

# ATTACHMENT 1 Cannabis LUB – June 25, 2018: Alternative Motions

Motion(s) Presented to Council on May 28, 2018 at First Reading	What Administration Heard and Response	Alternative Motion
<p>1. That Part 1, Section 1.6, Definitions, be amended as follows:</p> <p>a) by adding the following definitions after “campground”:</p> <p><b>“cannabis”</b> means any part of a cannabis plant, including all substances produced by, or found in such a plant, regardless of whether that part has been processed or not; any substance or mixture of substances that contains or has on it any part of such a plant; any substance that is identical to any substance produced by, or found in, such a plant, regardless of how the substance was obtained, but does not include a non-viable seed of a cannabis plant; a mature stalk without any leaf, flower, seed or branch, of such plant; fibre derived from a mature stalk; the root or any part of the root of such a plant; and plants that are considered by federal legislation to be industrial hemp.</p> <p><b>“cannabis lounge”</b> means a development where the primary purpose is the sale of cannabis to the public, for consumption within the premises that is authorized by provincial or federal legislation. This use does not include a cannabis production and distribution facility or cannabis retail store.</p> <p><b>“cannabis production and distribution facility”</b> (CPDF) means a use:</p>	<p>1.1 The Land Use Districts within which a <b>“cannabis production and distribution facility”</b> (CPDF) is to be considered a discretionary use, is limited to the Commercial &amp; Industrial Services (CIS) Land Use District only. The inferred question was ‘why’, as currently, <b>“medical marihuana production facility”</b> is a discretionary use in the CIS, BP, BPT, and BP2 Land Use Districts.</p> <p><b>Response:</b></p> <p>1.1 At its meeting held on April 9, 2018, the Governance, Policy, and Finance Committee did not discuss the land use districts within which a CPDF would be considered a discretionary use. In considering appropriate Land Use Bylaw Districts for the location of a CPDF, Administration considered the following:</p> <ul style="list-style-type: none"> <li>• Since 2014, the City has not received an application for a Development Permit to develop a <b>“medical marihuana production facility”</b>;</li> <li>• The purpose of the BP2 Direct Control District is to provide an architecturally consistent working environment for a mix of commercial and light industrial uses. In looking at the physical size and location (rural areas) of production facilities in British Columbia and elsewhere in Alberta, it is considered unlikely that a CPDF would locate in the BP2 District.</li> </ul>	<p>Should Council wish to amend Bylaw 12/2018, the following alternative motions are presented:</p> <p>1. That Bylaw 12/2018, Section 1(b) be amended by deleting <b>“cannabis production and distribution facility”</b> (CPDF) (b), in its entirety, and replacing it with the following:</p> <p><b>“(b) that unless otherwise stated in this Bylaw, may only be approved as a discretionary use in the Commercial and Industrial Services (CIS); the Business Park (BP); the Business Park Transition (BPT); and the Business Park (BP2) Direct Control Land Use Districts. A cannabis production and distribution facility is prohibited in all other Land Use Districts;”</b></p> <p>2. That Bylaw 12/2018, Section 4 be amended as follows:</p> <p>(a) Sub-section f) be deleted in its entirety and replaced with the following:  <b>“Section 9.18, Business Park (BP) Land Use District be amended by renumbering “(4)(a) community hall with a gross floor area up to 745 sq. m.”, to (4)(b), and inserting “(4)(a) cannabis production and distribution facility (CPDF);”</b></p> <p>(b) Sub-section h) be deleted in its entirety and replaced with the following:  <b>“Section 9.20, Business Park Transition (BPT) Land Use District be amended by inserting after “(4)(a) business support service”, “(4)(b) cannabis production and distribution facility (CPDF).”</b></p>

