

Mark-up of Proposed Changes for Liquor Stores

Within the proposed Liquor Store Opportunity Area boundary, new liquor stores would be able to locate less than 500 metres from existing liquor stores, but would be required to maintain the minimum 100 metre separation distance from parks, schools, and community recreation services. Administration proposes to provide the Development Officer the authority to grant a variance to the separation distance to parks only within the proposed Opportunity Area. This responds to feedback received during circulation and is informed by a review of Subdivision and Development Appeals Board decisions.

The design regulations proposed focus on enhancing pedestrian safety and improving natural and passive surveillance of the establishment. These are captured in 85(13).

Administration also proposes to replace Major and Minor Alcohol Sales with the new use Liquor Store. Currently the only distinction in Zoning Bylaw 12800 between a Major and Minor Alcohol Sales use is if the floor area is greater than 275 m². As a result of analysis of permits and discussion with store operators it was identified that there is no planning rationale to maintain a distinction between Major and Minor Alcohol Sales uses. Some of the highest volume retailers are Minor Alcohol Sales, while some lower volume retailers are Major Alcohol Sales. The implication of the consolidation of Major Alcohol Sales and Minor Alcohol Sales is that it would allow for liquor stores greater than 275 m² in zones that only list the Minor Alcohol Sales. A table of the impacted zones is found following the mark-up of the proposed text amendments.

Administration also proposes to reduce the parking requirements for the newly proposed Liquor Store. The high parking requirements for alcohol sales predate the privatization of liquor stores and reflect a time when there were only 25 liquor stores in Edmonton, creating high traffic volumes at these limited locations. With approximately 250 liquor stores in operation at present, the volume of vehicle trips to liquor stores is much lower. The reduced parking requirement aligns the number of required spaces with the actual demand for parking at this type of retailer. Administration recommends aligning the parking rate for liquor stores with General Retail Stores.

Mark-up of Proposed Text Amendment to Zoning Bylaw 12800 Black Font Existing Text in Zoning Bylaw 12800 Strikethrough: Proposed deletion from Zoning Bylaw 12800 <u>Underline:</u> Proposed addition to Zoning Bylaw 12800	Rationale / Notes
3.2 Provisions for existing Development Permits and Direct Control Provisions 1. For the purpose of any Development Permit or Direct Control Provisions: <u>k. Major Alcohol Sales is deemed to be Liquor Store.</u>	Administration recommends removing the distinction between Major and Minor Alcohol sales, and replacing these uses with a single Liquor Store use. This interpretative clause will only apply to Major Alcohol Sales and will not apply to Minor Alcohol Sales listed in Direct Control zones. This will ensure development rights for Direct Control Provisions are maintained and do not inadvertently alter Council's intent for site specific development. When the Development Officer receives an application for a Minor Alcohol Sales liquor store in a Direct Control zone, they will have to refer to the historic definition for Minor Alcohol Sales, which limits the Floor Area to 275 m ² .
7.4(30) Major Alcohol Sales, means development used for the retail sales of any and all types of alcoholic beverages to the public where the Floor Area for the individual business premises is greater than 275 m². This Use may include retail sales of related products such as soft drinks and snack foods.	Administration recommends removing the distinction between Major and Minor Alcohol sales, and replacing these uses with a single Liquor Store use.

~~**7.4(34) Minor Alcohol Sales**, means development used for the retail sale of any and all types of alcoholic beverages to the public. This Use may include retail sales of related products such as soft drinks and snack foods. The maximum Floor Area for this Use shall be no more than 275 m² per individual business premises.~~

7.4 (30) Liquor Store, means development used for the retail sale of any and all types of alcoholic beverages to the public. This Use may include retail sales of related products such as soft drinks and snack foods.

54. Schedule 1

Schedule 1 - Vehicular Parking Requirement

Schedule 1(A) All Areas Outside of the Downtown Special Area, Main Streets Corridors, and Transit Nodes

Use of Building or Site

Minimum Number of Parking Spaces Required

Commercial Uses

12. Any development within a Commercial Use not listed separately in this table, with a Floor Area of:

- a. less than 4500 m²
- b. 4500 m² - 9000 m²
- c. 9000 m² - 28000 m²
- d. greater than 28000 m²

1 parking space per 40.0 m² of Floor Area
 1 parking space per 33.3 m² of Floor Area
 1 parking space per 28.5 m² of Floor Area
 1 parking space per 25.0 m² of Floor Area

~~19. Major Alcohol Sales~~

~~1 parking space per 23.3 m² of Floor Area~~

~~20. Minor Alcohol Sales~~

~~1 parking space per 31.3 m² of Floor Area~~

Remainder of Schedule to be renumbered accordingly.

