At the June 20, 2023 Urban Planning Committee meeting, the following motion was passed:

Administration establish a process for Members of Council to submit written questions by July 30, 2023, and Administration provide responses related to the Draft Zoning Bylaw presented in Attachment 1 of the June 20, 2023, Urban Planning and Economy report UPE01636, and that both questions and answers be made available on the City’s website.

This document contains responses to questions submitted by City Councillors related to the Zoning Bylaw Renewal Initiative. To learn more about the initiative, visit edmonton.ca/zoningbylawrenewal.

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In order to build a mid rise (5-8 storeys) or high rise (9+ storeys) building, do you have to be located in a node or corridor? How are nodes and corridors defined geographically? The City Plan suggests it is a block and a half in either direction of the corridor. For example, would the corridor of 124 Street extend from 122 Street to 126 Street?

The City Plan generally defines Primary Corridors as spanning one to two blocks on either side of the corridor and Secondary Corridors as spanning one block on either side of the corridor. Pending their approval at City Council public hearing (tentatively summer 2024), district plans will determine the extent of node and corridor geographic boundaries (i.e. how wide and how big) using guidance from The City Plan and providing maps with exact, parcel-specific boundaries. In many places, these specific boundaries will expand on The City Plan's general guidelines to accommodate large parcels and other parcels that are proposed to be included or excluded in the node or corridor.

In general, the draft District Planning policies direct more intense developments along major roads and near mass transit stations and support a transition to smaller buildings at the edge of node and corridor boundaries. District plans will direct high rise buildings in specific locations within certain nodes and corridors, although some high rises exist outside of these areas (e.g. Saskatchewan Drive).

The City's updated draft District Planning policies will be released on www.edmonton.ca/districtplanning on August 14, 2023, with public engagement opportunities to follow later in October.
Q: Are you required to own a sufficiently large lot (or lots) in order to build a mid rise (5-8 storeys) or high rise (9+ storeys) building? In some cases, would you be required to have a minimum of two or more lots depending on the height and size of the building?

A: Zones regulate the size a development can be. For example, in the proposed (RL) Large Scale Residential Zone (which is intended to accommodate a high rise), development is controlled by regulations such as maximum floor area ratio (the ratio of a development's total floor area to the size of the lot upon which it is built), maximum height and minimum building setbacks (the distance that a development or a portion of it must be from a lot line). Typically, the smaller the site, the smaller the building envelope. The maximum height can sometimes be misleading. On a small site, the floor area ratio primarily dictates how large and tall a building can be, along with setbacks and stepbacks.

For example, on two typical residential lots, each approximately 15 m x 40 m (totalling 1,200 m² together) and a maximum floor area ratio of 5.5, it would be difficult to build a building taller than nine storeys. A building of this height would also require stepbacks generally above the sixth storey that would reduce the floor area for the seventh, eighth and ninth floors.

So while the proposed RL Zone may allow up to 65 m in height (roughly 20 storeys), it would take a site of over 3,000 m² (roughly five residential lots) to achieve a typical ‘slab’ style tower close to this height.
**Date submitted:** June 21, 2023  
**Section/Regulation #:** N/A  
**Question #:** ZBR-23-003  
**Asked by:** Councillor Janz

