **in limited, specific situations**; otherwise, development will be over-regulated and Direct Control zones will hinder the development process more than aid it in the long term.

4

Takeaways

- + Direct Control zoning is **a useful and necessary tool when used in the right circumstances**.
- + Edmonton's **outdated and inflexible Zoning Bylaw**, coupled with an ongoing desire for **certainty and control** over development outcomes, **have led to a proliferation of Direct Control zones**.
- + The new Zoning Bylaw should **support flexibility and adaptability over prescriptive control by:**
 - Reducing the creation of DC Zones
 - Creating one type of DC Zone
 - Aligning DC Zones to the new Zoning Bylaw
 - Creating flexible and adaptable standard zones

GUIDING QUESTIONS

This discussion paper seeks to explore the following questions:

- + **What are Direct Control zones?**
- + When are Direct Control zones **appropriate?**
- + How are Direct Control zones **used in Edmonton?**
- + Why do Direct Control zones **need to change?**
- + What are **some considerations** for future Direct Control zones?

WHAT ARE DIRECT CONTROL ZONES?

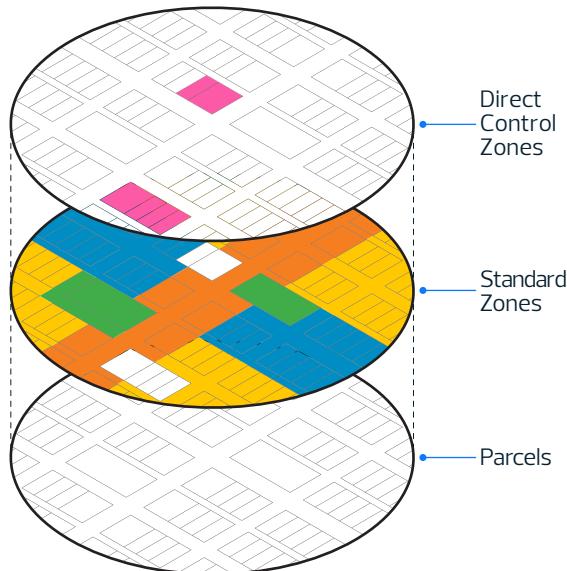
Most development fits within a standard zone. **Standard zones** generally apply across large geographic areas with similar characteristics. For example, in the current Zoning Bylaw, the RF3 – Small Scale Infill Development Zone is a standard zone.

However, if a landowner wishes to develop their property and a standard zone does not meet the needs of their proposed development, they may propose to rezone the property to a site-specific zone, called a **Direct Control zone**.

A Direct Control zone is typically sought where a proposed development diverges from the uses or zoning regulations currently allowed on the site, and a standard zone would not meet the needs of the site or development. It is a zoning tool that can be tailored to the specific site context and built form for more certainty in the development process. Direct Control zones are also used when required by a statutory plan or other Council-approved bylaw.

The Municipal Government Act enables Councils to control the use and development of land or buildings using Direct Control zones. For Edmonton, this means City Council approves a specific use or uses for a site or area, along with a set of development regulations ranging in detail from very prescriptive to very broad and aspirational.

Fig 1. Standard Zones & Direct Control Zones



WHEN ARE DIRECT CONTROL ZONES APPROPRIATE?

Direct Control zones are commonly used **to enable development that cannot otherwise be accommodated by a standard zone** – for example, large tower development. Because they are tailored to a specific site, Direct Control zones can also be used **to sensitively integrate development with surrounding properties**. They allow for additional community consultation during the rezoning process to help identify and mitigate potential impacts of development. Direct Control zones are appropriate in the following circumstances:

- + to accommodate development that **does not fit within the regulations of a standard zone**;
- + to develop a site with **unique character**, such as a comprehensively planned or major redevelopment site, or a site with an irregular shape or physical constraint;
- + to **ensure integration and mitigate land use conflicts** with surrounding properties;
- + to **establish, preserve or enhance areas of environmental concern**; or
- + to **establish, preserve or enhance areas of significant cultural or historic interest**.

Since the 1980s, Edmonton's Zoning Bylaw has accumulated over 1,300 Direct Control zones¹. While Direct Control zones offer many benefits, they also contribute to the overall length and complexity of the Zoning Bylaw, add time and cost to the rezoning and development permit process, and cannot easily change with the evolving needs of sites.

As the name implies, Direct Control zones are meant to provide control and certainty to the development process. This is necessary in certain instances, but the new Zoning Bylaw will be rooted in flexibility and adaptability to create a regulatory environment where businesses can thrive and innovate, and new forms of housing can be built to

meet the ever-changing needs of Edmontonians. By supporting a more flexible and adaptable approach to regulation, the new Zoning Bylaw should also support a reduction in the need for new Direct Control zones.

There have been times at Public Hearings that a proposed standard rezoning has not been supported due to real or perceived loss of control, and Direct Control zones have been favoured to provide greater certainty. Accepting less certainty in some cases will be a necessary tradeoff in order to support an adaptable regulatory environment that enables innovative development moving forward.

¹ See [Appendix 1](#) for a brief overview on the history of Direct Control zones in Edmonton.

HOW ARE DIRECT CONTROL ZONES USED IN EDMONTON?

Edmonton's current Zoning Bylaw has two different types of Direct Control zones. A **Direct Development Control Provision (DC1)** is typically used on sites with special historical or cultural interests or areas of unique character or environmental concern. A **Site Specific Development Control Provision (DC2)** is typically used for individual sites where a standard zone does not work. In order to understand how Direct Control zones are currently being used, those that were approved in 2018 and 2019 were reviewed against their intended purpose as defined by the Zoning Bylaw.