The high parking requirements for alcohol sales predate the privatization of liquor stores. As such, Administration recommends aligning the parking rate for liquor stores with General Retail Stores, where development less than 4,500m² of Floor area are required to provide 1 parking space per 40.0 m² of Floor Area.

<p>85. <u>Liquor Stores Major Alcohol Sales and Minor Alcohol Sales</u></p> <ol style="list-style-type: none"> Any <u>Liquor Store Major Alcohol Sales or Minor Alcohol Sales</u> shall not be located less than 500 m from any other <u>Liquor Store Major Alcohol Sales or Minor Alcohol Sales</u> Notwithstanding subsection 85(1), a <u>Liquor Store Major Alcohol Sales or Minor Alcohol Sales</u> may be located less than 500 m from any other <u>Liquor Store Major Alcohol Sales or Minor Alcohol Sales</u> if all the following regulations are met if located: <ol style="list-style-type: none"> the Major Alcohol Sales or Minor Alcohol Sales are located on separate Sites; the Major Alcohol Sales or Minor Alcohol Sales are located outside the boundary shown in Appendix 1 to Section 85; and at least one of the Major Alcohol Sales or Minor Alcohol Sales is located on a Site greater than 2.5 ha in size that is zoned CSCa, UVCa, GVC, TC-C, DC1, DC2, CSC, CB1, CB2, CHY, CO or CB3. inside the boundary shown in Appendix 1 to Section 85, or outside the boundary shown in Appendix 2 to Section 85, provided: <ol style="list-style-type: none"> the Liquor Store Uses are located on separate Sites, and at least one Liquor Store is located on a Site greater than 2.5 ha in size that is zoned CSCa, UVCa, GVC, TC-C, DC1, DC2, CSC, CB1, CB2, CHY, CO or CB3. For the purposes of Section 85, the 500 m separation distance shall be measured from the closest point of the <u>Liquor Store Major Alcohol Sales or Minor Alcohol Sales Use</u> to the closest point of any other approved <u>Liquor Store Major Alcohol Sales or Minor Alcohol Sales Use</u>. Any Site containing a <u>Liquor Store Major Alcohol Sales or Minor Alcohol Sales</u> shall not be located less than 100 m from any Site being used for community or recreation activities, public or private education, or public lands at the time of the application for the Development Permit for the <u>Liquor Store Major Alcohol Sales or Minor Alcohol Sales</u>. Sites that are greater than 2.0 ha in size and zoned either CSC or DC2, are exempt from this restriction. For the purposes of this subsection only: 	<p>Throughout Section 85 - References to Major Alcohol Sales and Minor Alcohol Sales is replaced with Liquor Store. Administration has determined that there is no planning rationale to distinguish a Major Alcohol Sales and Minor Alcohol Sales.</p> <p>Section 85(4)(d) - delete reference to Appendix I of Section 811, this appendix does not contain information as it relates to passive versus active recreation areas, creating uncertainty for applicants and Development Officers reviewing</p>
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<p>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;</p> <p>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;</p> <p>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</p> <p>d. the term "public lands" is limited to Sites zoned AP, and Sites zoned A.-and active recreation areas in the North Saskatchewan River Valley and Ravine System, as shown in Appendix I of Section 811 of this Bylaw, that are zoned A; it does not include passive areas in the North Saskatchewan River Valley and Ravine System, as shown in Appendix I of Section 811 of this Bylaw and other areas zoned A.</p> <p>5. Notwithstanding Section 11 of this Bylaw, a Development Officer shall not grant a variance to subsection 85(4), <u>except that:</u></p> <p>a. <u>development located within the boundary shown in Appendix 1 to Section 85 may, through variance powers, be located less than 100m from public lands where:</u></p> <p>i. <u>located a minimum distance of 100m from community or recreation activities and public or private education facilities, and</u></p> <p>ii. <u>the public lands are not configured for public gatherings or events and do not contain structures or features designed for play, including children's playgrounds and play areas.