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<th>If your neighbours have not sold their property, can developers build on this property without acquiring the lots?</th>
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<td>A:</td>
<td>Anyone wishing to develop a property may only do so on land that they own or have permission from the owner to develop. If someone wishes to develop a property that is owned by someone else, they would be required to acquire the property.</td>
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<td><strong>Q:</strong></td>
<td>In order to build a mid rise (5-8 storeys) or high rise (9+ storeys) building, would you have to apply for a development permit that would be reviewed by the City's planning department? If the development were to meet all of the Zoning Bylaw's requirements, could the development be approved and built?</td>
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| **A:** | Anyone wishing to build within the City of Edmonton must apply for (and receive) an approved Development Permit and Building Permit to ensure that the proposed development complies with the Zoning Bylaw (for Development Permits) and the Building Code (for Building Permits).  
If a proposed development complies with the applicable development regulations outlined in the Zoning Bylaw, the development is considered Permitted Development and the City's Development Planner must issue a development permit.  
If a proposed development does not comply with the applicable development regulations outlined in the Zoning Bylaw, the Development Planner may grant a variance to the regulations and the development is considered Discretionary Development. The Development Planner does not have the authority to vary the height, floor area ratio or density regulations unless explicitly provided for in the zone.  
When considering a variance, the Development Planner must review the application with additional scrutiny to make sure that the new development is suitable for the proposed location, including referencing any related statutory plans in effect. Even if the proposed development meets all other development regulations, the Development Planner could refuse the application if they find that the activity is not compatible with the policy direction or surrounding context.  
Discretionary Development is subject to an additional 21-day notification period following the issuance of the development permit where residents can appeal the Development Planner's decision if they feel they will be negatively affected by the decision. |
**Q:** Is it true that someone could already build up to four storeys in a node or corridor today without approval from City Council and a public hearing? If they wanted to exceed four storeys, would they be required to get approval from City Council and go through the public hearing process?

**A:** What can be built today depends on Edmonton's current zoning under Zoning Bylaw 12800 for a property. Some properties within nodes and corridors are currently zoned to allow small-scale residential, while others have zoning that permits medium to high rise development.

If someone wants to build up to four storeys (or taller), and the current zoning that applies to their property does not permit this, they would need to apply for a rezoning.

During the rezoning process, City staff would review the application for its impacts on surrounding infrastructure (e.g. roads, water and sewer systems), alignment with land use policy and guidelines (e.g. The City Plan) and the overall compatibility of the proposed zone with surrounding land uses. Review of an application would also involve notification of surrounding landowners, and the ultimate decision on the application would be made by City Council at a public hearing.

Currently, the nodes and corridors policies of The City Plan (see pages 97-104) provide policy guidance for rezoning applications (amongst other plans in effect). Pending their approval at a City Council public hearing (tentatively summer 2024), district plans would provide more granular policy guidance for rezonings.
Q: Is District Planning (not the Zoning Bylaw) considering increasing existing permitted building heights to allow larger buildings in nodes and corridors?

A: District plans propose policies that align with The City Plan's direction for increased height within nodes and corridors to accommodate future growth within Edmonton's existing boundaries. Pending their approval at City Council public hearing (tentatively summer 2024), district plans will provide policy direction that will be used to guide future rezoning applications. If a development applicant wants to build a development that is taller than what is permitted in their current zone, they would be required to pursue a rezoning in alignment with land use policy and guidelines, such as the district plans. Review of an application would involve notifying surrounding landowners and the ultimate decision on the application would be made by City Council at a public hearing.
**Q:** Will the new Zoning Bylaw change the current zoning regulations in nodes and corridors?

**A:** In order to implement the new Zoning Bylaw (pending approval by City Council at public hearing in October 2023), the majority of Edmonton's properties will need to be rezoned from their current zone in Bylaw 12800 through a city-wide rezoning process. However, properties will be rezoned to the closest equivalent zone under the new Zoning Bylaw (see the proposed zone equivalencies here). The city-wide rezoning process will not be 'upzoning' properties in alignment with the future development areas outlined in The City Plan or the draft district plans. The City defines upzoning as rezoning a site in a way that would substantially increase development rights and which would require additional planning and technical analysis (e.g. aligning with statutory plans, identifying infrastructure needs), as well as different levels of stakeholder and public engagement.

If Edmontonians want to change their property's zone following the city-wide rezoning process, they would be required to pursue a rezoning, which would include notifying surrounding landowners and a site-specific public hearing process.
Q: Is it true that nodes and corridors are not up for a review or vote until spring 2024, however, Administration is engaging on their specific content this year?

A: The designation and location of nodes and corridors across the city were approved by City Council in 2020 as part of The City Plan. However, The City Plan provides general, “fuzzy” lines for the node and corridor boundaries. The draft district plans go into greater detail by proposing parcel-specific boundaries for the nodes and corridors identified in The City Plan.