Direct Development Control Provision (DC1)

The Zoning Bylaw requires that DC1 zones are to be used for the following purposes:

- + areas of unique character or environmental concern, as identified by a statutory plan; and
- + areas or sites of special historical, cultural, paleontological, archaeological, prehistorical, natural, scientific or aesthetic interest, as designated under the Historical Resources Act.

Almost half of the DC1 zones approved from 2018–2019 are for areas identified by a statutory plan, while DC1 zones for historic or cultural purposes accounted for 17% of applications as seen in [Table 1](#).

In addition, updates to existing DC1 zones accounted for over a third of applications during this time period. Nearly half of these were specifically to allow for the Cannabis Retail Sales use. Direct Control zones do not evolve or adapt over time, so a rezoning would be required in order for these sites to keep pace with regular updates to the Zoning Bylaw.

Overall, it seems that the majority of DC1 zones are being used as intended, but there is one trend that suggests the current DC1 application criteria need to be re-examined. Over this time period, about one-fifth of new DC1 zones were used to accommodate low density housing in greenfield areas. While this type of low density housing

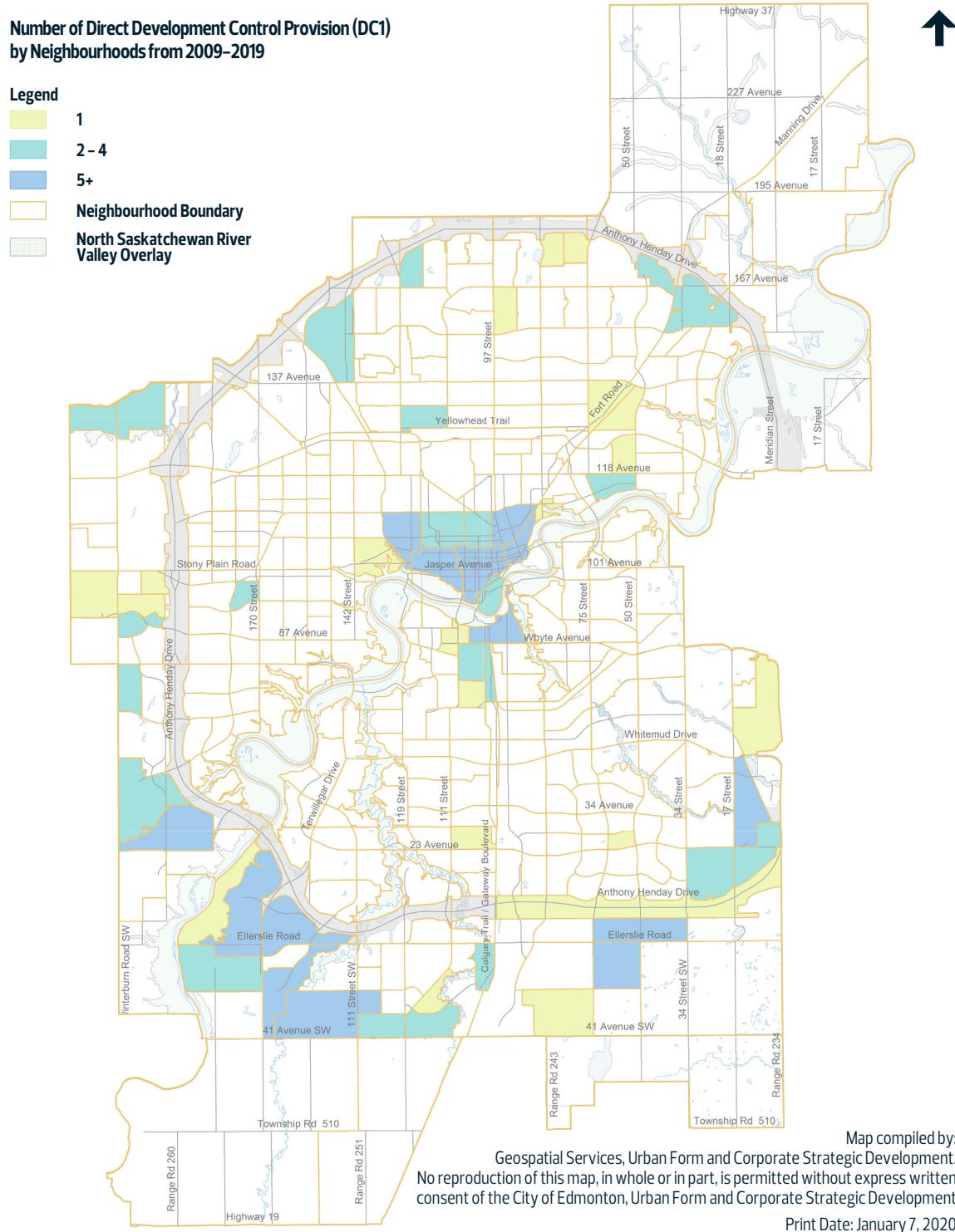
was directed by a statutory plan, it is not clear how the areas where these DC1 zones are being applied qualify as having "unique character" as outlined by the General Purpose of the DC1 Zone (Section 710.1.a). While it can be argued that all development sites have characteristics that make them unique in some way, it seems that in these cases the DC1 zones were being used for lack of a better alternative.