</u></p> <p>6. Notwithstanding Section 11 of this Bylaw, a Development Officer shall only grant a variance to subsection 85(1) or subsection 85(2) as outlined in subsections 85(7), 85(8) and 85(9).</p>	<p>application. The proposed change aligns this provision with the separation distance requirement between Cannabis Retail Sales and public lands, providing certainty and clarity to the provision.</p> <p>85(5)(a) - in consideration of the feedback received that indicated desire to remove or reduce separation distances to parks, as well as a review of Subdivision and Development Appeal Board decisions for liquor stores in the Downtown, Administration proposes to provide the Development Officer the authority to grant a variance to the separation distance to parks in the proposed Opportunity Area, taking into consideration the pedestrian activity around the park, the presence or absence of park amenities, and whether the park is primarily used for commuting or a recreation space. This change also provides more flexibility in the downtown in consideration of plans for future park developments in the Downtown.</p>
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<p>7. When the Development Officer receives an application for a Development Permit that is for the purpose of accommodating the temporary relocation of an approved <u>Liquor Store</u> 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:</p> <ul style="list-style-type: none"> a. the application for the Development Permit is for a Temporary Development, in order to limit the introduction of an additional <u>Liquor Store</u> Major Alcohol Sales or Minor Alcohol Sales within 500 m of the original approved Development Permit; b. the temporary location for any <u>Liquor Store</u> Major Alcohol Sales or Minor Alcohol Sales is not within 500 m of any legally conforming <u>Liquor Store</u> Major Alcohol Sales or Minor Alcohol Sales; and c. the application for a Development Permit will not result in a total Floor Area for a <u>Liquor Store</u> Major Alcohol Sales or Minor Alcohol Sales that is 10.0% greater than the Floor Area of the existing approved <u>Liquor Store</u> Major Alcohol Sales or Minor Alcohol Sales, to a maximum increase of 50 m². and d. the application for a Development Permit will not result in a change of Use from Minor Alcohol Sales to Major Alcohol Sales. <p>8. When a Development Officer receives an application for a Development Permit that is for the purpose of accommodating the reversion of an existing approved <u>Liquor Store</u> 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 <u>Liquor Store</u> Major Alcohol Sales or Minor Alcohol Sales. and</p> <p>9. The issuance of a Development Permit which contains a variance pursuant to subsection 85(7) shall be issued as a Temporary Development for a duration of up to 5 years or less, to be determined by the Development Officer.</p> <p>10. The Development Officer may require lighting, signage or screening measures that ensure the proposed development is compatible with adjacent or nearby Residential Uses or Commercial Uses.</p> <p>11. The Development Officer may require that a Traffic Impact Study be conducted for <u>a</u> <u>Liquor Store</u> Major Alcohol Sales prior to the issuance of a Development Permit, if it</p>	<p>85(8)(d) - this provision will be deleted as the Major Alcohol Sales and Minor Alcohol Sales uses will be consolidated into one use Liquor Store, therefore a change of Use will no longer be applicable. However, the intensity of the use will continue to be restricted by 85(8)(c) that limits the increase in floor area to 50 m².</p> <p>85(13) - reference to Crime Prevention Through Environmental Design (CPTED) is removed, as the proposed design regulations focus on outcomes of CPTED principles. Where necessary, the Development Officer still can require a CPTED</p>
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appears that traffic volumes or vehicular turnover may create a significant negative impact on surrounding development. The Traffic Impact Study shall be prepared to the satisfaction of the Development Officer, in consultation with Transportation Services.

