

Charter Bylaw 19511

Text Amendments to Zoning Bylaw 12800 for Outdoor Patios

Purpose

To amend Zoning Bylaw 12800 to facilitate the development of new and expanded outdoor patio and retail space. This is to support the vitality of local businesses, through current economic realities posed by COVID-19, and beyond. These changes will help animate commercial streetscapes by allowing innovative use of private property.

Readings

Charter Bylaw 19511 is ready for three readings after the public hearing has been held. If Council wishes to give three readings during a single meeting, Council must unanimously agree “That Charter Bylaw 19511 be considered for third reading.”

Advertising and Signing

This Charter Bylaw was advertised in the Edmonton Journal on November 20 and 28, 2020. The Charter Bylaw can be passed following third reading.

Position of Administration

Administration supports this proposed Charter Bylaw.

Previous Council/Committee Action

At the October 27, 2020, Urban Planning Committee meeting, the following motion was passed:

That Administration prepare amendments to Zoning Bylaw 12800, as generally outlined in Attachments 2 and 3 of the October 27, 2020, Urban Form and Corporate Strategic Development report CR_8487, with the exception of section M, and return to a future City Council Public Hearing.

Report

This amendment was included as part of the 2020 Zoning Bylaw Omnibus which appeared at Urban Planning Committee on October 27, 2020. While the bulk of the amendments presented in the 2020 Omnibus will be brought to a later City Council Public Hearing, this specific proposed Charter Bylaw is being brought forward separately, and sooner, than the remaining proposed amendments contained in the Omnibus in order to pre-empt the expiry of Charter Bylaw 19339.

Charter Bylaw 19339 was passed in June 2020, allowing for temporary outdoor patio and retail space to operate without a development permit provided the business submitted a signed declaration to the City and followed guidelines. Charter Bylaw 19339 also contained a 'sunset' date of December 31, 2020, after which time the exemption for permits would expire. In order to allow businesses that had registered for this program to continue on, specifically those operating on private property, it is necessary to amend the bylaw to make permanent the land use changes that had been temporarily allowed by Charter Bylaw 19339.

Economic impacts posed by COVID-19 have required quick action on the part of the Edmonton business community and City government to adapt to changing operating conditions. This proposed amendment allows for the development of outdoor patios and retail space without a development permit, provided that general regulations are adhered to. This change enables effective service delivery and supports local businesses with reduced process barriers. Since launching the Temporary Patio Program Administration has observed minimal land use impacts arising from the expansion of outdoor patio and retail space on private property.

Since the temporary removal of the development permit requirement for patios and launch of the Temporary Patio Program in June 2020, there have been 112 outdoor patio and retail spaces registered with the City. Administration has heard from the business community, including Business Improvement Areas and representatives from hospitality industry groups. The feedback received is that expanded outdoor retail and patio space is critical to their ongoing viability and ability to operate while adhering to the public health rules set out by the Government of Alberta.

Zoning Bylaw 12800 does not regulate Sidewalk Cafes or Street Vending. Administration continues to offer streamlined processes and ongoing support to businesses wishing to operate a patio or retail space on public road right-of-way (eg. sidewalks and parking lane) as a continuation of the work started through the Temporary Patio Program. The City has developed accompanying guidelines to provide guidance to businesses looking to expand their operations, whether on to public right of way or on private property. An updated guidelines for winter operation are available on edmonton.ca/temporarypatios. Administration has and continues to observe and monitor the impact of the various strategies employed as part of the Relaunch phase of the City's response to COVID-19.

Public Engagement

Broad and formal public engagement activities have not been conducted in support of this Charter Bylaw beyond what is being done for the overall 2020 Zoning Bylaw Omnibus which appeared at Urban Planning Committee on October 27, 2020. Administration has developed this amendment based on learnings from the Temporary Patio Program, which was initially launched in response to feedback received from

stakeholders, including Business Improvement Areas, hospitality industry groups, and representatives from the commercial real estate industry.

Through a September 2020 survey sent to participating businesses, Administration heard from 37 respondents who provided positive feedback about the Temporary Patio Program. Sixty percent of respondents indicated that temporary patios had a “very positive” impact on their operations. The remaining responses indicated the program had a “positive” impact.

Attachments

1. Charter Bylaw 19511
2. Mark-up of Proposed Changes for Outdoor Patios