Table 1. Frequency of DC1 Zone Application Criteria from 2018–2019 (based on 59 DC1s)

Zoning Bylaw Section	DC1 Application Criteria	%
710.1.a	Specified by a Statutory Plan	47%
	Existing Statutory Plan direction	14%
	Innovative Housing	31%
	Environmental Concern	2%
710.1.b	Historic or cultural interest	17%
N/A	Update existing DC1 (update uses and development regulations)	37%
	Adding Cannabis Retail Sales use	17%
	Other updates	20%
	Total	100%

Fig 2 illustrates this trend, showing the areas where DC1 zones were used from 2009–2019. Over this time, **DC1 zones were most frequently used in and around the downtown core, and in developing suburban areas.** The use of DC1 zones in new suburban areas indicates that **existing standard zones are not meeting the changing needs of the housing market or City policies.**

Fig 2. DC1 Zones by Neighbourhood from 2009–2019



Site Specific Development Control Provision (DC2)

The Zoning Bylaw requires DC2 applications to be used in cases where:

- + the proposed development exceeds the development regulations of the closest standard zone;
- + the proposed development requires specific regulations to minimize land use conflicts;
- + the proposed development site has unique characteristics that require specific regulations; or
- + the ongoing operation of the proposed development requires specific regulations.

105 DC2 zones approved in 2018 and 2019 were analyzed to see if they met these criteria. Some applications were made for more than one reason.

Results in [Table 2](#) indicate that the DC2 application criteria would benefit from further refinement. None of the DC2 zones analyzed cited "the ongoing operations of the proposed development requires specific regulations" as the reason for the application. This could be because of the similarity to "specific regulations to minimize land use impacts," referring to nuisances and surrounding land use compatibility. Updating the language and clearly outlining the reasons for making a Direct Control application would provide clarity for the user and could remove unnecessary or irrelevant criteria.

The majority of DC2 rezonings were initiated due to the proposal exceeding development regulations or differing from the uses allowed under the standard zone. The most frequent reason why a

DC2 Zone would exceed development regulations from the closest equivalent or standard zone was adding new uses, increases to density, height, and floor area ratio.

Over a third of DC2 Zones cited the importance of minimizing land use conflicts, by ensuring compatibility with surrounding development and limiting the creation of any nuisances such as noise, smell, or dust. Regulations aimed at improving compatibility with surroundings could include the use of setbacks from a tower development or appropriate landscaping for a transition between adjacent sites.

About one third of the total number of DC2 rezonings were updates to existing DC2 zones to add uses and development regulations. The addition of the Cannabis Retail Sales use was responsible for over half of these amendments.

The use of DC2 zones for developments on sites with "unique characteristics" is intended for atypical sites. The fact that this criterion was not frequently cited could suggest that it requires clarity. These could be large redevelopment sites, or sites with an irregular shape, inherent geographical or geological constraint (e.g., a rocky outcropping), or a unique site context that is not otherwise contemplated by the standard zones of the Zoning Bylaw. Innovative development such as the City's [flag lot pilot project](#) fit this category since it allowed for a special lot configuration for ownership of a garden suite.

Table 2. Frequency of DC2 Zone Application Reasons from 2018–2019 (based on 105 DC2s)

Zoning Bylaw Section	DC2 Application Criteria	Frequency
720.2.1.a	Exceeds the development regulations of the closest standard zone	62%
720.2.1.b	Requires specific regulations to minimize land use conflicts	37%
720.2.1.c	The proposed development site has unique characteristics that require specific regulations	2%
720.2.1.d	The ongoing operation of the proposed development requires specific regulations	0%
N/A	Updating an existing DC2	34%

A mapping analysis of the distribution of DC2 zones across the city from 2009–2019 found that these zones were commonly located in the central core for medium to high-rise mixed-use tower development, for large neighbourhood redevelopments such as Bonnie Doon and