~~12. The Development Officer shall consider Crime Prevention Through Environmental Design criteria by ensuring:~~

- ~~a. the exterior of all stores have ample transparency 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 of North America;~~
- ~~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 lit; and~~
- ~~e. customer access to the store is limited to a store front that is visible from the street, other than a Lane, shopping centre parking lot or a mall access that allows visibility from the interior.~~

12. Liquor Store developments shall include the following to allow for natural surveillance to promote safe surroundings:

- a. Customer access is oriented to:
 - i. a public or internal roadway, other than a Lane;
 - ii. a shopping centre parking lot in front of the store; or
 - iii. a mall access that allows visibility from the interior of the mall into the store.
- b. Premises located at ground level shall include:
 - i. Ample transparency to maintain sight lines into and out of the premises. To ensure transparency and sight lines are maintained:
 - 1. Not more than 10% of the windows may be covered by Signs, the remainder shall be clear, untinted, and free from obstruction.

assessment through Section 58 of the Bylaw.

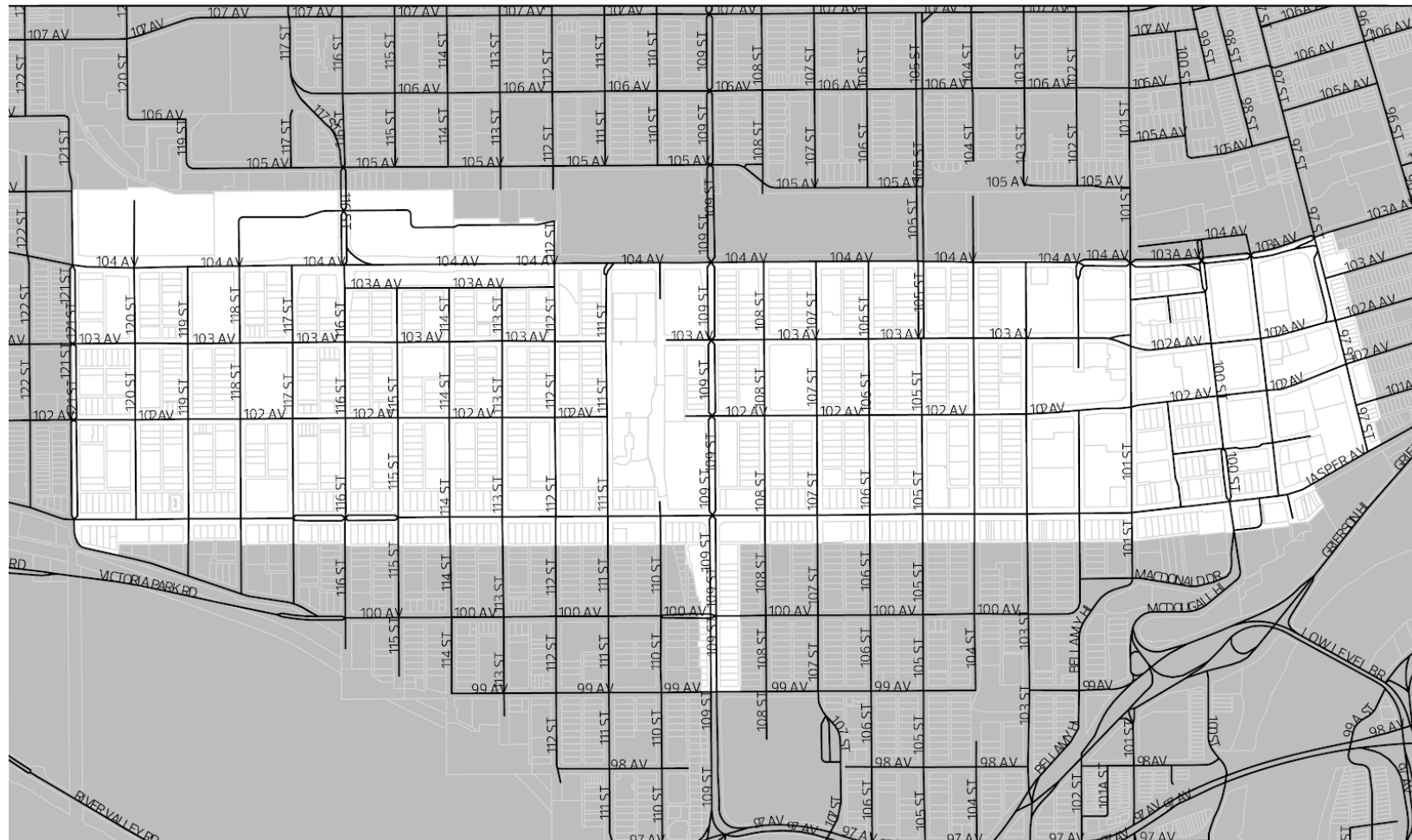
85(13)(a) - for patron and pedestrian safety, customer access must be located in an area visible from a public or internal street other than a Lane, or in the case of shopping centre sites, customer access must be visible from a parking lot in front of the store.

85(13)(b)(i) - to ensure sight lines into and out of a liquor store are maintained, a maximum of 10% of the windows may be covered in signs, and the remainder must be clear, untinted and free from obstruction. This would also mean that interior furnishings cannot be placed against the windows that would obstruct views. This would be added as a condition of the Development Permit to facilitate effective enforcement of this requirement.

