

COUNCIL – AGENDA REPORT

Meeting Date:	2 May 2022
Subject:	Bylaw No. B-18/2022 – LUB Updates to Mobile Vendors, Outdoor Patios, and Temporary Signs
Boards Routed Through:	Municipal Planning Commission
Date:	21 April 2022

Issue:

Council is being asked to give three readings to Bylaw No. B-18/2022, being a bylaw to amend Land Use Bylaw No. B-01/2016, by updating land use regulations for mobile vendors, outdoor patios and temporary signage.

Background:

This report details amendments to three subject areas within Airdrie's Land Use Bylaw.

First, proposed amendments on mobile vendor standards stem from a constant and continuous review of the LUB to ensure that it properly regulates emerging business and development trends and addresses inquiries around the same. The current mobile vendors standards were established with the adoption of the LUB in 2016. Since then, Administration has processed many mobile vendor applications and has made note on key issues and now has the opportunity to record and adjust based upon “lessons learned”. Based on comparisons with other Albertan municipalities and needs identified by mobile vendors, Administration has prepared an update which focuses on:

- The definition of mobile vendors expanding into non-food offerings
- Development Permit exemption requirements
- Mobile vendors as a land use in appropriate districts
- Clarity on existing regulations and their interaction on municipal property
- Considerations for special events

Second, in June 2020, the City of Airdrie launched a series of measures to help support local businesses impacted by the coronavirus pandemic. One of these measures is the temporary outdoor patio program which allowed eligible businesses the ability to expand their business, like restaurants or retail stores, into outdoor areas to help comply with mandatory social distancing requirements. The temporary outdoor patio program has been successful and well-

received. Administration is proposing to incorporate the temporary patio program into the Land Use Bylaw as permanent standards. In particular, temporary patios allowed existing businesses the ability to expand into City-owned public rights-of-way and privately-owned sidewalks and parking facilities.

Third, in April 2020, Council adopted Bylaw No. B-15/2020 which relaxed sign permit regulations in the Land Use Bylaw (LUB). The relaxations to regulations were applied to temporary signs to provide local businesses with more opportunities to advertise modified hours of operation and service levels and to maximize the opportunity for business recovery. Administration is recommending that these temporary relaxations become permanent in the Land Use Bylaw.

The following background sections address each subject area in more detail:

Mobile Vendors

To broaden the scope of what could be classified as a mobile vendor, Administration proposes an updated land use definition of **Mobile Vendor**. In doing so, this allows other goods and services besides food to be considered for mobile business operations. Essentially, the new definition would remove the word “food” and include “beverage or goods” and reads as:

“Mobile Vendor means a portable cart, truck or similar arrangement located on a lot for the sale of food, beverage, or goods which may be removed each day at the end of business.”

With the updated land use definition of mobile vendor, Administration is also proposing to add “Mobile Vendor” as a Permitted Use in several commercial, mixed-use and industrial districts. These districts align most closely with the commercial intent of mobile vendors and typically have the parking availability to accommodate a mobile vendor. Mobile vendors operating in these districts would be less likely to constitute an annoyance or hazard to residential properties. A full list of the proposed districts for mobile vendors can be found within Attachment #1.

Land Use Bylaw Section 6.13 – Mobile Food Vendors is to be updated with amendments that reflect the broadened definition, provide clarity with respect to municipal lands and add provisions for residential storage. For example, all instances of “mobile food vendor” are changed to “mobile vendor” and mobile vendors may be considered within a City-owned right-of-way provided that the vendor does not interfere with access to adjacent lands. For residential properties, storage of mobile vendor equipment may be permitted on approved on-site parking areas provided that the vehicle weight does not exceed 6,350kg (14,000lbs), is only stored between May 1 and October 31 and that a home-based business has been approved at that location.

In addition, Administration proposes new mobile vendor standards in which the units must be clean, well-lit and aesthetically pleasing. If located in municipal road rights-of-way the unit cannot be located on an arterial roadway; must be 6.0m from adjacent roadways, lanes or driveways; at least 10.0m from residential developments and established eating establishments; not interfere with traffic visibility; and have permission from the City with insurance liability.

Lastly, Administration is proposing Section 6.13(2a) which provides clarification for multiple mobile vendors (or multiple sites) operating under a larger event. In the case where there is a

festival or concert, consent from the event organizer will be required in addition to the landowner's permission.

