

BYLAW NO. B-18/2022
CITY OF AIRDRIE
PROVINCE OF ALBERTA

Being a bylaw of the City of Airdrie
to amend Bylaw No. B-01/2016, the City of Airdrie Land Use Bylaw

WHEREAS under the authority and subject to the provisions of the ***Municipal Government Act***, Revised Statutes of Alberta, 2000, Chapter M-26, and amendments thereto, the Council of the City of Airdrie may pass Bylaws respecting land use;

WHEREAS the Council of the City of Airdrie has passed Bylaw No. B-01/2016, the City of Airdrie Land Use Bylaw; and

WHEREAS it is desirable to establish a Bylaw to enact that the said Land Use Bylaw be amended in the manner outlined below;

NOW THEREFORE the Council of the City of Airdrie, in Council duly assembled, enacts that Land Use Bylaw No. B-01/2016 be amended as follows:

1. In Section 1.13(5), the definition for “*Mobile Food Vendor*” be deleted and replaced with the following:

“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.”

2. In Section 2.3.2, the entry for “*Mobile Food Vendors*” be amended as follows:

Mobile Vendors

The operation of a Mobile Vendor where all the following requirements are met:

- 1. The Mobile Vendor is in a district where Mobile Vendors are listed as a Permitted Use;*
- 2. it complies with all applicable regulations in this Bylaw, and;*
- 3. it is not in the same place for more than seven (7) consecutive days or thirty (30) cumulative days in a calendar year.*

3. The land use classifications for “*Mobile Food Vendor*” be amended to read “*Mobile Vendor*” and made a Permitted Use in the following land use districts:
 - a. Section 8.5.17 - M2, Community Mixed Use District
 - b. Section 8.5.18 - M3, Downtown Core Mixed Use District
 - c. Section 8.5.19 - C1, Neighbourhood Commercial District
 - d. Section 8.5.20 - C2, Community Commercial District
 - e. Section 8.5.21 - C3, Regional Commercial District
 - f. Section 8.5.22 - CS, Service Commercial District
 - g. Section 8.5.23 - IB-1, Mixed Business/Employment District
 - h. Section 8.5.24 - IB-O, Office Park and Employment District

4. "Mobile Vendor" is added as a Permitted Use to the following land use districts:

- a. Section 8.5.25 - IB-2, Industrial Employment District
- b. Section 8.5.26 - IB-3, Heavy Industrial Employment District
- c. Section 8.5.28 - P-1, Public Open Space District
- d. Section 8.5.29 - P-2, Public Facilities District

5. Section 6.13 is deleted and replaced with the following:

6.13 Mobile Vendors

A Mobile Food Vendor shall meet all the following requirements and performance standards:

- (1) In evaluating a site's suitability to accommodate a Mobile Vendor, the Development Authority shall consider the vendor's location on the site, anticipated customer traffic generation, and any ancillary storage, equipment, and waste associated with the use;*
- (2) The Development Authority may consider multiple sites under a Development Permit application for a Mobile Vendor use. A letter of authorization is required from all registered landowners of all sites as outlined in Section 2.3.3 (Requirements for Development Permit Application);*
 - (a) For events, written consent is required from the Event Organizer*
- (3) The Development Authority may consider a Mobile Vendor operation within a City-owned right-of-way providing that Mobile Vendor does not interfere with access of any adjacent property or the movement of emergency vehicles.*
- (4) A Mobile Vendor use must not cause any hazards or annoyance to other users of the site or surrounding properties, as outlined in Section 7.1 (Adverse Effects and Nuisance);*
- (5) Any garbage or waste created shall be the responsibility of the vendor and shall not be disposed of in any Municipal facilities or receptacles, including public garbage bins, tree pits, storm drains, sanitary sewer systems or public streets;*
- (6) Mobile Vendors may not use audio amplification or freestanding signage, other than one A-Frame sign meeting the requirements of Section 5.8 (Sign Regulations by Type). Any signage associated with the use requires a separate permit and approval;*
- (7) Mobile Vendors may operate between the following hours:*
 - (a) Monday to Saturday between 7:00 am and 7:00 pm, and Sundays and Statutory Holidays between 10:00 am and 6:00pm, where the use is adjacent to a residential district or land use;*
 - (b) Between 7:00 am and 11:00 pm in all other locations and situations.*
- (8) Parking and Site Design:*
 - (a) A Mobile Vendor shall be sited in a manner that does not materially affect the principal use of the property or site access, circulation, and parking.*
 - (b) Mobile Vendors shall not occupy any parking stall required for the primary use(s) while the primary use(s) is/are open to the public.*
 - (c) The approved location for parking the Mobile Vendor shall be physically marked.*
 - (d) Mobile Vendors shall be removed from their approved location(s) after their designated hours of operation unless part of a larger approved event.*
 - (e) All equipment associated with the Mobile Vendor shall be located within 2.0m of the vehicle.*
 - (f) The Mobile Vendor operator is responsible for disposing of all trash associated with the operation in approved locations and ensuring that all areas within 3.0m of the vehicle are kept clean.*
 - (g) The Mobile Vendor unit(s) must be clean, well-lit, and aesthetically pleasing.*
 - (h) Mobile vendors may be located in municipal road rights-of-way provided:*
 - i. Not located on an arterial roadways;*
 - ii. At least 6.0m from adjacent roadways, lanes, or driveways;*
 - iii. At least 50.0m from school property boundaries;*
 - iv. At least 10.0m from a residential development and existing eating establishments;*
 - v. The Mobile Vendor cannot be located in one location for a period greater than four (4) hours;*
 - vi. Not interfering with or reducing visibility for either vehicular or pedestrian traffic;*
 - vii. Permission from the City of Airdrie has been granted; and*
 - viii. Insurance liability has been provided to the satisfaction of the Development Authority.*

