

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~~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~~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 the Development Officer in consultation with Transportation Services;.
3. ~~any~~Any Major or Minor Alcohol Sales ~~Use~~ shall not be located closer than 500.0 m 500 m from any other Major or Minor Alcohol Sales ~~Use~~. ~~For the purposes of this subsection only:~~ except on a CSCa, UVCa, GVC, TC-C, DC1, DC2, or Commercial Zoned Site:
 - a. greater than 2.5 ha; or
 - b. where an existing Major or Minor Alcohol Sales is already located on a Site greater than 2.5 ha.
4. For the purpose of Section 85.3:
 - a. the 500.0 m 500 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. on a Site greater than 2.5 ha, there shall be a maximum of 1 Major or Minor Alcohol Sales, except if the Major or Minor Alcohol Sales are 500 m or greater apart.
 - 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.~~

- 4-5. Notwithstanding Section 11 of this Bylaw, when an application is received for a Development Permit that is solely for the purpose of accommodating a temporary relocation of an existing approved Major or Minor Alcohol Sales, within 500 m of its original location, 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- a. the application for a development permit 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,~~
 - iii. ~~the application for the above reversion is submitted to the Development Officer within 5 years of the date of vacating the original location.~~
 - b. the application for a development permit is for a period of 5 years or less; and
 - c. the temporary location for any Major or Minor Alcohol Sales is not within 500 m of any legally conforming Major or Minor Alcohol Sales Use.
6. Notwithstanding Section 11 of this Bylaw, when an application is received for a Development Permit that is solely for the purpose of accommodating the reversion of an existing approved Major or Minor Alcohol Sales back to its original location, a variance of Section 85.3 may only be granted where:
- a. the application for the above reversion is submitted to the Development Officer within 5 years of the date of vacating the original location.
- 5-7. The issuance of a permit Development Permit which contains a variance pursuant to ~~Section 85.4~~ Section 85.5 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~~ 500 m of the approved permit.
- 6-8. ~~any~~Any Site containing Major or Minor Alcohol Sales Use Classes shall not be located closer than ~~100.0 m~~ 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 or Minor 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 ~~400.0 m~~ 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 ~~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.

~~7.9.~~ 7.9. ~~the~~ 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~~ 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~~ located behind a ~~facility~~ 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.