85(13)(b)(ii) - to ensure pedestrian areas are well lit, this provision will require a lighting plan to be submitted to the Development Officer for their review to ensure adequate lighting is provided. This will also allow the Development Officer to ensure light is not directed at any adjoining properties in accordance with Section 51. The

<p>ii. <u>Outdoor lighting is required to provide a well-lit environment for pedestrians entering and exiting the premises and to illuminate the property. The Development Officer shall require the applicant to provide a plan showing the location and details of perimeter lighting to ensure adequate lighting.</u></p> <p>iii. <u>Landscaping shall be located such that it does not obstruct sight lines into the premises.</u></p> <p><u>Appendix 1: Liquor Store Opportunity Area</u></p> <p><u>Appendix 12: Major Alcohol Sales and Minor Alcohol Sales Non-exemption Area to 500 m Separation Distance</u></p>	<p>lighting plan requirement will also facilitate effective enforcement of this requirement to ensure compliance with an approved development permit.</p> <p>85(13)(b)(iii) -this requirement allows the development officer flexibility in considering other factors related to landscaping that may obstruct sight lines into and out of a liquor store, rather than requiring high canopy trees and low growing shrubs.</p>
<p>910.12 (AED) Arena & Entertainment District Zone</p> <p>6. Additional Development Regulations for Specific Uses and Streets</p> <p>a. The following regulations shall apply to Liquor Store developments Major Alcohol Sales and Minor Alcohol Sales:</p> <p>i. Subsections 85(1), (2), (3), (5), (6), (7), (8) and (9) of this Bylaw shall not apply to Major Alcohol Sales or Minor Alcohol Sales.</p> <p>ii. <u>i.</u> Notwithstanding Section 85(4) of the Bylaw, <u>a Liquor Store</u> Major Alcohol Sales or Minor Alcohol Sales may be located within 100 meters of any Site being used for community or recreational activities, as defined in section 85(4)(b) of this Bylaw, and such a location shall not require the Development Officer to grant a variance.</p>	<p>The proposed changes will bring the recent amendments to the AED Zone into alignment with the proposed changes for the Liquor Store Opportunity Area boundary and the other changes proposed to Section 85.</p>

Appendix 1: Liquor Store Opportunity Area



	Existing Zoning		Proposed Zoning
Zone	Major Alcohol Sales	Minor Alcohol Sales	Liquor Store
Commercial Zones			
CNC Neighbourhood Convenience Commercial	Not Listed	Not Listed	Not Listed
CB1 Low Intensity Business	Not Listed	Discretionary	Discretionary
CB2 General Business	Discretionary	Discretionary	Discretionary
CB3 Commercial Mixed Business	Discretionary	Permitted	Permitted
CHY Highway Corridor	Discretionary	Permitted	Permitted
CO Commercial Office	Discretionary	Permitted	Permitted
CSC Shopping Centre	Permitted (Site Area greater than 2 ha) / Discretionary (Site Area less than 2 ha)		Permitted (Site Area greater than 2 ha) / Discretionary (Site Area less than 2 ha)
Industrial and Urban Service Zones			
IB Industrial Business	Permitted	Permitted	Permitted
MA3 Municipal Airport General Business	Discretionary	Discretionary	Discretionary
Downtown Special Area Zones			
AED Arena & Entertainment District	Permitted	Permitted	Permitted
JAMSC Jasper Avenue Main Street Commercial	Permitted	Permitted	Permitted
CMU Commercial Mixed Use	Permitted	Permitted	Permitted
UW Urban Warehouse	Permitted	Permitted	Permitted
HA Heritage Area	Not Listed	Permitted	Permitted

Attachment 2

CCA Core Commercial Arts Zone	Permitted	Permitted	Permitted
Special Area Zones outside of Downtown			
CSCa Ambleside Shopping Centre	Permitted	Permitted	Permitted
BLMR Blatchford Low to Medium Rise Residential	Not Listed	Permitted	Permitted
BMR Blatchford Medium Rise Residential	Not Listed	Permitted	Permitted
GVC Griesbach Village Centre	Discretionary	Discretionary	Discretionary
MED Marquis Entertainment District	Permitted	Permitted	Permitted
MMS Marquis Main Street Zone	Permitted	Permitted	Permitted
MMUT Marquis Mixed Use Transition Zone	Not Listed	Permitted	Permitted
MRC Marquis Retail Centre Zone	Permitted	Permitted	Permitted
TC-C Heritage Valley Town Centre Commercial	Permitted	Permitted	Permitted
TMU Terwillegar Mixed Use	Not Listed	Discretionary	Discretionary
UVCa Ambleside Urban Village Commercial	Permitted	Permitted	Permitted