- (9) *Storage of equipment related to the operation of the Mobile Vendor unit is permitted on the approving on-site parking area of a residential property between May 1 and October 31 providing that:*
- (a) *The Mobile Vendor is a home-based business at that location; and*
 - (b) *The equipment does not interfere with access of any adjacent property or the movement of emergency vehicles.*
 - (c) *The Mobile Vendor has a maximum gross vehicle weight not exceeding 6,350kg (14,000lbs).*

6. In Section 1.13(5), the definition for “*Restaurant Patio*” is deleted in its entirety.

7. In Section 1.13(5), the following definition is added:

“Commercial Outdoor Patio means:

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.”

8. In Section 6.14(3), the reference to “any exterior patio areas” is replaced with “any Commercial Outdoor Patio areas”.

9. Section 6.18 is deleted and replaced with the following:

6.18 Restaurants

A Commercial Outdoor Patio may be allowed accessory to a Restaurant use providing the following requirements are met:

- (1) *The extension of the Restaurant use shall not create any parking impacts on the site or surrounding area;*
- (2) *In the case of a Commercial Outdoor Patio located on the roof of a building or structure, it shall be located directly above the footprint of the permitted Restaurant, as defined by its boundaries on the floor below, unless potential impacts on adjoining uses can be successfully mitigated to the satisfaction of the Development Authority;*
- (3) *A Commercial Outdoor Patio shall meet the minimum front yard setback required in the district. Where the Patio will contribute to an urbanized, active street frontage, the front yard setback may be relaxed up to the front property line;*
- (4) *Where a Commercial Outdoor Patio is enclosed or otherwise developed in a manner that facilitates year-round use, it shall be considered a part of the principal use and count towards calculations for use area and floor area standards within the land use district;*
- (5) *Noise emission from any equipment or device shall be prohibited where it affects any adjacent properties;*
- (6) *A Commercial Outdoor Patio shall not be permitted in any yard adjacent to a Residential district, or in the case of a roof-top patio/terrace it shall not be located on lands adjacent to a Residential district;*
- (7) *Notwithstanding any requirements to the contrary, a Commercial Outdoor Patio may encroach into a Landscape Buffer, with exception of a buffer required adjacent to a Residential district.*

10. Section 7.24 is deleted and replaced with the following:

7.24 Projections over Public Property

Except as otherwise provided in this Bylaw, no development may project or encroach into public property.

