

Mark-up of Proposed Changes for Outdoor Patios

<p align="center">Mark-up of Proposed Text Amendment to Zoning Bylaw 12800</p> <p>Black Font: Existing Text in Zoning Bylaw 12800 Strikethrough: Proposed deletion from Zoning Bylaw 12800 <u>Underline:</u> Proposed addition to Zoning Bylaw 12800</p>	<p align="center">Rationale / Notes</p>
<p>12.2 No Development Permit Required</p> <p>1. A Development Permit is not required for:</p> <p>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:</p> <p>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.</p> <p>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.</p>	<p>Proposed amendment enables effective service delivery and supports local businesses with reduced process barriers.</p> <p>The amendment makes regulations of the land use requirements of the COVID-19 Temporary Outdoor Patio & Temporary Sidewalk Cafe Guidelines and COVID-19 Temporary Outdoor Retail Guidelines.</p> <p>The proposed amendment generally allows for those patios and outdoor retail spaces which were developed through the temporary patio and outdoor retail space program to continue without a Development Permit. Charter Bylaw 19339 which made the temporary program possible expires December 31, 2020.</p> <p>The amendment also generally allows new patios and outdoor retail spaces consistent with those allowed by the temporary program to be developed without a permit.</p> <p>The proposed amendment <i>does not</i> allow for the continuation of Secondhand Stores</p>

dd. Exterior alterations for the development of a patio that are Accessory to Bars and Neighbourhood Pubs, Breweries, Wineries and Distilleries, Restaurants or a Specialty Food Services Use that is operating under an existing valid Development Permit and complies with the following:

- i. The new or expanded patio space shall comply with the requirements of the underlying Zone and Overlay.
- ii. Notwithstanding 12.2(1)(dd)(i), no part of a patio shall encroach into any Setbacks defined by the Zone in which the patio is located, except in those parts of the Setback with lawn, Hardsurfaced materials, or decorative Hardsurfacing ground cover. Existing trees and shrubs may not be removed.
- iii. On-site parking may be used for patio space, except the required number of designated barrier free Vehicle Parking, which must remain available for parking use.
- iv. Permanent fences and barriers, planters, Platform Structures such as decks or stages shall comply with the Zone and shall not exceed 1.2 m in Height;
- v. Subject to the approval of the applicable City Department, no part of the patio, including exit gates, shall open or encroach into road right-of-way.
- vi. No audio-visual equipment may be installed at a Height exceeding 2.1 m above Grade, measured to the middle of the device, and shall not be attached to a building. Televisions, speakers, and video displays must be oriented facing away from vehicle traffic and shall not be arranged consecutively to create a wall or visual obstruction.

ee. Exterior alterations for the development of an outdoor retail space that are Accessory to Convenience Retail Stores, General Retail Stores or Market Use, that is operating under an existing valid Development Permit and complies with the following:

- i. The new or expanded outdoor retail space shall comply with the requirements of the underlying Zone and Overlay.

and Pawn Stores to continue outdoor retail spaces allowed by the temporary program or the opportunity for new unpermitted developments. These Uses are excluded due to the regulations of the Secondhand Stores and Pawn Stores Overlay.

The proposed amendment *does not* impact patios or outdoor retail space located on road right-of-way. The Zoning Bylaw does not regulate use of road right-of-way.

Developments which do not comply with these regulations will require a Development Permit.

These developments must still conform to building and fire code, as well as the Community Standards Bylaw.