<p>(a) that is a Health Canada licensed facility where all activities and functions associated with the cultivation, processing, packaging, labelling, distribution, testing, destruction, or storage of cannabis are fully enclosed within a stand-alone building and must be the sole use approved for the building;</p> <p>(b) that unless otherwise stated in this Bylaw, may only be approved as a discretionary use in the Commercial and Industrial Services (CIS) Land Use District. A cannabis production and distribution facility is prohibited in all other Land Use Districts;</p> <p>(c) where an accessory building or structure used for security purposes must be located on the same parcel;</p> <p>(d) that must include equipment designed and intended to remove odours from the air prior to discharge from the building;</p> <p>(e) where, notwithstanding the requirements of Section 6.16 of this Bylaw, all light associated with any activity or function undertaken within the stand-alone building, shall be contained within the building, thereby having no adverse effect on an adjacent site;</p> <p>(f) where the stand-alone building must not be located within 150m from the nearest property line of a parcel designated as a residential district, from the nearest property line of a parcel upon which a school is located, or from the nearest</p>	<ul style="list-style-type: none"> <li>• In considering the location and fully developed status of the four land parcels which constitute the sum total of the Business Park Transition (BPT) Land Use District, and the required separation distance, Administration concluded that it was unlikely that a CPDF would locate in the District.</li> </ul> <p>Amendments to Bylaw 12/2018, are required.</p>	<p>(c) Sub-section j) be deleted in its entirety and replaced with the following:  “Section 9.22, Business Park (BP2) Direct Control Land Use District be amended by:</p> <ol style="list-style-type: none"> <li>inserting after “(5)(a) animal service”, “(5)(b) cannabis production and distribution facility (CPDF)”;</li> <li>inserting after “(5)(b) cannabis production and distribution facility (CPDF)”;</li> </ol> <p>“(5)(c) cannabis retail store”.”</p>
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<p>property line of a parcel upon which a day care facility is located;</p> <p>(g) where signage shall not identify the use; and</p> <p>(h) that does not include a cannabis retail store or cannabis lounge.</p> <p><b>“cannabis retail store”</b> means a development used for the retail sale of cannabis that is authorized by provincial or federal legislation. This use does not include a cannabis lounge or cannabis production and distribution facility.</p> <p>b) by deleting the definition for <b>“medical marijuana production facility (MMPF)”</b>.</p>		
<b>Motion(s) Presented to Council on May 28, 2018 at First Reading</b>	<b>What Administration Heard and Response</b>	<b>Alternative Motion</b>
<p>2. That Part 6, General Regulations be amended as follows:</p> <p>a) by inserting a new Section 6.5 following “6.4 Bed and Breakfast” as follows:</p> <p><b>“6.5 Cannabis Retail Store</b></p> <p>(1) A Cannabis Retail Store must be located at least 100m from any other Cannabis Retail Store. For the purposes of this subsection only, the separation distance shall be measured from the closest point of the proposed Cannabis Retail Store to the closest point of any other approved Cannabis Retail Store;</p> <p>(2) At the time of Development Permit application, the closest point of the</p>	<p>A question regarding this proposed section was whether the definition of <i>Community Hall</i> actually included the Kinsmen and Save-on Foods meeting spaces?</p> <p>There was also a question re the intent of referring to ‘a <i>parcel designated as a municipal and school reserve or school reserve on the certificate of title</i>’.</p> <p>Yet another question was whether the Land Use Bylaw defined a ‘hospital, and did that include Youville?</p> <p><b>Response:</b> In addressing the questions, the focus was on Section 6.5(2), which was reviewed in its entirety. Consequently,</p>	<p>Should Council wish to amend Bylaw 12/2018, the following alternative motions are presented:</p> <p>1. That Bylaw 12/2018, Section 1 be amended by adding after <b>“cannabis retail store”</b> the following definition:</p> <p><b>“provincial health care facility”</b> means an approved hospital as defined in the Hospitals Act, RSA 2000, c. H-12;</p> <p>2. That Bylaw 12/2018, Section 2, be amended by deleting Section 6.5 <u>Cannabis Retail Store</u>, Sub-section (2) in its entirety, and replacing it with the following:</p> <p><b>“(2) At the time of Development Permit application, the closest point of the</b></p>