7.24.1 Landscaping Projections

The Development Authority may, through a Development Permit application, approve landscaping encroaching onto public property where:

- (1) The encroaching landscaping, in the opinion of the Development Authority, contributes to improve the streetscape and aesthetic quality of the site, enhances the pedestrian environment, improves the internal circulation, and allows for stormwater infiltration on the site;*
- (2) The encroaching landscaping is maintained by developer/owner of the subject site, and;*
- (3) The developer/owner of the subject site enters into Encroachment and/or Maintenance Agreement(s), where required by the Development Authority.*

7.24.2 Awning or Canopy Projections

A Development Permit shall not be issued for the construction of any awning or canopy projecting over public property unless and until:

- (1) The applicant enters into an agreement that indemnifies the City against damage; and*
- (2) The applicant files with the City, in a form satisfactory to the City, a public liability and property damage policy issued by an insurance company in an amount to be determined by the City, which shall:*
 - (a) Insure against loss or damage, including personal injury or death, sustained by one or more persons or damage to property;*
 - (b) Indemnify against liabilities, claims, actions, loss, damages, judgments, costs, and expenses that may accrue or be suffered by the City or by any person by reason of the erection, installation, suspension, alteration, maintenance and/or use of the canopy or awning;*
 - (c) Be maintained in force by the lawful owner of the sign until the canopy or awning has been taken down and removed; and*
 - (d) Provide proof of insurance which names the City as an Additional Insured.*

7.24.3 Display Projections

Exterior displays associated with a commercial land use may encroach onto public property in Commercial and Mixed-Use Districts, subject to compliance with the following requirements:

- (1) Exterior displays located on Municipal property must be associated with the directly abutting business and are permitted only in the commercial land use districts. Examples of appropriate displays may include a portable clothing rack, small café-style tables and chairs, tables displaying goods such as house wares or art, etc.;*
- (2) Exterior displays include displays of advertising, information, or goods on directly adjacent municipal property by an abutting private business and is considered incidental and subordinate to the principal commercial use;*
- (3) Exterior displays on adjacent municipal property are only permitted during the business hours of the abutting business and shall:*
 - (a) Be set-up no more than 30 minutes prior to opening and removed within 30 minutes of closing;*
 - (b) No displays are permitted on municipal property between the hours of 1:00 am and 7:00 am;*
- (4) All displays are considered temporary and shall:*
 - (a) Be located a minimum of 0.5 metres from either side of a doorway and provide a clear pathway to the sidewalk;*
 - (b) Leave sufficient space between the display and the edge of the sidewalk for two-way, barrier free movement of pedestrians, wheelchairs, strollers, etc.;*
 - (c) Approaches to alleys, parking lots and driveways must not be restricted or obstructed by exterior displays so emergency vehicles can access these areas if and when required;*

- (d) *Displays shall be placed minimum of 10.0 metres from a traffic control device, signage, signal, or intersection;*
- (e) *Displays shall not obstruct access to fire hydrants or fire protection appliances;*
- (f) *Displays shall be weighted or otherwise secured so as not to pose a potential hazard in the case of extreme or unexpected weather events;*

7.24.4 Outdoor Patio Projections

Commercial Outdoor Patios may encroach onto public property in Commercial and Mixed-Use Districts, subject to compliance with the following requirements:

- (1) *The Commercial Outdoor Patio shall provide a clear pedestrian path of 2.0m width, which shall be maintained at all times.*
- (2) *Barrier-free access shall be provided to and throughout the patio including curb ramps to provide a safe passage for pedestrians*
- (3) *All access to nearby public utilities, building entrances, crosswalks, and bus stops shall be maintained and unimpeded*
- (4) *The patio shall maintain a minimum clearance of 1.5m around street fixtures, fire hydrants, and Fire Department connections*
- (5) *Temporary traffic controls shall be provided to the satisfaction of the Development Authority where the patio interferes with on-street movement of people, cyclists, and/or vehicles*
- (6) *The Commercial Outdoor Patio and any associated structures and equipment shall be kept in a safe, responsible, and clean condition, and in good repair*
- (7) *Up to 50% of off-street private parking spaces counted for required parking of the associated principal use 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.*
- (8) *Commercial Outdoor Patios shall only be permitted yearly from April 1st to October 31st.*
- (9) *Commercial Outdoor Patios shall not encroach onto public property:*
 - (a) *on two-lane roads, unless two-way traffic can be maintained*
 - (b) *on streets with a speed limit over 50km/h*
 - (c) *within 5.0m of the corner of an intersection*
 - (d) *within 10.0m of the corner of an intersection with a stop/yield sign or a pedestrian crosswalk*
- (10) *Commercial Outdoor Patios shall not place shade structures (e.g., tents, canopies, pavilions) within public rights-of-way and must not interfere with adjacent parking lot traffic movement or traffic visibility.*

