

Charter Bylaw 19339

Text amendment to Zoning Bylaw 12800 - Temporary Development Permit Exemptions for Outdoor Patios and Retail Spaces

Purpose

To amend Zoning Bylaw 12800 to facilitate the development of temporary new and expanded outdoor patio and retail space from May 19, 2020, to December 31, 2020. This is to allow businesses to make temporary operational changes in response to COVID-19 public health guidance and restrictions without requiring a new Development Permit.

Readings

Charter Bylaw 19339 is ready for three readings after the public hearing meeting 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 Charter Bylaw 19339 be considered for third reading."

Advertising and Signing

This Charter Bylaw was advertised in the Edmonton Journal on May 22, 2020, May 30, 2020, and June 2, 2020. The Charter Bylaw can be passed following the third reading.

Position of Administration

Administration supports this Charter Bylaw.

Report

In order to limit community transmission of COVID-19, various protocols, restrictions, and regulations have been put in place by the federal, provincial, and municipal governments. In addition to physical distancing guidance and limiting gatherings to no more than 15 people, the Government of Alberta has announced that cafes, restaurants and bars can reopen for public seating at 50% capacity as part of a phased relaunch of the economy.

Administration has heard from the business community, including Business Improvement Areas and representatives from hospitality industry groups, that expanded outdoor patio space is critical to their ability to re-open while adhering to the rules set out by the Government of Alberta. Administration also anticipates that there

will be demand from businesses for new and expanded outdoor retail space based on observations of other jurisdictions.

Administration is developing a streamlined approach to facilitating the development of temporary new and expanded patio and retail space as part of the City's overall Relaunch and Recover strategy. This approach will remove the requirement for a new Development Permit for new or expanded outdoor space if a permit already exists for the current related operations inside a building. This will be accompanied by a communications plan, and ongoing support available through the City's One on One Business Support Program.

This Charter Bylaw supports and facilitates this streamlined approach by making necessary changes to Zoning Bylaw 12800 that will eliminate the need for a new Development Permit for these spaces, on a temporary basis. The City's COVID-19 Temporary Outdoor Patio & Temporary Sidewalk Cafe Guidelines and COVID-19 Temporary Outdoor Retail Guidelines provide further guidance when a patio or retail space will be allowed without a permit. Where a proposed temporary outdoor patio or retail space does not fit within those guidelines Building and Development Permit applications may still be required.

Zoning Bylaw 12800 does not regulate Sidewalk Cafes or Street Vending, however Administration is making parallel changes in regulating those activities in alignment with this proposed amendment. COVID-19 Temporary Outdoor Patio & Temporary Sidewalk Cafe Guidelines and COVID-19 Temporary Outdoor Retail Guidelines will provide guidance to businesses who are looking to expand their operations, whether on to public right of way or on private property.

Administration will observe and monitor the impact of the various strategies employed as part of the Relaunch phase of the City's response to COVID-19. Lessons learned will inform future process improvements and regulatory changes.

Text Amendment

1. Bylaw 12800, as amended, The Edmonton Zoning Bylaw is hereby further amended by :
 - a) adding the following as 12.2.1(dd):
“an outdoor patio that complies with the City of Edmonton COVID-19 Temporary Outdoor Patio & Temporary Sidewalk Cafe Guidelines or the City of Edmonton COVID-19 Temporary Outdoor Retail Guidelines and that is Accessory to one of the following Uses operating under a valid Development Permit:

- i. Bars and Neighbourhood Pubs;
- ii. Breweries, Wineries and Distilleries;
- iii. Convenience Retail Stores;
- iv. General Retail Stores;
- v. Market;
- vi. Pawn Stores;
- vii. Restaurants;
- viii. Secondhand Stores; and
- ix. Specialty Food Services.

For the purposes of this section 12.2.1(dd), outdoor patios that commence after May 19, 2020, and which comply with the City of Edmonton COVID-19 Temporary Outdoor Patio & Temporary Sidewalk Cafe Guidelines or the City of Edmonton COVID-19 Temporary Outdoor Retail Guidelines are deemed to exist pursuant to this section.”

2. Bylaw 12800, as amended, The Edmonton Zoning Bylaw is hereby further amended by:
 - a) deleting 12.2.1(dd), and
 - b) this section 2 comes into force on December 31, 2020.

Corporate Outcomes

This Charter Bylaw contributes to the corporate outcomes “Edmonton is attractive and compact,” “Edmonton is a safe city,” and “Edmonton has a globally competitive and entrepreneurial business climate.” This bylaw will facilitate the relaunch of the local economy, enabling businesses to modify their operations in response to restrictions on capacity, gatherings, and physical distancing related to COVID-19.

Public Engagement

Formal public engagement activities have not been conducted in support of this Charter Bylaw, however, Administration has developed this amendment in response to feedback received from stakeholders, including Business Improvement Areas, hospitality industry groups, and representatives from the commercial real estate industry.

Attachment

1. Charter Bylaw 19339