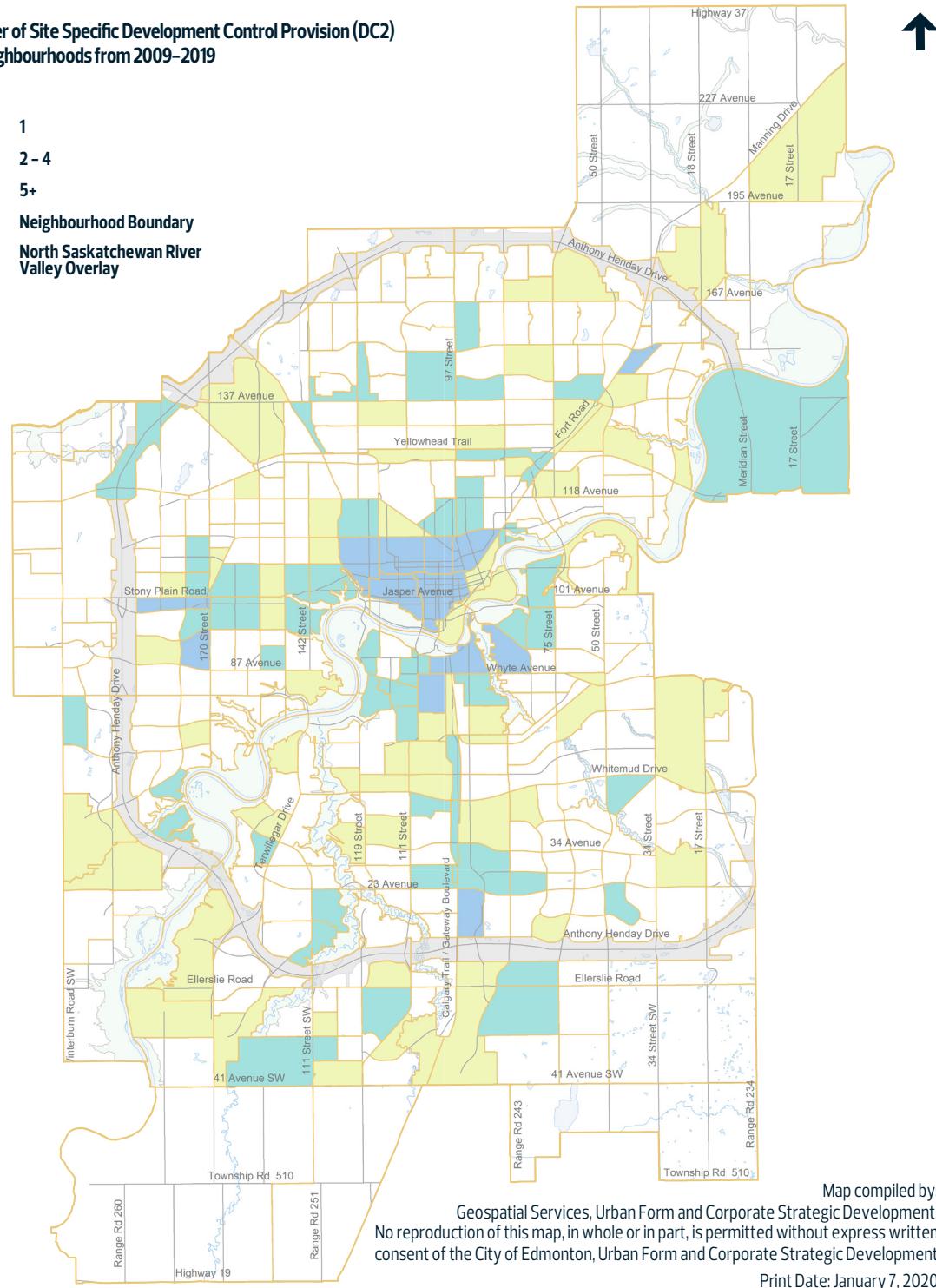
Century Park shopping mall redevelopments, and along commercial corridors for more mixed-use opportunities, as shown in [Fig 3](#). These DC2 zones tend to be used on sites with highly complex urban contexts where higher degrees of specialization and greater control are desired.

Fig 3. DC2 Zones by Neighbourhood from 2009–2019

Number of Site Specific Development Control Provision (DC2) by Neighbourhoods from 2009–2019

Legend

- 1
- 2 – 4
- 5+
- Neighbourhood Boundary
- North Saskatchewan River Valley Overlay



Public Benefits

As demand increases for urban living and commercial space, new developments are proposed in older neighbourhoods. Redevelopment can benefit communities by bringing new people to local schools, shops and increasing housing and employment choices. However, with these positives, redevelopment presents new challenges for existing communities and strains the capacity of local amenities.

An important element of Direct Control zones is the opportunity they provide to obtain affordable housing and community amenities which serve to mitigate the impacts of the proposed development. This could include improvements to the public realm, larger units for families, upgrades to a public park, heritage preservation, or public art. This is currently achieved through the following Council-approved policies.

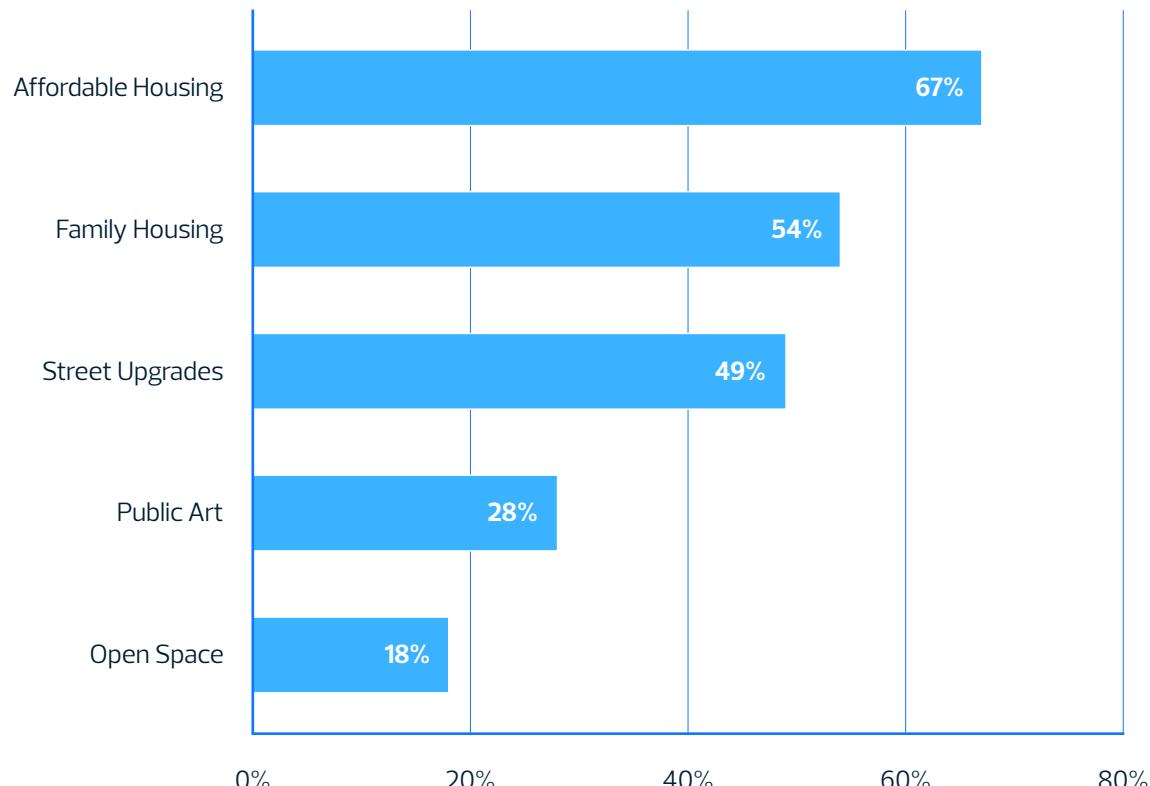
The [Developer Sponsored Affordable Housing Policy \(C582\)](#) applies to any rezoning to a Direct Control zone that meets the minimum project size requirement and increases development rights

