

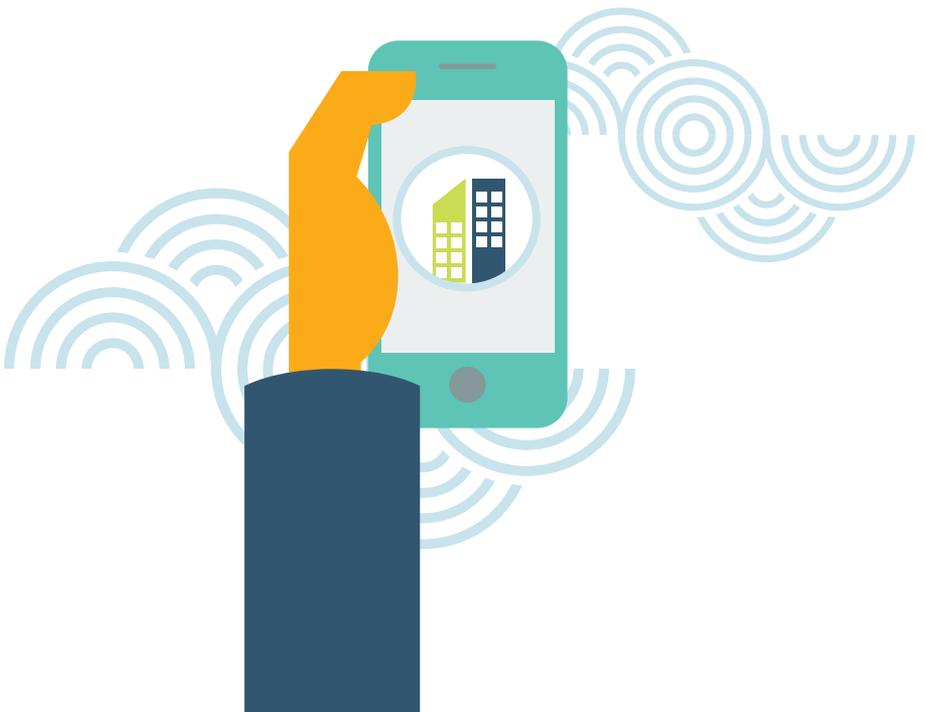
What is **ZONING?**

How it shapes your neighbourhood and city



This booklet is designed to give you a basic understanding of what zoning is, and how it shapes your neighbourhood and city. We hope that this knowledge will help you participate in land use decisions around you.

If you would like to know more about land use planning and city planning in general, the City of Edmonton offers courses designed for the public through Planning Academy. You can sign up for these courses at edmonton.ca/planningacademy.



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What is zoning?

Land use planning refers to how cities are designed and planned. **Zoning** is one tool that can be used to accomplish this.

Zoning allows City Council to set rules for where new buildings should go, what types of buildings they can be, what activities and businesses can happen there, as well as requirements for other things such as landscaping. For example, it's nice to have two houses next to each other. It's not so nice to have a house and a loud, smelly factory next to each other!

Zoning also controls the height, size and location of buildings. Controlling a building's height can maintain views of the river valley or local monuments, or limit how large a shadow a building can cast on its neighbours.

Controlling the size and location of buildings includes rules around where on the property a building can be built and how much space it can take up. These rules exist so the city can make sure there are front and backyards, space between you and your neighbours, and room for parking, sidewalks and trees.

Zoning also controls the activities or businesses allowed on a property. For example, in many zones where people live (known as residential zones) it can be all right to have a day care or a religious building like a church, mosque, temple or synagogue.

The Dos and Don'ts of Zoning

Land use zones generally **do not** control what a building looks like, its architectural style, or what kinds of people live or work in it. Zones **do** control what types of buildings are allowed to be built in certain areas, the height and basic shape of these buildings, and the types of activities or businesses allowed there.

Unlike the majority of zones, some special areas and Direct Control Zones do have architectural controls and guidelines. You can read more about special areas and Direct Control Zones on page 13.

All together, these rules make up the Edmonton Zoning Bylaw. Every lot or parcel of land within the City of Edmonton has a zone and a set of rules assigned to it. **You can look up your zone at maps.edmonton.ca!**



Why do we have zoning?