The latest drafts of the proposed draft district plans and draft District Policy will be shared for public review on August 14, 2023. Edmontonians will then be invited to share their feedback on the draft plans with Administration during their public engagement opportunities this October. This feedback will be used to inform the final District Planning policies, which will be presented to City Council at the tentative public hearing in summer 2024. These will be opportunities for the public and City Council to review and provide feedback on the parcel-specific node and corridor boundaries. However, any changes to node and corridor locations and designations would require an amendment to The City Plan.
Q: General question: With more dense built form as proposed, what are the requirements in the building code for fire mitigation in new buildings? Are there any plans from other jurisdictions or the City to strengthen these?

A: The National Building Code (Alberta Edition) ('Code'), which is provincial legislation, is the building code that buildings in Edmonton must comply with. This legislation contains objectives relating to fire mitigation in new buildings. The qualitative objectives for "fire safety" and "fire and structural protection of buildings" describe undesirable situations and their consequences which the Code aims to avoid occurring in buildings.

"Fire safety" is intended to limit the probability that persons in or adjacent to the building will be exposed to an unacceptable risk of injury due to a fire in their building or part of the building; "fire and structural protection" is to limit the probability that the building itself or adjacent buildings will be exposed to an unacceptable risk of damage due to that fire.

The City's Safety Codes, Permits and Inspections team performs plan reviews and field inspections to ensure life and structure safety elements are incorporated into projects in alignment with Code objectives. Supplementary policies and guidelines are also created as needed to ensure construction practices remain true to Code intent - intent being the undesirable results each Code provision seeks to prevent - as development regulation, built form, builder practices and consumer preferences evolve.
**Q:** RS - Small scale residential zone; 3.2.1; Residential development with more than 8 dwellings is only permitted on Corner Sites. With the proposed zoning, what would be the maximum permitted units on corner sites?

**A:** The maximum number of dwellings for any particular corner site would be determined by the minimum site area per dwelling requirement of 75m². For example, a 600m² corner site (15 m x 40 m) would have a maximum of 8 dwellings (600 / 75m² = 8). A larger site could yield a higher maximum.

There is no other explicit maximum for corner sites. However, other zoning regulations that limit the size of the building from setbacks, site coverage, height limits, etc. could further restrict the number of dwellings that could be developed on a site.
Q: RSM - Small-Medium Scale Transition Residential Zone states “Single Detached Housing, Semi-detached Housing, and Duplex Housing are not intended in this Zone unless they form part of a larger multi-unit Residential Development”. What are examples of when these forms would be allowable? Would there be ability for tiny home clusters on a single lot?

A: An example of where detached, small-scale development types would be allowable in the RSM Zone would be a larger site where there was a mix of row housing or apartments with these detached housing types.

The tiny home cluster on a single lot could only work in the RSM Zone if it met the minimum density requirements and the tiny homes were in the form of row housing, or a mix of row housing and other dwelling types. This requirement is intended to ensure that the RSM zone can be used to implement statutory/neighbourhood plan density and housing diversity goals.

For other types of tiny home clusters, the RS or RSF Zone may be more appropriate.
Date submitted: July 17, 2023  
Section/Regulation #: RSM Zone / 4.1  
Question #: ZBR-23-014  
Asked by: Councillor Rutherford

Q: RSM - section 4.1 notes indicate that at implementation all RSM sites would be assigned the h12 modifier and that future rezoning would allow the h14 modifier. However, in reviewing the "Know your Zones" map, there are several RMS sites with the h14 modifier. What is the site context when this modifier is put in place during implementation?

A: The Zoning Bylaw Renewal is not proposing to rezone any sites to RSM with the h14 modifier. Pending approval of the draft Zoning Bylaw, the h14 modifier will require a future rezoning and approval by Council at a public hearing.

