

Bylaw 16-2018 text amendments to Land Use Bylaw 6-2015**Report Purpose**

To provide information to Council to make a decision on first, second and third readings of Bylaw 16-2018 which proposes to amend Land Use Bylaw (LUB) 6-2015 to update definitions for retail, cannabis and drug paraphernalia and to add retail, cannabis to the uses in various districts.

Recommendations

1. THAT Bylaw 16-2018, a bylaw that proposes to:
 - add a definition for “retail, cannabis”;
 - add “retail, cannabis” to the list of permitted or discretionary uses in seven standard Zoning Districts and 14 Direct Control Zoning Districts;
 - update other definitions to ensure that “retail, cannabis” is its own distinct land use;
 - provide Specific Use Regulations for “retail, cannabis”; and
 - remove “drug paraphernalia” and “retail, drug paraphernalia” from the definitions section and remove Section 6.9 Drug Paraphernalia from the Specific Use Regulations.be given first reading.
2. THAT Bylaw 16-2018 be given second reading.
3. THAT Bylaw 16-2018 be considered for third reading.
4. THAT Bylaw 16-2018 be given third reading.

Council History

March 13, 2018 – information provided to the Priorities Committee regarding future amendments to LUB 6-2015 to accommodate the retail sale of cannabis in the County.

January 23, 2018 – Council adopted Bylaw 68-2017 creating a definition for “cannabis production facility” to be a listed discretionary use in the IM – Medium Industrial Zoning District and the AG – Agriculture District.

November 7, 2017 – Council adopted Bylaw 63-2017 which amended the LUB 6-2015 to add agriculture, intensive horticulture and agriculture, product processing as discretionary uses in the IM – Medium Industrial zoning district.

September 12, 2017 – Council adopted Bylaw 55-2017 which amended LUB 6-2015 to move agriculture, intensive horticulture to a discretionary use in those districts where it was listed as a permitted use.

August 14, 2017 - Council moved that administration bring forward recommendations to change the LUB in order to address and place land use regulations on licensed cannabis growing, production, distribution and processing facilities, including consumption, to reflect current and proposed changes in federal regulations by the end of second quarter of 2018.

March 10, 2015 – Council adopted LUB 6-2015, with an effective date of May 11, 2015.

Strategic Plan Priority Areas

Economy: The proposed bylaw meets the priority area of a diverse economy as allowing for consideration of retail, cannabis will help diversify the economy and attract large and small

business to the community. It will also promote Strathcona County locally, nationally and internationally as a place that is open for business and investments.

Governance: The proposed public hearing will achieve the strategic goal of increasing public involvement and communicating with the community. The public hearing will provide Council with the opportunity to receive public input prior to making a decision on the proposed Bylaw.

Social: n/a

Culture: n/a

Environment: n/a

Other Impacts

Policy: n/a

Legislative/Legal: The *Municipal Government Act* provides that Council may, by bylaw, amend the LUB.

Interdepartmental: Legislative and Legal Services

Summary

On February 16, 2018, the Government of Alberta released the regulatory requirements for retail cannabis in Alberta. The Province will be administering and issuing licenses; however, prior to issuance of a provincial license, applicants will be required to obtain a development permit from the County to ensure compliance with land use regulations. To address the location of privately-owned retail shops, amendments to LUB 6-2015 will be required.

In order to provide opportunities for retail, cannabis while still ensuring rules to manage proximity to sensitive uses as outlined by the Province, administration recommends it be considered similarly to how the County currently administers retail, alcohol. In this regard, retail, cannabis would be either a permitted or discretionary use in accordance with the zoning districts that retail, alcohol is currently listed in (refer to Enclosure 2 for the list of zoning districts).

The following definition is proposed for retail, cannabis:

“means a retail store, licensed by the Province of Alberta, where non-medical cannabis is sold to individuals who attend at the premises.”

Amendments to existing definitions are also proposed to ensure that a retail, cannabis use is its own distinct land use.

Bylaw 16-2018 proposes new Specific Use Regulations for retail, cannabis to regulate the setback requirement to provincial health care facilities, schools, school reserves or municipal and school reserves. The proposed 100 m setback is in accordance with the minimum provincial requirement.

The County does not currently impose limits on hours of operation or provide specific minimum separation distances from other uses for retail, alcohol. In this regard, it is not proposed to alter the hours of operation for a retail, cannabis use from the provincial limit of 10 a.m. to 2 a.m.; nor is it proposed to incorporate specific setbacks from other sensitive uses including residential uses and daycares, or to provide minimum separation distances between cannabis stores or retail, alcohol.

The proposed amendments would regulate retail, cannabis in all areas of the County consistently, resulting in the use being added to existing zoning districts in the rural area and hamlets where retail, alcohol is already a listed use.

In addition, it is also proposed to remove the definitions for Drug Paraphernalia and Retail, Drug Paraphernalia, as well as the Specific Use Regulations for Drug Paraphernalia as part of the proposed amendments.

Bylaw 16-2018 is structured so that Section 1 will come into force upon being passed, while Section 2, which adds the retail, cannabis use to the noted zoning districts, would not come into force until the coming into force of Section 28 of *An Act to Control and Regulate Cannabis*, SA 2017, c 21. In this regard, development permit applications would not be accepted for a proposed retail, cannabis use until the provincial act comes into force, as the use will not be listed in the zoning districts until that time.

Please refer to Enclosure 2, which indicates the proposed amendments to the applicable parts of the LUB, using strikethrough to indicate deletions and shading to indicate additions.

Communication Plan

Newspaper Ads for public hearing

Letters to owners and adjacent owners of DC Direct Control District properties

Enclosures

- 1 Bylaw 16-2018
- 2 Summary of changes with strikethrough and shading