

2. Modernizing Business Licence Land Uses and Policies – Amendments to the Zoning and Development By-law, Downtown Official Development Plan By-law and Licence By-law

Summary: To amend the Zoning and Development By-law, the Downtown Official Development Plan By-law, and the Licence By-law to ensure the City's rules and regulations are relevant, meaningful, and adaptable. The proposed by-law amendments expand the potential locations for Arcade, Adult Retail Store and Restaurant – Class 2 by allowing these uses in more commercial zones. Additionally, the amendments remove outdated restrictions on age of entry and hours of operation, specifically for Arcade and Adult Retail Store.

Applicant: General Manager of Planning, Urban Design and Sustainability, in consultation with the General Manager of Development, Buildings and Licensing

Referral: This relates to the report entitled "Modernizing Business Licence Land Uses and Policies – Amendments to the Zoning and Development By-law, Downtown Official Development Plan By-law and Licence By-law", dated September 2, 2025 ("Report"), referred to Public Hearing at the Council Meeting of September 16, 2025.

Recommended Approval: By the General Manager of Planning, Urban Design and Sustainability, subject to the following conditions as proposed for adoption by resolution of Council:

- A. THAT Council approve, in principle, an application to amend the Zoning and Development By-law to modernize business land uses relating to Arcade, Adult Retail Store and Restaurant – Class 2 generally as presented in Appendix A of the Report;

FURTHER THAT the Director of Legal Services be instructed to bring forward for enactment an amendment to the Zoning and Development By-law generally as presented in Appendix A of the Report.

- B. THAT subject to approval of Recommendation A, Council approve, in principle, related amendments to the Downtown Official Development Plan By-law, generally as presented in Appendix B of the Report;

FURTHER THAT the Director of Legal Services be instructed to bring forward for enactment an amendment to the Downtown Official Development Plan By-law generally as presented in Appendix B of the Report.

- C. THAT subject to approval of Recommendation A, Council approve, in principle, related amendments to the Licence By-law generally as presented in Appendix C of the Report;

FURTHER THAT the Director of Legal Services be instructed to bring forward for enactment the amendments to the Licence By-law generally as presented in Appendix C of the Report.

- D. THAT at the time of enactment of the amended Zoning and Development By-law, the General Manager of Planning, Urban Design and Sustainability be instructed to bring forward for approval by Council the repeal of the Adult Retail Store Guidelines.
- E. THAT Recommendations A to D be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact any rezoning by-law; and
 - (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

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