from the current zoning. The developer will either offer 5% of residential dwellings at 85% of market value for affordable housing purposes or have the option to pay cash in lieu.

Secondly, when a Direct Control rezoning is proposed for a redevelopment site in one of Edmonton's older neighbourhoods, and proposes to increase floor area ratio by 5% or more, the City's [Community Amenity Contributions in Direct Control Provisions Policy \(C599\)](#).

From 2018–2019, 40 of the 105 DC2 zones analyzed included public benefits intended to mitigate the impacts of development permitted in these zones. Among these applications, affordable housing was included the majority of the time (in alignment with the Developer Sponsored Affordable Housing policy), while the most frequent community amenity contributions included family oriented housing of three bedrooms or more, street upgrades to promote a friendly pedestrian experience, public art, and increased open space.

Fig 4. Frequency of Public Benefits in DC2 Zones from 2018–2019 (based on 40 DC2s)



WHY DO DIRECT CONTROL ZONES NEED TO CHANGE?

Direct Control zones allow for greater control of a site's use and development outcomes. This can be both a benefit and a drawback as there can be many tradeoffs between Direct Control zones and standard zones. **Control is a double-edged sword.** On one hand, **it can enhance predictability** for the landowner, the community, Council, and Administration during the rezoning and development permitting stages. On the other, **it places a greater cost on the landowner** at the early planning stages and can **limit development opportunities** over time through over-regulation.

Enabling a more adaptable regulatory environment will require the City to let go of a degree of control in some cases, and to be more comfortable not having all development details available at the rezoning stage. **Table 3** summarizes the **benefits and challenges** of standard and Direct Control zones as they are currently used.

Table 3. Benefits and challenges of standard versus Direct Control zoning

	Benefits	Challenges
Standard Zoning	<ul style="list-style-type: none"> + Greater flexibility: can evolve over time and allow for variances at development permit review + Allows for greater adaptability to changing market trends + Shorter review time and lower costs for Administration + Lower application costs + Consistent user experience with uses and development regulations 	<ul style="list-style-type: none"> ✗ Perceived uncertainty or fear of unknown development ✗ Potential for less public engagement during rezoning since proposed design is not required with standard zone ✗ Generalized approach to regulation; not customized for specific site
Direct Control Zoning	<ul style="list-style-type: none"> + Customizable for a specific site, context or development form + Development features and design are determined earlier at the rezoning stage + Affordable housing and community amenities can be obtained + Environmental remediation can be deferred to Development Permit stage + Earlier public notification 	<ul style="list-style-type: none"> ✗ Increases costs and application review and processing time for Administration ✗ Direct Control regulations do not evolve over time ✗ Less flexibility since variances are often not permitted ✗ Requires notification at the Development Permit stage ✗ Higher application costs ✗ Inconsistent or subjective regulations are difficult to interpret and enforce ✗ Older Direct Control Zones may be formatted inconsistently

“Locked in time”

Direct Control zones in Edmonton were analyzed from 2009–2019. As shown in [Fig 5](#), the use of both DC1 and DC2 zones increased over this period.



The sheer number of Direct Control zones has created a Zoning Bylaw maintenance problem since the uses and development regulations are often written so that they do not evolve over time. Direct Control zones are “locked in time,” which results in a lack of flexibility for landowners if plans should change, or as the Zoning Bylaw is regularly updated. [Fig 5](#) identifies a large spike in DC2 applications in 2018 due to the legalization of cannabis and introduction of Cannabis Retail Sales as a permitted use in the Zoning Bylaw. This clearly illustrates a limitation of Direct Control zoning, as the introduction of a single new business type required property owners to rezone their property to accommodate this use. Unlike standard zones, this “evergreening” to keep pace with new and emerging industries, development forms and market trends is not reflected in Direct Control zones, which remain frozen in time as of the date they are approved by Council.

Complex user experience

Direct Control zones can negatively impact the user experience of the Zoning Bylaw by adding to its overall length and reducing clarity for inexperienced bylaw users around what rules apply. Direct Control zones can create a more complex user experience for the public, Administration and Council since these zones all have customized regulations that require additional review and interpretation.

Limited potential for variances

Development Officers are unable to vary most regulations in Direct Control zones since the regulations are treated as a contract between the landowner and Council. This can create inflexibility or a barrier to development since the landowner may have to rezone again for even minor changes to their development regulations. Most development permit applications in Direct Control zones are considered discretionary development under the current Zoning Bylaw and therefore require notification, which extends timelines and creates the potential for appeals.

