



Legislation Text

File #: PH-18-011, **Version:** 1

TAMRMS#: B06

Bylaw 12/2018 Amendment to Land Use Bylaw 9/2005 - Cannabis (2nd & 3rd reading)

Presented by: Jean Ehlers, Development Branch Manager

RECOMMENDATION(S)

1. That the Public Hearing on Bylaw 12/2018 be closed.
2. That Bylaw 12/2018 be read a second time.
3. That Bylaw 12/2018 be read a third and final time.

PURPOSE OF REPORT

On May 28, 2018, Bylaw 12/2018, being amendment 159 to Land Use Bylaw 9/2005, was read a first time. The Public Hearing is scheduled for June 25, 2018.

Prior to the Bylaw being read a first time, the Mayor allowed Council to raise matters requiring further clarification, with Administration.

The purpose of this report is to provide Council with Administration's response to matters raised by Councillors, and to present alternative motions for Council's consideration. (Attachment, Alternative Motions)

COUNCIL DIRECTION

No formal direction, by way of a motion, was given to Administration.

BACKGROUND AND DISCUSSION

Further to Agenda Report B06 / B-18-012 and attachments, as distributed to Council for its meeting held on May 28, 2018, Administration advises that the Federal Government has indicated that cannabis will be legalized on October 17, 2018.

The legalization of cannabis affects the City's Planning and Development Department in a number of ways. For example, the Land Use Bylaw has to be amended (the current process) so as to enable Administration to accept Development Permit applications, assess submitted applications for compliance with the Land Use Bylaw, and then either issue or refuse a Development Permit. The issuing of a Development Permit has to precede the issuing of a Business License. In situations where an application is for a discretionary use, the Development Officer's decision may be appealed.

One of the questions being asked of Administration relates to the processing of applications upon the day that the Land Use Bylaw becomes effective, should that date be prior to the legalization of cannabis. Administration is currently addressing the detail of an application process, which will be made available on the City's website. Development Permits will not be issued prior to the date of federal legalization.

The Municipal Government Act requires it of every municipality to pass a land use bylaw. A purpose of every land use bylaw is to provide clear direction regarding the intended 'use' of land within the area of jurisdiction of a municipality. Such direction should be viewed as a contribution by a land use bylaw to positively promote long-term sustainable development. In a manner of speaking, the drafting of a land use bylaw requires careful consideration of every-day practical planning issues. An expectation is that the use of uncomplicated text and regulations, should result in fewer challenges regarding interpretation and intent.

Regarding separation distances between a "cannabis retail store", another cannabis retail store, and/or other identified uses, Bylaw 12/2018 is quite specific. The proposal to make use of separation distances as a regulatory tool originated with the guidelines proposed by the provincial government. Council may amend the separation distances proposed in Bylaw 12/2018. The potential of the industry adopting a self-regulatory approach, and thus perhaps not requiring a prescriptive Land Use Bylaw intervention, should not be discarded. From an administrative perspective, the fewer separation distances there are, the greater the ease of assessing Development Permit applications, and enforcement of the requirements of the Bylaw.

Alternative motions regarding Bylaw 12/2018, have been provided an attachment to this report. are provided. Council may consider either varying the proposed separation distances, or removing one or more of the proposed separation distances from the Bylaw.

STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT

Refer to Agenda Report B06 / B-18-012 and attachments, as previously distributed to Council for its meeting held on May 28, 2018.

IMPLICATIONS OF RECOMMENDATION(S)

Refer to Agenda Report B06 / B-18-012 and attachments, as previously distributed to Council for its meeting held on May 28, 2018.

ALTERNATIVES AND IMPLICATIONS CONSIDERED

That, in considering proposed amendments to the Land Use Bylaw which specifically speaks to "cannabis", Council review Administration's response (attached hereto as Attachment 1) to questions/matters raised by Councillors prior to the first reading of Bylaw 12/2018.

STRATEGIC CONNECTIONS

Refer to Agenda Report B06 / B-18-012 and attachments, as previously distributed to Council for its meeting held on May 28, 2018.

Report Date: June 11, 2018

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Committee/Department: Infrastructure & Development Services

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City Manager: Kevin Scoble