Outdoor Patios

The amendments to outdoor patios are meant to carry forward the temporary COVID-19 relaxations and consolidate them into the Land Use Bylaw. The first amendment seeks to create a definition of **Commercial Outdoor Patio** to mean:

“a temporary or permanent outdoor area, attached to and forming part of a restaurant, café, bar, microbrewery, or other business for the purpose of outdoor seating and extending the functional space of the principal use.”

There are amendments to Sections 6.14 and 6.18 to align provisions on Commercial Outdoor Patios with the new definition, and to update previous standards on patios for restaurants to remove some location requirements (proximity to the principal building and setbacks from property lines) as they would be allowed to encroach into the road right-of-way.

The remaining amendments are captured in Section 7.24 Projections Over Public Property, which has been reformatted to delineate existing requirements more clearly for projections and encroachments of landscaping, awnings and canopies, and outdoor commercial displays. A new Section 7.24.4 is added to outline requirements for a Commercial Outdoor Patio to be allowed to encroach onto public property in commercial and mixed-use districts. These standards state that Commercial Outdoor Patios shall:

- provide a clear pedestrian path of 2.0m shall be maintained at all times;
- provide Barrier-free access provided to and throughout the patio including curb ramps to provide a safe passage for all pedestrians;
- provide all access to public utilities, building entrances, crosswalks, and bus stops shall be maintained and unimpeded;
- provide a minimum clearance of 1.5m shall be maintained around street fixtures, fire hydrants, and Fire Department connections;
- employ temporary traffic controls where the patio interferes with on-street movement of people, cyclists, and/or vehicles;
- ensure that the patio and associated structures and equipment are in a safe, responsible, and clean condition and in good repair;
- provide up to 50% of off-street private parking spaces counted for required parking may be converted temporarily to patio areas to expand the footprint of the business operation. The converted use must be in conformance with all Fire Department requirements for building accessibility and must provide at least 1.8m spacing between tables and pathways;
- not be permitted on two-laned roads (unless traffic is maintained) or on streets with speed limits over 50km/h;
- consider traffic visibility as patios cannot be within 5.0m of an intersection's corner or within 10.0m of a stop/yield sign or pedestrian crosswalk;
- ensure that Shade structures, like tents or canopies, cannot be within public rights-of-way and cannot interfere with traffic visibility; and
- only be permitted between April 1 to October 31 on an annual basis.

Temporary Signs Standards

Under Bylaws No. B-15 and B-16/2020, a series of amendments were adopted by Council to relax the existing standards on portable, lawn and A-frame 'sandwich board' signs for advertising. These amendments also removed third-party advertising restrictions and allowed the use of non-profit sign corridors and partial use of City's billboard advertising allotment for local business marketing. These temporary signage standards were renewed by Bylaws No. B-46 and B-47/2021 which expired on December 31, 2021. Administration is now proposing that these standards become permanent additions to the Land Use Bylaw to further support local businesses in their retention and recovery in advertising changes to their hours of operation, potential promotions, and openings/closures.

Alignment with South Saskatchewan Regional Plan and AirdrieONE:

Following direction from the Airdrie City Plan and other major policy documents, the Land Use Bylaw provides the standards and regulations for the City to implement land use strategies set out in the implementation section of the South Saskatchewan Regional Plan (SSRP), specifically policies 8.11 to 8.18. These include SSRP policies that direct the City to provide an appropriate mix of land uses, a range of economic development and housing options, and to minimize potential conflict with land uses adjacent to natural resource extraction, manufacturing, industrial uses, and areas prone to flooding, erosion, subsidence, or wildfire.

The LUB is a major tool for the City which is used to implement the vision, guiding principles and the goals, objectives, and strategies of the AirdrieONE Sustainability Plan. This includes several foundation principles established by Council to guide the direction and development of AirdrieONE: well-managed growth, developing whole communities, and establishing a development pattern that enables access to services, shops, and facilities. Specifically, the LUB is one of the key municipal documents that guides the built-form environment and sets the standards by which the City develops buildings, facilities, and neighbourhoods that contribute to more prosperous communities. Updates to the Land Use Bylaw maintain the document and keep regulations current, ensuring that the LUB continues to work towards these high-level goals.

Boards Routed Through:

Municipal Planning Commission

The proposed Bylaw was presented to Municipal Planning Commission (MPC) for their review, comments, and recommendation to Council on April 21, 2022.

