

Bylaw 16224

Text Amendment to the Zoning Bylaw to facilitate the development of arts-related uses

Purpose

To amend Zoning Bylaw use classes and regulations and expand opportunities for the development of arts-related uses.

Readings

Bylaw 16224 is ready for three readings after the public hearing has been held.

If Council wishes to give three readings during a single meeting, then prior to moving third reading, Council must unanimously agree "That Bylaw 16224 be considered for third reading."

Advertising and Signing

This Bylaw has been advertised in the Edmonton Journal on Friday, August 24, 2012, and Saturday, September 1, 2012. The Bylaw can be signed and thereby passed following third reading.

Position of Administration

Administration supports this Bylaw.

Report

The Art of Living Implementation Plan (2008-2018) was approved by City Council in September 2008. The document presents a ten-year cultural plan that seeks to secure the future of arts and heritage in Edmonton through the implementation of twenty-eight recommendations.

Bylaw 16224 implements recommendation #2 of the Art of Living Implementation Plan, which is "to

redraw Zoning Bylaws and other City practices to stimulate arts activities."

Bylaw 16224 consists of two main components: the modification of existing use class definitions to acknowledge arts-related uses and the addition of arts-related use classes to commercial and industrial zones, where appropriate.

The following use class definitions have been modified:

- Broadcasting and Motion Picture Studio has been renamed Media Studio and the definition updated to reflect new forms of digital media.
- The Commercial Schools definition has been amended so that it can accommodate schools operated by a non-profit agency as well as schools operated for profit.
- Custom Manufacturing Establishments has been renamed Creation and Production Establishments and the definition expanded to acknowledge arts-related uses.
- The definition for General Retail Stores has been restructured in order to avoid unintentionally excluding arts-related uses.
- The definitions for Major Secondhand Stores and Minor Secondhand Stores have been deleted and replaced with two new definitions: Secondhand Stores and Pawn Stores. Goods sold in pawn would now be accommodated under Pawn Stores and secondhand or used consignment goods would be accommodated under Secondhand Stores. General Retail Stores

would accommodate new retail and new consignment goods.

- The definition for General Industrial Uses has been amended to acknowledge the creation of artistic goods by an industrial process. Regulations included in the General Industrial Uses definition have been moved to a new Industrial Uses Special Land Use Provision.
- The definition and regulations for Live Work Units have been amended in order to better differentiate between Live Work Units and Major and Minor Home Based Businesses. Regulations formerly included in the Live Work Unit definition have been moved to the existing Live Work Units Special Land Use Provision.
- The definition for Community Recreation Services has been amended to include a reference to the arts.
- The definition for Public Libraries and Cultural Exhibits has been modified in order to clarify that art galleries included under this definition are for the purpose of public exhibition rather than sales. The sale of art would be accommodated under General Retail Stores.

The following zones have been modified:

- Media Studios have moved from a discretionary use to a permitted use in the Commercial Mixed Business (CB3) Zone.
- Live Work Units, Major Home Based Businesses and Minor Home Based Businesses have been added as

discretionary uses in the Neighbourhood Convenience Commercial (CNC) Zone, the Shopping Centre (CSC) Zone, the Low Intensity Business (CB1) Zone, General Business (CB2) Zone, and Commercial Office (CO) Zone.

- Live Work Units have been added as a discretionary use in the Griesbach Village Centre Zone (GVC).
- Creation and Production Establishments have been added as a discretionary use in the Neighbourhood Convenience Commercial (CNC) Zone, Shopping Centre (CSC) Zone, Commercial Office (CO) Zone, Highway Corridor (CHY) Zone, Medium Industrial (IM) Zone, and Ambleside Shopping Centre Zone (CSCa), and as a permitted use in the Light Industrial (IL) Zone and Industrial Business (IB) Zone.
- Public Libraries and Cultural Exhibits have been added as a permitted use in the Low Intensity Business (CB1) Zone, General Business (CB2) Zone, Commercial Office (CO) Zone, and the Griesbach Village Centre Zone (GVC).
- Spectator Entertainment Establishments have been added as a discretionary use in the Commercial Office (CO) Zone and the Highway Corridor (CHY) Zone.
- Flea Markets, which are occasionally used to accommodate arts-related uses, have been added as a discretionary use in the Light Industrial (IL) Zone.
- Additional zones have been amended in order to reflect the changes in terminology and to consolidate the regulations in each zone.

Policy

Bylaw 16224 supports the following policies in *The Way We Grow*:

- 6.4.1 aims to attract creative workers and visitors by supporting arts, recreational, educational and cultural facilities.
- 6.4.1.6 supports the implementation of the Art of Living Plan.

The following policies within the *Capital City Downtown Plan* are also supported:

- 8.8 supports downtown artists and arts organizations through funding and assistance, particularly related to artists' live-work housing.
- 8.11 supports the development of smaller arts, cultural and entertainment venues, to ensure availability of a wide variety of performance space.
- 6.8 supports Arts Habitat Association's efforts to develop more live-work studio projects for artists within the Downtown and establish a long-term supply of affordable artist live-work studios.

The following strategic policy directions within *The Way We Live: Edmonton's People Plan* also relate to this report:

- 2.3.1, 2.3.3, 2.3.4 provide resources to partners and organizations to nurture a flourishing arts community; advocate for sustainable investment in the cultural sector; and advocate for a creative city.
- 5.2.3 promotes Edmonton's spaces and buildings as venues for public art and artists.

Corporate Outcomes

This report supports the strategic goal of improving Edmonton's liveability, as

defined in *The Way Ahead: City of Edmonton's Strategic Plan 2009-2018*.

Public Consultation

An initial consultation process was conducted with members of the arts community by Arts Habitat Association, in partnership with Administration, to identify opportunities and challenges with the current Zoning Bylaw. This consultation took place between March 2010, and April 2011.

A webpage communicating the project to the public was added to the City of Edmonton's website on October 31, 2011.

Further consultation with the arts community on draft Zoning Bylaw amendments took place between January and April, 2012. The Arts Habitat Association acted as the liaison between Administration and the arts community during these consultations.

On April 20, 2012, the proposed text amendment was circulated to the Urban Development Institute, the Edmonton chapter of the Canadian Home Builder's Association, the Edmonton Federation of Community Leagues, adjacent municipalities and civic departments.

An Open House was held on May 9, 2012, with 21 signed-in attendees from the public. A follow-up meeting was held with the arts community and the Edmonton Federation of Community Leagues on June 28, 2012, to discuss a subsequent draft of the amendment.

Components of the draft amendments that did not receive community support have been removed from Bylaw 16224

and will undergo further consultation, to return to City Council Public Hearing at a later date.

Attachments

1. Bylaw 16224
2. Mark-up Showing Proposed Changes