<p>proposed Cannabis Retail Store must be located at least:</p> <p>(a) 100m from the boundary of any parcel upon which a provincial health care facility (hospital) is located;</p> <p>(b) 150m from the boundary of any parcel upon which a community hall facility; a City operated indoor recreation service facility; or a City operated outdoor recreation service facility, is located;</p> <p>(c) 150m from the boundary of any parcel upon which a school is located;</p> <p>(d) 150m from the closest point of any licensed day care facility;</p> <p>(e) 100m from the boundary of a parcel that is designated as a municipal and school reserve or school reserve on the certificate of title.</p> <p>(3) Notwithstanding the prescribed minimum separation distances in Section 6.5(2), where a major arterial roadway, as identified in Schedule B of this Bylaw, separates the proposed location of a Cannabis Retail Store from any of the facilities, uses or reserves mentioned in Section 6.5(2), such a proposed Cannabis Retail Store may be located across that arterial roadway from the facility, use or reserve, at a lesser separation distance.</p> <p>(4) Notwithstanding Section 3.14(3), when considering a variance to the required separation distance for a Cannabis Retail Store to any of the facilities, uses or</p>	<p>apart from suggesting an alternative to <i>'a community hall facility; a City operated indoor recreation service facility; or a City operated outdoor recreation service facility'</i> only, Administration is proposing a consolidation, resulting in three sub-sections, and greater clarity regarding definitions (provincial health care facility).</p> <p>Further, any possibility of <i>'municipal and school reserve or school reserve'</i> etc, resulting in confusion when interpreting the proposed Bylaw, is removed by it being entirely deleted from Section 6.5(2).</p> <p>In addition, Administration reviewed the proposed amendments to Part 7, Parking Regulations of Bylaw 12/2018. The conclusion is that Section 7.3 <u>On-Site Parking Requirements</u>, Sub-section (2) Non-residential Use, is not required. Parking requirements for cannabis production and distribution facilities is adequately addressed elsewhere in Part 7.</p> <p>In summary, proposed amendments for Council's consideration relate to:</p> <ul style="list-style-type: none"> <li>- inserting a definition for "provincial health care facility";</li> <li>- a total review of Section 6.5(2); and</li> <li>- a minor amendment to Part 7 regarding parking requirements for a non-residential use (cannabis production and distribution facility).</li> </ul>	<p>proposed cannabis retail store must be located at least:</p> <p>(a) 100m from the closest point of a parcel upon which a provincial health care facility is located;</p> <p>(b) 150m from the closest point of a parcel upon which the following facilities are located:</p> <ul style="list-style-type: none"> <li>i. an elementary or secondary school;</li> <li>ii. St. Albert Place (City Hall), 5 Perron Street;</li> <li>iii. Servus Place Credit Union, 400 Campbell Road;</li> <li>iv. Fountain Park Recreation Centre, 4 Cunningham Road; and</li> <li>v. Akinsdale and Kinex Arenas, 66 &amp; 68 Hebert Road.</li> </ul> <p>(c) 150m from the closest point of any licensed day care facility;"</p> <p>3. That Bylaw 12/2018, Section 3(b) be deleted in its entirety.</p>
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<p>reserves mentioned in Section 6.5(2), the variance shall not exceed 10m:</p> <p>(a) Notwithstanding Section 6.5(4), in the case of Section 6.5(3), the Development Officer shall assess the merits of the application and may at its discretion, vary the separation distance.”</p> <p>b) by inserting after Section 6.19(1) “(g) bulk oil and chemical storage”, “(h) cannabis lounge”;</p>	<p>Amendments to Bylaw 12/2018, are required.</p>	