Zoning is the main tool that cities use to regulate land use and implement the objectives and goals in our Municipal Development Plan, The Way We Grow. The rules and requirements in the Zoning Bylaw are legally enforceable.

Zoning sets out a shared set of rules everyone has to follow, and protects citizens from conflicting land uses in their community. For example, if you own property in an area zoned for residential use, you cannot build an oil refinery... but neither can your neighbours, nor anyone else with the same zone.

Zoning can help balance city growth. City planners use zoning to make sure that everyone has access to the roads, parks, schools, shops and places to work that make our city a great place to live.



The history of zoning in Edmonton

In the late **1800s**, cities in North America began looking for creative ways to deal with development issues.

New York City became the first city of the continent to apply zoning regulations in **1916**. The concept of enacting laws to regulate land development was revolutionary at the time.

Edmonton first established a Zoning Bylaw in 1933. The original Zoning Bylaw was 35 pages long and created 11 zoning districts. It did not regulate as much as we do today, but did include location requirements for private horse stables, blacksmithing, and horseshoeing shops. Since 1933, there have been several re-writes and replacements of the Zoning Bylaw.

In **1950** a new Interim Development Bylaw was created which was eventually replaced by a new Zoning Bylaw in 1961.

The 1961 Zoning Bylaw was amended numerous times between **1964** and **1979** as the city grew and annexed surrounding towns such as Jasper Place and Beverly.

In **2001**, the City adopted Zoning Bylaw 12800 which has been in use ever since.

In **1980**, the Zoning Bylaw was replaced by the Edmonton Land Use Bylaw No. 5996.

Who makes zoning decisions?

Cities and towns are allowed to zone land for different uses because of the Municipal Government Act, which is Alberta legislation that tells local governments how they can operate. When it comes to zoning, the Municipal Government Act outlines a number of things, including:



Who can make land use planning decisions.



What rules govern land use planning decisions.



What tools can be used to govern land use—such as the Zoning Bylaw.



There are four groups, or authorities, who can make land use decisions.

1 City Council

City Council is the authority that decides what should or should not go into a Zoning Bylaw. City Council also decides where zones can go in a city, and when land can be re-zoned.

2 Subdivision Authority

The Subdivision Authority uses the Zoning Bylaw to guide decisions about the subdivision of land.

3 Development Authority

The Development Authority uses the Zoning Bylaw to make development permit decisions. They can also choose to vary some of the rules in the Zoning Bylaw – but only some. The Development Authority cannot vary height, for instance.

4 Subdivision and Development Appeal Board (SDAB)

The Subdivision and Development Appeal Board (SDAB) is an administrative tribunal consisting of a group of citizens appointed by City Council. If someone challenges a decision made by the Subdivision Authority or the Development Authority, the SDAB will schedule a hearing to review the appeal and will make a decision after concluding the hearing.

How are zones created or changed?

New zones and changes to the Zoning Bylaw can happen when citizens, city planners or City Council see that there are types of buildings, businesses or activities that people want but are not allowed under the current Zoning Bylaw. A new zone, changes to an existing zone or changes to the regulations (also known as amendments) in the Zoning Bylaw might also be done to encourage developments that City Council would like to see and to support the vision within a land use plan.

How to create or change a zone



City planners do a review of best practices from other cities.



City planners talk to the public through workshops and online surveys to see what they think.



City planners use what they learned to write a draft of a new zone or draft changes to an existing zone.

Sometimes they present the draft to a Committee of Council to see what the Councilors think.



In order to amend the Zoning Bylaw, City Planners must take the draft amendment to a special City Council meeting called a Public Hearing.

This meeting is prescribed by the Municipal Government Act. Notice of a Public Hearing must be advertised in the newspaper.

- The public can make presentations about the proposed amendments during the Public Hearing
- Council reads the new zone or new changes three times before voting on it
- If the vote is passed, the changes immediately become part of the Zoning Bylaw
- Amendments to conventional zones will apply to every piece of property with that zone in Edmonton

How is zoning different from a Land Use Plan?

A Land Use Plan is another tool that cities use to regulate land use and implement the objectives and goals in the official city plan. **A Land Use Plan sets out the big picture vision for an area. It is a high level overview of how an area or neighbourhood will develop that provides a vision for which zone is appropriate where.** Zoning is the legal tool that ensures that the buildings that are built support the vision in the Land Use Plan.

