

Charter Bylaw 19511

A Bylaw to amend Bylaw 12800, as amended,  
The Edmonton Zoning Bylaw  
Amendment No. 3135

WHEREAS City Council at its meeting of February 22, 2001, gave third reading to Bylaw 12800, as amended; and

WHEREAS Council considers it desirable to amend the text of the Edmonton Zoning Bylaw;

NOW THEREFORE after due compliance with the relevant provisions of the Municipal Government Act RSA 2000, ch. M-26, as amended, the Municipal Council of the City of Edmonton duly assembled enacts as follows:

1. Bylaw 12800, as amended, The Edmonton Zoning Bylaw is hereby further amended by :

*a) Deleting Section 12.2.1(dd) and replacing with the following:*

“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.”;

*b) Adding the following as Section 12.2.1(ee):*

“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.
- 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.
- 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.
- 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. The sale and on-site consumption of alcohol, tobacco, or cannabis is not permitted in an outdoor retail space.
- vi. Cooking or food and drink preparation is not permitted in an outdoor retail space.
- 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.
- viii. No outdoor speakers or sound systems may be used.”;

c) *Deleting Section 90 and replacing with the following:*

“90. Outdoor Noise Impacts

1. 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:

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 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.

b. Outdoor speakers or amplification systems shall not be allowed.”;

d) *Deleting Section 820.1 and replacing with the following:*

“820.1 General Purpose

The purpose of this Overlay is to prohibit new Bars and Neighbourhood Pubs, and Nightclubs; to prohibit the expansion of existing Nightclubs; to restrict expansion of existing Bars and Neighbourhood Pubs; and to provide opportunities for Breweries, Wineries and Distilleries in the Whyte Avenue Commercial Area.”;

e) *Deleting Section 820.3.2 and replacing with the following:*

“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, except:.

a. in accordance with 12.2(1)(dd); or

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.”;

2. The Bylaw comes into force on January 1, 2021.

READ a first time this	8 <sup>th</sup>	day of	December	, A. D. 2020;
READ a second time this	8 <sup>th</sup>	day of	December	, A. D. 2020;
READ a third time this	8 <sup>th</sup>	day of	December	, A. D. 2020;
SIGNED and PASSED this	8 <sup>th</sup>	day of	December	, A. D. 2020.

THE CITY OF EDMONTON

  
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MAYOR  
\_\_\_\_\_  
CITY CLERK