<p><u>ii. Notwithstanding 12.2(1)(ee)(i), no part of an outdoor retail space shall encroach into any Setbacks defined by the Zone in which the outdoor retail space is located, except in those parts of the Setback with lawn, Hardsurfaced materials, or decorative Hardsurfacing ground cover. Existing trees and shrubs may not be removed.</u></p> <p><u>iii. On-site parking may be used for outdoor retail space, except the required number of designated barrier free Vehicle Parking, which must remain available for parking use.</u></p> <p><u>iv. Permanent fences and barriers, planters, Platform Structures such as decks or stages shall comply with the Zone and shall not exceed 1.2 m in Height.</u></p> <p><u>v. The sale and on-site consumption of alcohol, tobacco, or cannabis is not permitted in an outdoor retail space.</u></p> <p><u>vi. Cooking or food and drink preparation is not permitted in an outdoor retail space.</u></p> <p><u>vii. Subject to the approval of the applicable City Department, no part of the outdoor retail space, including exit gates, shall open or encroach into road right-of-way.</u></p> <p><u>viii. No outdoor speakers or sound systems may be used.</u></p>	
<p>90. Outdoor Noise Impacts Seating Associated With Speciality Food Services, Restaurants, Bars and Neighbourhood Pubs, and Nightclubs</p> <p>1. If any Specialty Food Service, Restaurant, Bar and Neighbourhood Pub or Where a Nightclub is on a Site that abuts or is across a Lane from a Site zoned residential or a Site with a residential development:</p> <p>a. the Development Officer shall draw a line parallel to the boundary or Lane separating each such residential development or Zone and bisecting the Site containing the Specialty Food Service, Restaurant, Bar and Neighbourhood Pub or</p>	<p>Proposed amendment is necessary to sustain the same level of exemption from Development Permits as is the case through the temporary patio program which expires on December 31, 2020.</p> <p>Should this amendment not advance it will be necessary for the City to require permit applications for patios in order for a Development Officer to determine which</p>

<p>Nightclub Uses and shall not allow any outdoor seating on the side of any such line that is closest to the Residential Zone or development.</p> <p>b. 2-Outdoor speakers or amplification systems shall not be allowed on a Site that abuts or is across the Lane from a Site zoned residential.</p>	<p>portion of the site may contain patio seating per the regulations in Section 90.</p> <p>Proposed amendment expands the regulations on Nightclubs such that outdoor speakers or amplification systems shall not be allowed in any circumstance. This is proposed in response due to compliance challenges associated with nightclubs and nuisance noise.</p> <p>Proposed amendment retains regulation and requirement for a permit where a Nightclub may seek to have an outdoor patio.</p> <p>Proposed amendment enables effective service delivery.</p>
<p>820 Whyte Avenue Commercial Overlay</p> <p>820.1 General Purpose</p> <p>The purpose of this Overlay is to prohibit new Bars and Neighbourhood Pubs, and Nightclubs; and to prohibit the expansion of existing Bars and Neighbourhood Pubs, and Nightclubs; <i>to restrict expansion of existing Bars and Neighbourhood Pubs; and to,</i> while providing opportunities for Breweries, Wineries and Distilleries in the Whyte Avenue Commercial Area.</p> <p>820.3 Development Regulations</p> <p>2. Existing Bars and Neighbourhood Pubs, and Nightclubs in the area of application of this Overlay shall not be allowed to expand beyond the occupancy load and Public Space specified by their respective approvals, <i>except:-</i></p> <p><i>a. in accordance with 12.2(1)(dd); or</i></p>	<p>Proposed amendment allows for new and expanded patios associated with existing Bars and Neighbourhood Pubs located within the boundaries of the Whyte Avenue Commercial Overlay.</p> <p>In the Whyte Avenue area, this proposed amendment is necessary to sustain the same level of exemption from Development Permits as is the case through the temporary patio program which expires on December 31, 2020.</p> <p>Should this amendment not advance, several of the patios allowed by the temporary program in the Whyte Avenue</p>

Attachment 2

<p><i>b. when the expansion of the Public Space and occupancy load of a Bars and Neighbourhood Pubs Use is for a new or expanded outdoor service area or patio space and the development otherwise complies with the requirements of the underlying Zone.</i></p>	<p>area will not be allowed to continue beyond December 31, 2020 and will not be able to apply for a permit for a new or expanded patio at any time.</p> <p>Proposed amendment retains regulation for Nightclubs as well as the moratorium on new Bars and Neighbourhood Pubs within the boundary of the Whyte Avenue Commercial Overlay.</p>
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