Depending on how the regulations of a Direct Control zone are written, some discretion to vary regulations may be possible. For example, in some cases, the applicant may require some flexibility to accommodate minor changes that can occur as the design details of a project become more certain. This flexibility can be achieved in a number of ways:

- + where the Direct Control zone is silent on a regulation,
- + where it refers to a specific section in the Zoning Bylaw, and
- + under appropriate parameters, variance powers can be explicitly added to the Direct Control zone.

Expensive and timing consuming

The Direct Control rezoning process is more costly and time consuming for the applicant, Administration, and City Council in comparison to a standard zone. Notification is often required prior to making a Direct Control application, which extends the overall timeline. New development attributes that deviate from a standard zone require more scrutiny from Administration. The additional review time is reflected in the rezoning application costs. Direct Control zones also increase the review time of development permit applications, where tailor-made regulations and the periodic need to reference old bylaws and statutory plans can add complexity to the review process.

The time and cost involved in the Direct Control zoning process creates a barrier to development,

which may impact its viability. The new Zoning Bylaw is intended to support excellent service delivery, and that involves creating a regulatory environment where barriers to economic activity are minimized. However, there will still be cases where the time and cost of the rezoning process should be balanced with the need for greater scrutiny and public input to enable sensitive integration where the scope and scale of development merits it.

Inconsistency

Consistency and quality control in the writing of Direct Control zones is a challenge since these zones date back to the 1980s. Each new Direct Control zone is custom made, and the variability in writers and intended outcomes impacts the quality and enforceability of regulation. For example, well-intentioned but subjective language such as "harmonious exterior", or "pedestrian-friendly", are often used in an attempt to achieve better design. However, regulations like these are difficult to enforce because their subjectivity can be difficult for a Development Officer to quantify or defend at the Subdivision and Development Appeal Board.

Many staff at the City of Edmonton and external groups rely on the Zoning Bylaw for their own work. Sifting through inconsistently formatted and written Direct Control zones requires more time to decipher and makes it difficult to compare information. For example, the Taxation and Assessment group will review Direct Control zones to inform a property's tax assessment. Being able to find information quickly and interpret it correctly will improve day to day operations and allow for a more efficient analysis.

The City of Edmonton created a [Guide to Writing \(DC2\) Site Specific Development Control Provisions](#) in 2019, which provides applicants and Administration with general guidance for the structure and formatting of Direct Control zones. The guide also provides examples of good and bad development regulations to help applicants submit more enforceable Direct Control zones. Over time this guide will help to improve the consistency of Direct Control zones and will need to be updated to reflect any changes in the way Direct Control zones are used.

Recognizing trends

A benefit of Direct Control zones is that they can be used to test the market with new development forms when a standard zone does not serve the needs of a site or area. In some cases an amendment to the standard zone may be appropriate, but in others it may not be feasible or the time lag to amend a standard zone cannot keep pace with the changing needs of the market. Creating a new standard zone is very costly and time consuming for an applicant, and a Direct Control zone may be a better short-term alternative to test new development forms. A case study of one standard zone, the Residential Low Density Zone (RLD), highlights both the limitations of the Zoning Bylaw's current standard zones and the need to redefine how Direct Control zones are used.

Case Study: Residential Low Density Zone (RLD)

From 2015–2018, several greenfield areas were rezoned to DC1 zones by developers seeking to facilitate low density residential housing with no lot width or site area minimums and the option for zero lot line development. The housing forms being sought were not possible in any other low density residential zone at the time. Variations of these DC1 Zones spread quickly to all quadrants of the city as statutory plans were amended to allow for this development.

To avoid the continued use of Direct Control zoning in these situations, developers proposed a new standard zone in 2017, the Residential Low Density Zone (RLD), which was later adopted in 2019. The RLD Zone allowed for more compact low density housing forms, enabling more efficient use of land and infrastructure while achieving the [Edmonton Metropolitan Regional Board Growth Plan](#) density targets.

The RLD Zone case study illustrates a market-based solution to a shortcoming of the Zoning Bylaw. The needs of the housing market and the City's policies were not being met by the available standard zones, so Direct Control zoning was used to create a tailor-made solution until a new zone was eventually created to fill the gap. This case study also identifies the increased nimbleness that Administration will need to adopt to keep the new Zoning Bylaw current and responsive to emerging development trends, and to avoid the unnecessary proliferation of Direct Control zones.

When a new development trend is beyond the test phase and is part of the urban fabric, Administration should either undertake or highly encourage an amendment to a standard zone, or consider the merits of creating a new zone. Going forward, the new Zoning Bylaw aims for its standard zones to be simpler and more flexible in order to allow for innovation and resilience to changes in market conditions, and ultimately accommodate a wider range of development. As market trends evolve over time, the new Zoning Bylaw will need to be continually updated to remain relevant and effective at meeting the needs of a changing city.

Summary

There are times when a Direct Control zone is appropriate and proposed development should require additional review from the public, Administration and Council. However, it must be considered whether the **added time and cost** to the applicant, along with the **inflexibility** of the tool over time, are acceptable tradeoffs for the control or perceived control that is gained. A shift in thinking around standard zones and Direct Control zones will be one aspect that is needed to ensure the success of the new Zoning Bylaw.

In order to be a viable alternative to Direct Control zoning, **standard zones must be broad and adaptable enough to satisfy the evolving needs of the market.** With a comprehensive and effective set of standard zones in place, applicants looking to rezone can be encouraged to apply for a standard zone instead of defaulting to a Direct Control zone, as commonly occurs today. **Both the rezoning application and the development permit application will generate shorter processing timelines for standard zones.**

Fig 6. Why do Direct Control Zones need to change?

