

History of Zoning Bylaw 12800 Alcohol Sales Regulations

The number of liquor stores in Edmonton has grown from 25 in 1993 to roughly 250 since they were privatized in Alberta. In 2005 and 2006, the Alberta Liquor Store Association initiated an amendment to Zoning Bylaw 12800 to require a 500 metre separation distance between liquor stores. The reasons stated to support this request indicated that the separation distance would address:

- an over concentration and proliferation of liquor stores
- reduced values of neighbouring properties,
- increased traffic,
- drinking in parking lots,
- vandalism and other forms of social disorder, and
- increase impaired driving.

It was also cited that an over concentration of liquor stores could lead to improper business practices, where liquor store operators may choose out of desperation to sell liquor to anyone, such as minors or intoxicated individuals in order to keep their business in operation. It was also indicated that the density of liquor stores within a small area intensified these impacts.

In consideration of the proposed separation distance between liquor stores, Administration was not convinced it would resolve the impacts cited by the Alberta Liquor Store Association, and recommended to Executive Committee not to intervene with the marketplace or private business. In the report, Administration stated:

“Socio-economic factors within various areas of the City may play a significant role in the net impacts associated with liquor stores. It is acknowledged that some areas with concentrations of liquor stores have higher proportions of disadvantaged (including those suffering or recovering from addictions), low income and/or transient residents. The interplay between liquor store concentrations and surrounding populations are not necessarily easily addressed through land use planning.

The proposed 500 metre separation distance does not address differences between high density and low density areas, or between pedestrian-oriented areas and vehicular-oriented areas. It also does not address the differences in size of stores (Minor or Major Alcohol Sales), specialization, or hours of operation.” (2006PDP127, p. 2-3)

Administration indicated that the outcomes of the separation distance would:

- create a non-conforming use;
- interfere with the marketplace and restrict competition;
- increase the value of existing liquor stores due to a scarcity factor;
- not address operational issues related to poor or improper business practices; and
- increase pressure for liquor store development in potentially inappropriate locations to compete with other liquor stores and in order to comply with the separation distance requirements.

In the report, Administration stated that no evidence was found that indicated liquor stores were the cause of the impacts cited, and noted the City of Calgary's experience with separation distances for liquor stores. In 2003, also at the request of the Alberta Liquor Store Association, Calgary introduced a 300 metre separation distance between liquor stores despite Calgary Administration's non support for the amendments, "on the basis that it would not address the negative impacts claimed to be associated with concentrations of liquor stores." It was also noted that Calgary's Administration "found that liquor stores are associated with lower rates of crime than convenience stores or gas bars and that the hours of operation and the nature of the business were greater factors in the numbers of crimes than uses."

Upon the passing of Bylaw 14547, which introduced the 500 metre separation distance between liquor stores, 60 percent of the existing liquor stores in operation in Edmonton in 2007 became legal non-conforming uses. As a legal non-conforming use, liquor stores could continue to operate, but could not structurally alter or expand their business premises due to the restrictions of the Municipal Government Act. Further, as a legal non-conforming use, if the liquor store use is discontinued for more than six months, a new liquor store could no longer be operated from the same location.

Since the 2007 amendments, Zoning Bylaw 12800 has been amended in 2012 and 2016 to provide flexibility to the separation distance requirements, suggesting a desire to alleviate some of the restrictive consequences of the regulations. Details of these further amendments are outlined in the timeline listed below.

Zoning Bylaw 12800 Liquor Store Amendment Timeline

September 2, 1993:

Privatization of liquor stores in Alberta announced

November 15, 1993:

Land Use Bylaw 5996 amended (10581) to introduce definitions and Special Land Use Provisions for Major and Minor Alcohol Sales, including the 100 metre separation distance requirements between liquor stores and parks, community/recreation service activities, and schools.

March 5, 1994:

Privatization fully implemented

October 9, 1995:

Land Use Bylaw 5996 amended (Bylaw 11066) to provide clarification of the Special Land Use Provisions for Major and Minor Alcohol Sales and the separation from, and definition of, schools, parks, and community and recreation activities.

August 24, 1998:

Land Use Bylaw 5596 amended (Bylaw 11832) to provide clarification of the Special Land Use Provisions for Major and Minor Alcohol Sales, that the separation from schools, parks, and community and recreation activities is required from any site containing a Major and/or Minor Alcohol Sales Use.

March 12, 2007:

Zoning Bylaw 12800 amended (Bylaw 14547) to introduce the 500 metre separation distance between liquor stores implemented as part of the Major Alcohol Sales and Minor Alcohol Sales use definitions, thereby eliminating the ability for the Development Officer and the Subdivision and Development Appeal Board to grant a variance to the regulation. Bylaw 14547 renders 60 percent of the existing liquor stores in Edmonton legal non-conforming uses.

October 29, 2012:

Zoning Bylaw 12800 amended (Bylaw 15520) to remove the 500 metre separation distance requirement from the definitions for Major Alcohol Sales and Minor Alcohol Sales, to provide variance powers to the Development Officer and Subdivision and Development Appeal Board, with the intent to allow liquor stores to relocate within their 500 metre separation distance at the discretion of the Development Officer, in order enable existing stores to renovate, relocate and expand.

December 12, 2016:

Zoning Bylaw 12800 amended (Bylaw 17836) to allow exemptions of separation distances for liquor stores in suburban areas, and to clarify variance limitations.