

## Draft Text Amendment to Zoning Bylaw 12800

Black Font = existing Zoning Bylaw text

Underline Italic Font = proposed addition to Zoning Bylaw

Strikethrough = proposed deletion from Zoning Bylaw

### **85. ~~Major and Minor Alcohol Sales~~**

~~Major and Minor Alcohol Sales shall comply with the following regulations:~~

- ~~1. the Development Officer may require lighting, signage or screening measures that, in his opinion, make the proposed development compatible with adjacent or nearby residential or commercial development;~~
- ~~2. the Development Officer may require that a Traffic Impact Study be conducted for Major Alcohol Sales Use Classes prior to the issuance of a Development Permit, if it appears that traffic volumes or vehicular turnover may create a significant negative impact on surrounding development. This Traffic Impact Study shall be prepared to the satisfaction of Transportation Services;~~
- ~~3. any Major or Minor Alcohol Sales Use shall not be located closer than 500.0 m from any other Major or Minor Alcohol Sales Use. For the purposes of this subsection only:
 
  - ~~a. the 500.0 m separation distance shall be measured from the closest point of the Major or Minor Alcohol Sales Use to the closest point of any other existing or approved Major or Minor Alcohol Sales Use; and~~
  - ~~b. if there are two or more Major or Minor Alcohol Sales Uses lawfully operating within 500 m of each other as of the date of the enactment of this Section they shall be considered legal non-conforming uses.~~~~
- ~~4. Notwithstanding Section 11 of this Bylaw, a variance of Section 85.3 may only be granted where:
 
  - ~~a. the application for a development permit is solely for the purpose of accommodating the relocation, within 500.0 m of its original location, of an existing approved Major or Minor Alcohol Sales Use;~~
  - ~~b. the application for a development permit will not result in a total Floor Area that is greater than the existing approved Major or Minor Alcohol Sales Use being relocated, and~~
  - ~~c. the granting of a variance will not result in any conforming Major or Minor Alcohol Sales Use becoming a non-conforming use pursuant to the Municipal Government Act, except where:
 
    - ~~i. the Major or Minor Alcohol Sales Use has relocated from its previous original location;~~
    - ~~ii. the granting of the variance is to accommodate the reversion of an existing approved Major or Minor Alcohol Sales Use back to its original Site, and~~
    - ~~iii. the application for the above reversion is submitted to the Development Officer within 5 years of the date of vacating the original location.~~~~~~

5. ~~The issuance of a permit which contains a variance pursuant to Section 85.4 may be issued as a Temporary Development for a duration, to be determined by the Development Officer, that controls the introduction of additional Major or Minor Alcohol Sales Uses within 500.0 m of the approved permit.~~
6. ~~any Site containing Major or Minor Alcohol Sales Use Classes shall not be located closer than 100.0 m to any Site being actively used for community or recreation activities, public parks, or public or private education at the time of the application for the Development Permit for the Alcohol Sales Use Class. Sites that are greater than 2 ha in size and that are zoned either as CSC or as DC2, are exempted from this restriction. For the purposes of this subsection only:
 
  - a. ~~the 100.0 m separation distance shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and shall not be measured from Zone boundaries or from the edges of structures;~~
  - b. ~~the term "community or recreation activities" is limited to Community Recreation Services Uses, as defined in subsection 7.8(1) of this Bylaw, which includes community league buildings and facilities, and children's playgrounds and play areas. This term does not include arenas or other public assembly Uses, Child Care Services, Public Libraries and Cultural Exhibits or Religious Assembly;~~
  - c. ~~the term "public or private education facilities" is limited to elementary through to high schools inclusive only, and does not include dance schools, driving schools or other commercial schools; and~~
  - d. ~~the term "public parks" is limited to park Sites zoned as AP Zone, and active recreation areas in the river valley that are zoned as A Zone; it does not include passive river valley areas and other areas zoned as A Zone; and~~~~
7. ~~the Development Officer may consider Crime Prevention Through Environmental Design Criteria by ensuring:
 
  - a. ~~the exterior of all stores have ample glazing from the street to allow natural surveillance;~~
  - b. ~~exterior lighting should be in accordance with the minimum safety standards prescribed by the Illuminating Engineers Society;~~
  - c. ~~any landscaping around the facilities be low growing shrubs or deciduous trees with a high canopy at maturity and that all foliage be kept trimmed back to prevent loss of natural surveillance;~~
  - d. ~~no customer parking is in behind a facility and that all parking areas in front of the building be well-lighted; and~~
  - e. ~~customer access to the store is limited to a store front that is visible from the street, shopping centre parking lot or a mall access that allows visibility from the interior.~~~~

**85. Major Alcohol Sales and Minor Alcohol Sales**

Major Alcohol Sales and Minor Alcohol Sales shall comply with the following regulations:

1. Any Major Alcohol Sales or Minor Alcohol Sales shall not be located less than 500 m from any other Major Alcohol Sales or Minor Alcohol Sales .
2. Notwithstanding subsection 85(1), a Major Alcohol Sales or Minor Alcohol Sales may be located less than 500 m from any other Major Alcohol Sales or Minor Alcohol Sales if the following regulations are met:
  - a. the Major Alcohol Sales or Minor Alcohol Sales are outside the area shown in the Appendix 1 to section 85;
  - b. at least one of the Major Alcohol Sales or Minor Alcohol Sales is located on a Site greater than 2.5 ha in area that is zoned as CSCa, UVCa, GVC, TC-C, DC1, DC2, CSC, CB1, CB2, CHY, CO or CB3; and
  - c. any Major Alcohol Sales or Minor Alcohol Sales located on the same Site as any other Major Alcohol Sales or Minor Alcohol Sales shall be located 500 m or greater apart.
3. For the purposes of section 85, the 500 m separation distance shall be measured from the closest point of the Major Alcohol Sales or Minor Alcohol Sales Use to the closest point of any other existing or approved Major Alcohol Sales or Minor Alcohol Sales Use.
4. Any Site containing a Major Alcohol Sales or Minor Alcohol Sales shall not be located closer than 100 m to any Site being actively used for community or recreation activities, public parks, or public or private education at the time of the application for the Development Permit for the Major Alcohol Sales or Minor Alcohol Sales. Sites that are greater than 2.0 ha in size and that are zoned either as CSC or as DC2, are exempted from this restriction. For the purposes of this subsection only:
  - a. the 100 m separation distance shall be measured from the closest point of the subject Site boundary to the closest point of another Site boundary, and shall not be measured from Zone boundaries or from the edges of structures;
  - b. the term "community or recreation activities" is limited to Community Recreation Services, as defined in subsection 7.8(1) of this Bylaw, which includes community league buildings and facilities, and children's playgrounds and play areas. This term does not include arenas or other public assembly Uses, Child Care Services, Public Libraries and Cultural Exhibits or Religious Assembly;

- c. the term "public or private education facilities" is limited to elementary through to high schools inclusive only, and does not include dance schools, driving schools or other commercial schools; and
  - d. the term "public parks" is limited to park Sites zoned as AP Zone, and active recreation areas in the river valley that are zoned as A Zone; it does not include passive river valley areas and other areas zoned as A Zone.
- 5. Notwithstanding section 11 of this Bylaw, a Development Officer shall not grant a variance to subsection 85(4) and a Development Officer shall only grant a variance to subsection 85(1) or subsection 85(2) as outlined in subsections 85(6), 85(7) and 85(8).
- 6. When the Development Permit application is solely for the purpose of accommodating the relocation of an existing approved Major Alcohol Sales or Minor Alcohol Sales, within 500 m of its original location, a variance to subsection 85(1) or subsection 85(2) may be granted where:
  - a. the application for the Development Permit is for a Temporary Development for a duration of 5 years or less, in order to limit the introduction of an additional Major Alcohol Sales or Minor Alcohol Sales within 500.0 m of the original approved permit;
  - b. the temporary location for any Major Alcohol Sales or Minor Alcohol Sales is not within 500 m of any legally conforming Major Alcohol Sales or Minor Alcohol Sales;
  - c. the application for a Development Permit will not result in a total Floor Area that is 10.0% greater than the Floor Area of the existing approved Major Alcohol Sales or Minor Alcohol Sales; and
  - d. the application for a Development Permit will not result in a change of Use from Minor Alcohol Sales to Major Alcohol Sales.
- 7. When an application is received for a Development Permit that is solely for the purpose of accommodating the reversion of an existing approved Major Alcohol Sales or Minor Alcohol Sales back to its original location on a Site, a variance of subsection 85(1) or subsection 85(2) may only be granted where the application for the reversion is submitted to the Development Officer within 5 years of the date of vacating the original location and the application will not result in a total Floor Area that is greater than the original approved Major Alcohol Sales or Minor Alcohol Sales.
- 8. The issuance of a Development Permit which contains a variance pursuant to subsection 85(6) shall be issued as a Temporary Development for a duration of up to 5 years or less, to be determined by the Development Officer.

9. The Development Officer may require lighting, signage or screening measures that make the proposed development compatible with adjacent or nearby residential or commercial development.
10. The Development Officer may require that a Traffic Impact Study be conducted for Major Alcohol Sales prior to the issuance of a Development Permit, if it appears that traffic volumes or vehicular turnover may create a significant negative impact on surrounding development. This Traffic Impact Study shall be prepared to the satisfaction of the Development Officer in consultation with Transportation Services.
11. The Development Officer may consider Crime Prevention Through Environmental Design Criteria by ensuring:
  - a. the exterior of all stores have ample glazing from the street to allow natural surveillance;
  - b. exterior lighting should be in accordance with the minimum safety standards prescribed by the Illuminating Engineers Society;
  - c. Landscaping be low-growing shrubs or deciduous trees with a high canopy at maturity and that all foliage be kept trimmed back to prevent loss of natural surveillance;
  - d. no customer parking is located behind a building and that all parking areas in front of the building be well-lighted; and
  - e. customer access to the store is limited to a store front that is visible from the street, shopping centre parking lot or a mall access that allows visibility from the interior.

**Appendix 1: Major Alcohol Sales and Minor Alcohol Sales Non-exemption Area for 500m Separation Distance**