11. “Standard” and “Changeable Copy” purposes and features for “Lawn Signs” are changed to Permitted in the following Sections:

- a. Section 5.7.3, Table S.03
- b. Section 5.7.4, Table S.04
- c. Section 5.7.5, Table S.05
- d. Section 5.7.6, Table S.06
- e. Section 5.7.7, Table S.07
- f. Section 5.7.9, Table S.09
- g. Section 5.7.10, Table S.10
- h. Section 5.7.11, Table S.11

12. “Standard” purposes for “Lawn Signs” are changed to Permitted in Section 5.7.15 (Table S.15).

13. "Standard" purposes for "Specialized Signs" are changed to Discretionary in the following Sections:

- a. Section 5.7.3, Table S.03
- b. Section 5.7.4, Table S.04
- c. Section 5.7.5, Table S.05
- d. Section 5.7.6, Table S.06
- e. Section 5.7.7, Table S.07
- f. Section 5.7.9, Table S.09
- g. Section 5.7.10, Table S.10
- h. Section 5.7.11, Table S.11
- i. Section 5.7.15, Table S.15

14. Annotations for "Standard" and "Changeable Copy" purposes and features for "Portable Signs" are deleted in the following tables:

- a. Section 5.7.3, Table S.03
- b. Section 5.7.4, Table S.04
- c. Section 5.7.5, Table S.05
- d. Section 5.7.6, Table S.06
- e. Section 5.7.7, Table S.07
- f. Section 5.7.9, Table S.09
- g. Section 5.7.10, Table S.10
- h. Section 5.7.11, Table S.11
- i. Section 5.7.15, Table S.15

15. "Standard" and "Changeable Copy" purposes and features for "A-Frame Signs" are changed to Permitted in Section 5.7.10 (Table 10).

16. Section 5.7.11 (Table S.11) is amended by changing all "Requires MPC Approval" descriptions for the "Third Party Advertising" purpose to "Discretionary".

17. The following subsections in Part 5.7 (Signs allowed by District) are deleted in their entirety:

- a. Section 5.7.3(3)
- b. Section 5.7.4(4)
- c. Section 5.7.5(4)
- d. Section 5.7.6(3)
- e. Section 5.7.7(4)
- f. Section 5.7.9(4)
- g. Section 5.7.11(4)
- h. Section 5.7.11(5)
- i. Section 5.7.15(5)

18. The "Number of Signs" portion of the "Sign Location" table is amended to: "at the discretion of the Development Authority" in the following sections:

- a. Section 5.8(6), A-Frame Sign standards
- b. Section 5.8(8), Lawn Sign standards
- c. Section 5.8(10), Portable Sign standards

19. Section 5.8(7)(g) is amended by adding the following at the end of the current regulation: "This copy rotation may be used by the City of Airdrie to provide local business marketing when not required for emergency messaging or advertising City events or initiatives."
20. The "ROW Encroachment" portion of the "Sign Location" table in Section 5.8(8) is amended to: "at the discretion of the Development Authority".
21. The "Setbacks from Property Line" portion of the "Sign Location" table in Section 5.8(10) is amended to "None Required".
22. Section 5.8(10)(b) is deleted in its entirety, and the remaining subsections of 5.8(10) are renumbered accordingly.
23. Section 5.8(10)(h) and (i) are deleted in their entirety, and the remaining subsections of 5.8(10) are renumbered accordingly.
24. The following shall be added as Section 5.9.4(4):
(4) Third-Party Advertising shall be considered a Permitted sign feature for all sign types listed as Permitted or Discretionary in Land Use Bylaw B-01/2016"
25. The following shall be added as Section 5.9.9(4):
(4) The Development Officer shall have the authority to waive or vary any provision in Section 5.9.9(1) to Section 5.9.9(3) without the requirement for notification pursuant to Section 2.4.6.

Read a first time this 2nd day of May, 2022.

Read a second time this 2nd day of May, 2022.

Read a third time this 2nd day of May, 2022.

THIS bylaw was executed as of the latest date evidenced by digital signature below.

Mayor

City Clerk