<ul style="list-style-type: none"> “Locked in time” + Lack of flexibility for landowners + Missing out on market trends 	<ul style="list-style-type: none"> Expensive and time consuming + Added time in notifications and reviews + May impact a project’s viability
<ul style="list-style-type: none"> Complex user experience + Difficult to find what rules apply + Complex review and interpretation 	<ul style="list-style-type: none"> Inconsistency + Not all DCs have the same quality + Discrepancies in language and format
<ul style="list-style-type: none"> Limited potential for variances + Creates more barriers for development permits + Can extend timelines + Increased opportunities for appeals 	<ul style="list-style-type: none"> Recognizing trends + Required ongoing maintenance to adapt to ongoing trends and limit the need for new DC zones



New Zoning Bylaw

Opportunities for:

- + Reducing the creation of DC Zones
- + Creating one type of DC Zone
- + Aligning DC Zones to the new Zoning Bylaw
- + Creating flexible and adaptable standard zones

WHAT ARE SOME CONSIDERATIONS FOR FUTURE DIRECT CONTROL ZONES?

In general, Direct Control zones have been used **more widely than necessary** due to the lack of adaptability in the current Zoning Bylaw. The new Zoning Bylaw will seek **to reduce the creation of new Direct Control zones** unless there is clear justification to use this tool and will revise or clarify the criteria to use a Direct Control zone.

In addition, an approach to align existing Direct Control zones to the new Zoning Bylaw will be developed. The new Zoning Bylaw aims to produce a simplified and adaptable set of standard zones to align with the draft City Plan policy directions as outlined in [Table 4](#).

Table 4. Proposed approach for New Zoning Bylaw to implement Draft City Plan policy directions

City Plan	New Zoning Bylaw	
Draft Policy Directions	Proposed Approach	Actions
Encourage diverse design and development in all neighbourhoods so communities can continue to evolve over time (3.1.3)	Support an approach to align existing Direct Control zones to the New Zoning Bylaw. DC zones do not evolve over time	+ Develop an approach to align existing DC zones where appropriate
Develop regulations and processes that are efficient, streamlined and easily understood in order to enhance Edmonton's competitiveness for investors and entrepreneurs (3.1.3.5)	Encourage simplified, flexible standard zones that allow for innovation in the built form before considering the more prescriptive DC zone	+ Reduce the creation of new DC Zones + Create one DC Zone for simplicity and clarify the reasons for using a DC zone
Adapt the planning and regulatory environment to support innovative business models and operations (3.2.1.1)	Reduce the use of Direct Control zones through the creation of more adaptable standard zones	+ Broaden the range of uses and development forms permitted in standard zones

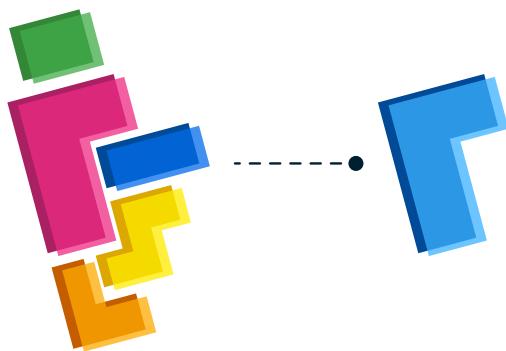
Reduce the creation of new Direct Control zones

The creation of more flexible standard zones that allow for a broader range of activities and development forms, and that are well updated with current market trends, should reduce the need for Direct Control zones. For example, the 2019 Zoning Bylaw amendments to enable more 'missing middle' (e.g., row housing and mid-rise apartment) development resulted in a decrease of Direct Control rezoning to accommodate these development forms.

In addition, a set of clearly articulated criteria in the Zoning Bylaw must be redefined to enable better gatekeeping and reduce the need for Direct Control zones. The proposed criteria could be informed by asking the following questions:

- + Could the development be accommodated by a standard zone?
- + Is the uniqueness of the development site enough of a constraint to justify the creation of a Direct Control Zone?
- + Does a statutory plan or the Historical Resources Act support the use of a Direct Control zone?

Gatekeeping the use of Direct Control zoning would need to be supported by administrative changes to ensure that the question of whether to use a Direct Control zone is given appropriate scrutiny. This could include updating application forms, templates and Council reports to emphasize the analysis on whether proposed development outcomes could be achieved through standard zoning. This will be a necessary step to support the culture shift that will be required to ensure that standard zones are recommended and used more frequently.

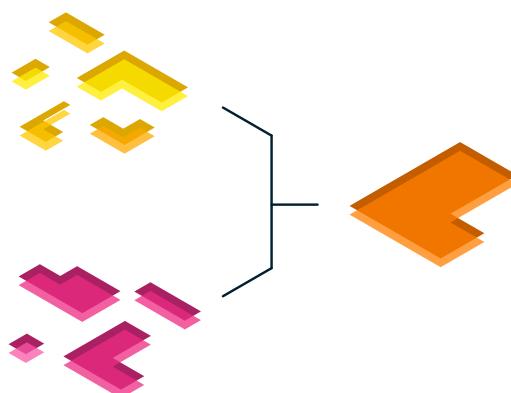


Create one Direct Control zone in the Edmonton Zoning Bylaw

To support the simplification and user-friendliness of the new Zoning Bylaw, it is proposed to collapse the two types of Direct Control zones (DC1 and DC2) into a single Direct Control zone. Having one Direct Control zone with a clearer purpose and application criteria guiding its use will help provide straightforward direction to applicants, citizens, Council and Administration to ensure that the tool is used as intended.