<p><b>Motion(s) Presented to Council on May 28, 2018 at First Reading</b></p> <p><b>Part 9, Commercial and Industrial (CIS) Land Use District is amended as follows:</b></p> <p>a) Section 9.13, General Commercial (C2) Land Use District is amended by inserting after “(4)(e) broadcast studio”, “(f) cannabis retail store”.</p> <p>b) Section 9.14, Corridor Commercial (CC) Land Use District is amended by inserting after “(4)(i) broadcasting studio”, “(j) cannabis retail store”.</p> <p>c) Section 9.15, Mixed Commercial (MC) Land Use District is amended by inserting after “(5)(a) artist studio”, “(5)(b) cannabis retail store”.</p> <p>d) Section 9.16, Boardwalk (BW) Land Use District is amended by inserting after “(4)(b) artist studio”, “(4)(c) cannabis retail store with a gross floor area over 280 sq. m.”</p>	<p><b>What Administration Heard and Response</b></p> <p>Whereas the direction of the Governance, Policy and Finance Committee had consistently been to treat cannabis retail stores similar to liquor stores, this was not reflected in Bylaw 12/2018 presented on May 28, 2018.</p> <p><b>Response:</b> The Land Use Districts affected by the omission and/ or requiring correction by Administration, include: A. Part 9, Commercial and Industrial (CIS) Land Use District: - Section 9.16, Boardwalk (BW); - Section 9.21, Regional Commercial (RC); - Section 9.22, Business Park (BP2);  and B. Part 10 Direct Control (DC) Land Use District:</p>	<p><b>Alternative Motion</b></p> <p>Should Council wish to amend Bylaw 12/2018, the following alternative motions are presented:</p> <p>1. That Bylaw 12/2018, Section 4 be amended as follows:</p> <p>(a) Sub-section d) be deleted in its entirety and replaced with the following: “Section 9.16, Boardwalk (BW) Land Use District, be amended by re-numbering “(3)(a) drinking establishment with up to 40 seats”, to (3)(b), and by inserting “(3)(a) cannabis retail store with a gross floor area up to 280 sq. m.”.”</p> <p>(b) Sub-section i) be deleted in its entirety and replaced with the following: “Section 9.21, Regional Commercial (RC) Land Use District, be amended by: i. inserting after “(3)(b) business support service”, “(3)(c) cannabis retail store”; and ii. by deleting “(4)(f) cannabis retail store”.”</p>

<p>e) Section 9.17, Commercial and Industrial Service (CIS) Land Use District is amended by:</p> <ul style="list-style-type: none"> <li>i. inserting after “(4)(d) bingo hall”, “(4)(e) cannabis production and distribution facility (CPDF)”;</li> <li>ii. inserting after “(4)(e) cannabis production and distribution facility (CPDF)”, “(4)(f) cannabis retail store”;</li> <li>iii. deleting “(4)(y) medical marihuana production facility (MMPF)”.</li> </ul> <p>f) Section 9.18, Business Park (BP) Land Use District is amended by deleting “(4)(g) medical marihuana production facility”.</p> <p>g) Section 9.19, Integrated Care Community (ICC) Land Use District is amended by inserting after “(6)(b) business support service”, “(6)(c) cannabis retail store with a gross floor area up to 280 sq. m.”</p> <p>h) Section 9.20, Business Park Transition (BPT) Land Use District is amended by deleting “(4)(h) medical marihuana production facility”.</p> <p>i) Section 9.21, Regional Commercial (RC) Land Use District is amended by inserting after “(4)(e) automotive specialty”, “(4)(f) cannabis retail store”.</p> <p>j) Section 9.22, Business Park Direct Control (BP2) Land Use District is amended by inserting after “(5)(a) animal service”, “(5)(b) cannabis retail store”;</p> <p>k) By deleting “(5)(t) medical marihuana production facility (MMPF)”.</p>	<p>- Section 10.6, Direct Control Mixed Use (DCMU).</p> <p>Amendments to Bylaw 12/2018, are required.</p>	
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<p><b>Part 10, Direct Control Mixed Use (DCMU) Land Use District is amended as follows:</b></p> <p>a) Section 10.6, Direct Control Mixed Use (DCMU) Land Use District is amended by inserting after “(5)(d) deleted”, “(5)(e) cannabis retail store”.</p>		<p>4. That Bylaw 12/2018, Section 5(a) is amended by:</p> <p>“Section 10.6, Direct Control Mixed Use (DCMU) Land Use District, be amended by:</p> <p>i. inserting after “(4)(c) business support service”, “(4)(d) cannabis retail store”; and</p> <p>ii. deleting “(5)(e) cannabis retail store”.”</p>
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