Administration has not been able to identify any sites in the “Know Your Zone” map that contain the h14 modifier. However, a comprehensive review of all sites in the city is being conducted to ensure the rezoning process is accurate prior to public hearing.
Q: RSM - Small-Medium Scale Transition Residential Zone. 4.2.6 Front Setback. It has a minimum front setback, but what is the maximum front setback?

A: The draft Zoning Bylaw does not propose setting a maximum front setback for the RSM Zone, as other regulations (such as site coverage or building length) would control building depth beyond the minimum setback requirement. Also, there may be site configurations and contexts where a maximum front setback may not be necessary or desirable. Generally speaking, a maximum front setback would typically be required only in situations where creating or maintaining a continuous “street wall” is a deliberate design objective - such as our mixed use areas.
Q: RM - Medium Scale Residential Zone. 2.40 purpose notes state that this zone will apply to both developing and redeveloping areas in accordance with district planning. How is this anticipated to be applied? Will it be an overlay or further rezoning?

A: Almost all of the proposed zones are intended to be applied in both developing and redeveloping areas. The RM - Medium Scale Residential Zone will replace the existing (RF6) Medium Density Multiple Family Zone, (RA7) Low Rise Apartment Zone, and (RA8) Medium Rise Apartment Zone, which are present both in developing and redeveloping areas. No overlay is proposed or required to control where medium scale residential development is allowed. Instead, future rezoning applications to use the RM zone will be guided by statutory plans and policy.
**Q:** RM - Medium Scale Residential Zone. Site and Building Regulations. 4.1. Which context modifiers are default for the mass rezoning within this zone if approved at public hearing?

**A:** If the draft Zoning Bylaw is approved at public hearing, the following zone equivalencies will be applied on January 1, 2024:

- Existing (RF6) Medium Density Multiple Family Zone and (RA7) Low Rise Apartment Zone sites will convert to RM_h16 (maximum height of 16 m)
- Existing (RA8) Medium Rise Apartment Zone sites will convert to RM_h23 (maximum height of 23 m)
- A small number of existing (RA9) High Rise Apartment Zone sites located in the High Rise Residential Overlay will convert to RM_h23 (maximum height of 23 m) and a handful will convert to RM_h28 (maximum height of 28 m) depending on the regulations of the overlay and height of the existing development.
**RM Zone - Indoor sales and services includes a wider range of retail activities - where does it outline allowable and non-allowable sales and services?**

**A:** Indoor Sales and Services is a defined use in Section 8.10 Use Definitions. It includes any development where a business offers sales and services such as retail, personal service, or commercial school activities inside a building.

Typical examples include animal clinics, art studios, commercial schools, hair salons, indoor markets, pharmacies, retail stores, tailor shops, and tattoo parlours. Indoor Sales and Service does not include Liquor Stores, Cannabis Retail Stores, Body Rub Centres, or any other separately defined use. Note that the list of typical examples that would be allowed is not exhaustive.

It is the job of the City Development Planner to review applications as they come in to determine which Use best suits a particular proposed business or activity. From there, the Development Planner would then determine if that Use is on the list of allowable uses in the zone.
**Question:**
RM - Medium Scale Residential Zone. Design Regulations. 5.1 Is facade colour considered a design feature?

**Answer:**
The application of two or more colours can be considered a design feature when applied as an exterior finishing material. Although colour is not specifically mentioned in the regulation, it allows the Development Planner to consider other similar techniques and features. For example, in some cases, a Development Planner may interpret colour to qualify as a design feature if it meets the intent of the regulation (i.e. minimizes perception of massing, eliminating large blank walls, and providing visual interest).
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**Q:** *RM - Medium Scale Residential Zone. Design Regulations. 5.1 The comment states that this regulation has been revised. Is this simply pulling this from the mature neighbourhood overlay or is there further revisions to this regulation?*

**A:** Subsection 5.1 of Section 2.40 RM - Medium Scale Residential Zone revises existing design regulations in the (RA7) Low Rise Apartment Zone and (RA8) Medium Rise Apartment Zone by specifying a minimum number of design techniques or features that must be incorporated into building facades. The revision was made to provide a common understanding for a developer, a Development Planner, and Edmontonians in how this regulation can be met.