Geographically, DC1 zones are intended to be used for larger areas of land across multiple sites, but in practice they have been used for specific sites – primarily on heritage sites. DC2 zones are primarily used for specific sites. There does not seem to be any evidence to suggest that it is necessary to continue differentiating between the two different geographic scales. Therefore, collapsing DC1 and DC2 zones to a single Direct Control zone will contribute to a simplified regulatory approach.

A new Direct Control zone framework is proposed below to highlight what key elements should be included in the zone. Incorporating clearer application criteria and asking for strong justification to use a Direct Control zone will heighten the scrutiny around these zones and help to reduce the number of Direct Control zones going forward.





Direct Control Zone Framework

General Purpose

The purpose of this Zone is to provide for direct control of the Use, development, siting and design of buildings and disturbance of land where any other Zone would be inappropriate or inadequate as outlined by the Application Criteria, or where necessary to regulate:

- + areas of special environmental concern; or
- + historic or cultural areas or Sites designated under the Historical Resources Act.

Application Criteria

The Zone shall only be used under the following circumstances:

- + where the proposed development on a Site cannot generally be accommodated by the development regulations of the closest equivalent standard zone, which may include:
 - a unique built form and its integration with the surrounding area;
- + where the proposed development requires specific or comprehensive regulations on a Site to ensure land use conflicts with surrounding properties are minimized;
- + for a Site or area with unique character, which may include:
 - a Site with irregular shape, inherent geographical or geological constraints, or otherwise unique context that is not generally common to the land in the closest equivalent standard zone,
 - a comprehensively planned or major redevelopment Site, or
 - an area identified as unique by a statutory plan;
- + to establish, preserve or enhance areas of special environmental concern as identified in a statutory plan; or

- + to establish, preserve or enhance areas or Site(s) of special historical, cultural, paleontological, archaeological, prehistorical, natural, scientific or aesthetic interest, as designated under the Historical Resources Act.

Direct Control Zone Elements

- + Legal description of the Site or area
- + Uses
- + Development Regulations
- + Variance authority for the Development Officer (under appropriate parameters)
- + Site Plan and Elevations (if applicable)

Application Requirements

- + Strong and clear rationale explaining why the Direct Control zone is necessary and why a standard zone cannot achieve the same results
- + Minister or Council written approval if the historical or cultural resource is designated under the Historical Resources Act (if applicable)
- + Notification criteria (where applicable)

NEXT STEPS

A simplified, easy to navigate, flexible and adaptable Zoning Bylaw **should encourage the use of standard zones and limit the use of Direct Control zones.** Direct Control zoning is a useful tool where development cannot be appropriately accommodated through standard zoning. However, the benefits of the control or perceived control gained through Direct Control zones comes at a cost. **Letting go of some measure of prescriptive control will require the support of residents, industry, Administration and Council.**

Align existing Direct Control zones to the new Zoning Bylaw.

Alongside the creation of the new Zoning Bylaw, Administration will develop options to align existing Direct Control zones to the new Zoning Bylaw. **This approach could include rezoning to the closest equivalent standard zone, incorporating site-specific elements into the standard zones, or, in limited circumstances, developing regulations that would allow for existing direct control regulations to more closely align with the new Zoning Bylaw.**

If rezonings were to be initiated for Direct Control zones, they would need to go through the standard rezoning process and each would require:

1. its own bylaw,
2. the landowner's permission,
3. notification and potential engagement of surrounding landowners, and
4. approval by Council at a Public Hearing.

Developing this approach will require a **detailed analysis of over 1,300 Direct Control zones** and the proposed new standard zones will need to be set in order to determine equivalencies. Administrative resources will be a consideration in the timing and scope of this work.



GET INVOLVED!

- Submit your feedback about this discussion paper at engaged.edmonton.ca
- Visit edmonton.ca/zoningbylawrenewal
- For all other ideas and feedback regarding Zoning Bylaw Renewal Initiative, please use the [General Feedback Form](#)
- Subscribe to our [newsletter](#)
- Contact us at zoningbylawrenewal@edmonton.ca



Appendix 1 | History of Direct Control Districts in Edmonton

Direct Control zones were officially introduced in Alberta's 1978 Planning Act to allow for development control by a local council. A total of five Direct Control zones were introduced to Edmonton with the adoption of the 1980 Land Use Bylaw 5996. In 2001, Zoning Bylaw 12800 reduced the total number of Direct Control zones from five to two. These zones have been primarily used for major comprehensively planned development projects, innovative projects, historical sites, and environmentally sensitive areas (see [Table 5](#)).

Table 5. Direct Control Districts in Edmonton, Land Use Bylaw 5996

Direct Control Zone	Year	Purpose
DC1 – Direct Development Control District	1980	Preserve or enhance areas of unique character, special environmental character or site of historic, cultural significance
DC2 – Comprehensively Planned Development District	1980	Enable major, comprehensively planned and designed development creating a unique, integrated and high quality urban environment that is compatible with surrounding development and could not be accommodated under any other district
DC3 – Temporary Holding District	1980	Temporarily hold the development of land where Council has authorized the preparation of an Area Redevelopment Plan when present land use designation may be inappropriate
DC4 – Special Public Service District	1980	Regulate and control uses and development which are governed by superior legislation (for publicly owned land)
DC5 – Site specific Development Control District	1982	Create a site specific land use regulation where other district would be inappropriate or inadequate

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