Plans usually apply to several neighbourhoods (or parts of neighbourhoods) that need special attention as they naturally change over time. For example, a Neighbourhood Structure Plan (NSP) shows where the roads go, where people will live, and where they will shop and work.



What types of zones are there?

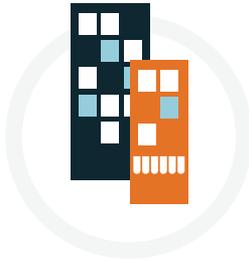
There are six main types of zones in Edmonton.



Residential

Residential zones tell you where people can live.

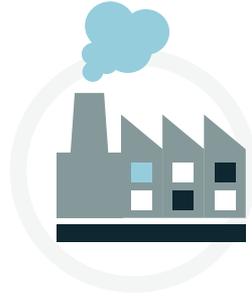
There are many kinds of homes that are allowed under different types of residential zoning, including single family houses, secondary suites, row housing and apartments. Some zones also allow for different types of home-based businesses, like child care. Approximately 32% of land in Edmonton is zoned for residential use.



Commercial

Commercial zones allow people to run businesses, offices, and shops.

These can allow businesses in neighbourhoods, like a corner store. There are also commercial zones for big box stores and shopping centres along highways. There are seven different commercial zones in Edmonton.



Industrial

Industrial zones help keep industrial uses, smells and noise separate from where we live and shop.

Industrial uses include manufacturing, processing, assembly, distribution, and service and repair.



Urban Service

Urban Service zones are for the land uses that make a city function and become a nice place for people to live.

This includes zones for schools, water and drainage services, electric distribution, public transportation, and parks.



Agriculture and Reserve

Agriculture and Reserve zones identify places for urban agriculture and rural land use.

These zones often apply at the edges of the city, where development has not occurred yet.



Specialty

Specialty zones include Direct Control Zones and Special Area Zones.

These zones are specific to a particular piece of land or area, and are written to support types of development that cannot be built under other zones. For example, Special Area Zones exist for Downtown, Griesbach, and Blatchford. Direct Control zones can be created for places with a unique character or special historical designation.

What is an Overlay?

An overlay is a set of additional zoning rules that are applied to specific and special areas around the city. An overlay can override or add to the rules of the underlying zones.

There are sixteen overlays in Edmonton. Two examples of these are the North Saskatchewan River Valley and Ravine System Protection Overlay and the Mature Neighbourhood Overlay.

The **North Saskatchewan River Valley and Ravine System Protection Overlay** applies along the banks of the river and its ravines. The overlay makes sure that there is a development setback from the North Saskatchewan River Valley and Ravine System.

The **Mature Neighbourhood Overlay (MNO)** applies to Edmonton's mature neighbourhoods. Created in 2001, the MNO is a part of the Zoning Bylaw that helps new development fit in with existing older communities that feature tree-lined streets and smaller lots. The current Mature Neighbourhood Overlay contains 24 regulations that modify the existing zoning, including more specific regulations for the amount of space between buildings and property lines, window placement and driveway locations, among other things.



What happens when buildings don't conform with zoning?

There are three ways a building may not conform with the Zoning Bylaw.

1 The building complied with previous Zoning Bylaw rules

Sometimes the City makes changes to the Zoning Bylaw that cause buildings that already exist to no longer comply with their zone. A 'non-conforming' building is allowed to remain in place, but it may not be altered or enlarged unless it is done to bring the building in line with the current zoning rules.

2 Variances

Some properties are harder to build on than others. That is why, under the Zoning Bylaw, a Development Officer can allow variances to the Zoning Bylaw if the proposed development would not, in their opinion, interfere too much with the amenities in a neighbourhood or significantly impact the use, enjoyment or value of neighbouring properties.

3 A building, business or activity ignores the rules

The City of Edmonton can take action if someone builds a building or runs a business that either accidentally or purposefully ignores the Zoning Bylaw. This process is complaint driven. Once a complaint is made to the City, a Development Compliance Officer investigates the complaint and where appropriate issues a formal notice for the offence. If the offence is not remedied by the deadline in the notice, a fine must be paid.

Learn more about zoning at [edmonton.ca](https://www.edmonton.ca)

Edmonton