Subsection 5.1 requires that facades facing a street or residential zone be articulated using a minimum of two design techniques or features. The intent of this regulation is to minimize the perception of building size by eliminating blank walls and creating visual interest along the street and adjacent to sites where people live.
**Q:** RR - Rural Residential Zone. 5.1 states "Subdivision of lands zoned Rural Residential is prohibited." Does this mean that land will need to be rezoned and then subdivided?

**A:** The existing (RR) Rural Residential Zone in Bylaw 12800 already prohibits the subdivision of lands zoned Rural Residential through the zone’s purpose statement. The equivalent zone in the draft Zoning Bylaw, (RR) Rural Residential Zone, proposes to carry forward this requirement and formalize it as regulation (subsection 5.1) to provide clarity that while rural residential developments continue to be allowed on existing rural residential sites, subdivisions will be prohibited. This is consistent with The City Plan’s intention to prevent any further subdivision of rural residential lands that create additional rural residential parcels or would otherwise facilitate further country residential development.

Subdividing rural residential land therefore first requires rezoning to an urban land use compatible with the direction in the applicable land use plan, preferably as part of a comprehensive redevelopment plan for that rural residential area.
**Q:** MUN - Neighbourhood Mixed Use Zone. Please confirm if my understanding is correct. The way that I read the proposed bylaw, this zone will include current (CB1) Low Intensity Business Zone and (CNC) Neighbourhood Convenience Commercial Zone, where currently located within the Main Streets Overlay. So this is all that will be zoned MUN when this passes public hearing, but may extend further on local nodes with the completion of district planning. Is this correct?

**A:** That’s correct. As part of the Zoning Bylaw Renewal rezoning work, sites currently zoned CB1 or CNC that are within the Main Streets Overlay but outside of the City Centre Node, Major Nodes, District Nodes, Primary Corridors and Secondary Corridors are intended to be rezoned to the proposed MUN Zone. This zone is intended to expand to other Local Nodes within the city through future rezoning applications.
**Q:** MUN - Neighbourhood Mixed Use Zone. Under Residential Uses in the notes it states "To maintain the general purpose of this zone, residential development is limited to being located above the ground floor, to the rear of the development, or facing a side street." Is the City regulating this beyond what is necessary? The way I read this, it does not allow for vertical and horizontal mixed-use development - is this correct?

**A:** Since the MUN Zone is intended to be applied in the Local Node context, and due to the intent to reinforce and maintain commercial development on these sites that are otherwise likely already surrounded by residential development - the MUN Zone proposes to require non-residential uses on the ground floor facing the adjacent streets.

Traditionally, vertical mixed use development includes commercial on the ground floor and residential above, which this zone does allow for. If the site is large enough, this zone will enable horizontal mixed use, such as standalone residential buildings built to the interior of a site, provided there is still commercial or other non-residential uses on the same site facing the abutting streets. If a developer intends to build a residential-only development on a site zoned MUN, a rezoning would be required to a residential zone and approval by Council at a public hearing.
**Q:** What is the commercial frontage modifier? Where are the details on this modifier? When is it applied? When is it not applied?

**A:** A Zone Modifier is a label on the Zoning Map that indicates the application of a specific development regulation.

![Diagram of Zoning Map](image)

Commercial Frontage Modifier, represented on the Zoning Map as “cf,” means a development that has non-residential uses located at ground level and oriented towards the street. Commercial Frontage Modifiers will only be used in the MU Zone to maintain and reinforce existing commercial development along Edmonton’s main streets.

As part of the Zoning Bylaw Renewal rezoning project, the Commercial Frontage Modifier will apply to sites currently zoned commercial within the Main Streets Overlay. Future application of the Commercial Frontage Modifier, through rezonings, will be informed by policy direction in statutory plans. Adjusting the application or removal of the Commercial Frontage Modifier in the future would require approval from City Council through the typical rezoning process.