There were several questions and discussion items raised on the proposed Bylaw by MPC, which covered the bylaw details, intention, interpretation, and how various situations would be read and interpreted on the ground and during day to day use of the Bylaw and the amended LUB standards. Specific items that were asked during discussion on the Bylaw included:

- Is it fair to consider that the proposed bylaw changes are for economic recovery if they are moved from temporary measures (as is the case for patio and sign provisions included in this amendment) to permanent ones? Planning and Economic Development staff responded that these measures aid in recovery, but that is also not the only value gained in the proposed amendments. These amendments implement

measures that have been proven through previous temporary and pilot measures to be a net positive for the surrounding development and for the city as a whole, and they are being proposed in ways that generally align with the Land Use Bylaw and other guiding policy documents.

- How would Mobile Vendors be addressed and would they be permitted to operate in residential areas. Administration clarified that the Land Use Bylaw applies to individual parcels of land and Mobile Vendors would not be allowed to set up and operate on a residential parcel as that type of use would not be generally compatible with the purpose and intent of residential districts in the LUB and there could be significant impacts or interference with other residences in the area and the general character of the neighbourhood. However, Administration further clarified that the operation of Mobile Vendors on public roads would fall outside of the jurisdiction of the LUB and has been generally captured under the Traffic Safety Act and Airdrie's Traffic Bylaw (No. B-14/2016). In this area, Municipal Enforcement often takes the lead and operates on a complaint basis - often with support from the Planning and Development team. Administration finally noted that ME and Planning staff could work to draft an interpretation memorandum clarifying any potential confusion and supporting both the Land Use and Traffic Bylaws in addressing this type of operation.
- Would the allowance for Mobile Vendors as a Permitted Use on any Commercial, Mixed Use, or Industrial property cause potential conflicts with surrounding commercial storefronts, and would Administration consider adding a separation distance between the same or similar types of businesses in the Mobile Vendor standards? Administration clarified that this could be considered but noted that an appropriate separation distance can be difficult to apply and consistently enforce and would need to provide a balance between having enough places that would be available for Mobile Vendors to operate while respecting and preventing any potential negative impacts on established commercial storefronts. Administration noted that the draft amendments and the LUB as a whole are intended to properly balance and support a full spectrum of commercial businesses in Airdrie, which include Home Businesses, Mobile Vendors, and commercial storefronts. Finally, Administration noted that it would continue to engage the Chamber of Commerce and other stakeholders to ensure that the LUB is properly considering the business community as a whole, and that further monitoring and updates could follow later as may be required.

Municipal Planning Commission recommended that Council adopt Bylaw No. B-18/2022 as presented. The vote on this recommendation was 6 in favour and 1 opposed.

Alternatives/Implications:

City Council has three alternatives to consider with respect to the proposed amendments to Land Use Bylaw No. B-01/2016:

1. Council could choose to give three readings to Bylaw No. B-18/2022 as presented.

Choosing this option means that the Council supports the proposed bylaw to amend the Land Use Bylaw as outlined in this report and its attachment.

2. Council could choose to amend Bylaw No. B-18/2022 and then give three readings to Bylaw No. B-18/2022 as amended.

Choosing this option would allow for Council to make changes to the details of the proposed Bylaw as may be desired (e.g., to include separation requirements between land uses or alter specific standards within the draft LUB amendments) and then give three readings to an amended version of the Bylaw. This would be appropriate if Council supports the general aims of these amendments with specific caveats or modifications.

3. Council could choose to table Bylaw No. B-18/2022.

Choosing this alternative suggests that additional information is required before Council can provide a recommendation on the proposed bylaw.

4. Council could choose to defeat Bylaw No. B-18/2022.

Choosing this option means that the Council does not agree with the proposed bylaw and would not recommend approval. The current standards and regulations of the Land Use Bylaw would remain in effect.

Public Engagement and Communications Plan:

A Notice for Public Hearing was posted outlining the proposed amendments and was advertised in accordance with the requirement of the *Municipal Government Act*. Additionally, Administration has notified representatives of the development and building industry when Bylaw No. B-18/2022 is scheduled to go forward to Council. If Council gives three readings to the bylaw, the changes will be posted on the Land Use Bylaw webpage and consolidated in the Land Use Bylaw at the next possible update.

Recommendation:

That Council gives three readings to Bylaw No. B-18/2022 being a bylaw to amend Land Use Bylaw No. B-01/2016, by updating land use regulations for mobile vendors, outdoor patios, and temporary signage.

Jeff Brunen, Will Czaban
Senior Planners

Presenter:	Jeff Brunen, Will Czaban
Department:	Planning & Development
Reviewed by:	Kevin Weinberger, Director, CG & PS, Jamal Ramjohn, Manager, Community Growth
Attachments:	#1: Bylaw No. B-18/2022
Appointment:	N/A