

Markup of Proposed Text Amendment to Zoning Bylaw 12800

Black Font Existing Text in Zoning Bylaw 12800
~~Strikethrough:~~ Proposed deletion from Zoning Bylaw 12800
Underline: Proposed addition to Zoning Bylaw 12800

Rationale

Proposed Zones to Include Cannabis Retail Sales	Proposed Status
320 (CSC) Shopping Centre Zone	Permitted
330 (CB1) Low Intensity Business Zone	Permitted
340 (CB2) General Business Zone	Permitted
350 (CHY) Highway Corridor Zone	Permitted
360 (CO) Commercial Office Zone	Permitted
370 (CB3) Commercial Mixed Business Zone	Discretionary
910.5 (CCA) Core Commercial Arts Zone	Permitted
910.6 (CMU) Commercial Mixed Use Zone	Discretionary
910.7 (HA) Heritage Area Zone	Discretionary
910.9 (JAMSC) Jasper Avenue Main Street Commercial Zone	Permitted

Cannabis Retail Sales is permitted in commercial zones to allow cannabis stores in main street, suburban and strip mall commercial locations.

Cannabis Retail Sales is discretionary in commercial mixed use zones that allow residential development. In these zones the Development Officer shall review the appropriateness of allowing Cannabis Retail Sales based on impacts on surrounding land uses.

910.11 (UW) Urban Warehouse	Permitted
910.12 (AED) Arena & Entertainment District Zone	Permitted
Strathcona Area Redevelopment Plan (ARP) Historical Commercial DC1	Permitted

11 Authority and Responsibility of the Development Officer

11.1.3 The Development Officer, shall determine the process for submitting, receiving, determining complete, and reviewing Development Permit Applications for Cannabis Retail Sales.

~~70~~ 69 - 99 Special Land Use Provisions

~~70~~ 69 Special Land Use Provisions

1. The Special Land Use Provisions apply to the Uses listed in any Zone or Direct Control Provision in which they are located. They shall take precedence and be applied in addition to the requirements of the Zone, except where a Zone, Direct Control Provision or Overlay specifically excludes or modifies these provisions with respect to any Use.

This clause gives the Development Officer the authority to set a different approach for processing development permit applications for Cannabis Retail Sales in order to deal with the influx of initial applications.

Numbering is changed to accommodate the new cannabis section within the Special Land Use Provisions section.

70. Cannabis Retail Sales

1. Any Cannabis Retail Sales shall not be located less than 200 m from any other Cannabis Retail Sales. For the purposes of this subsection only:
 - a. the 200 m separation distance shall be measured from the closest point of the Cannabis Retail Sales Use to the closest point of any other approved Cannabis Retail Sales Use;
 - b. A Development Officer may reduce the separation distance to not less than 180 m in compliance with Section 11, but shall not grant a variance to the separation distance by more than 20 m; and
 - c. The issuance of a Development Permit which contains a variance to separation distance as described in 70(1)b shall be issued as a Class B Discretionary Development.

2. Any Cannabis Retail Sales shall not be located less than 100 m from Major Alcohol Sales or Minor Alcohol Sales. For the purposes of this subsection only:
 - a. the 100 m separation distance shall be measured from the closest point of the Cannabis Retail Sales Use to the closest point of the Major Alcohol Sales Use or Minor Alcohol Sales Use;
 - b. A Development Officer may reduce the separation distance to not less than 80 m in compliance with Section 11, but shall not grant a variance to the separation distance by more than 20 m; and
 - c. The issuance of a Development Permit which contains a variance to separation distance as described in 70(2)b shall be issued as a Class B Discretionary Development.

Separation distances are defined between stores to prevent clustering of cannabis stores on one block.

A limited variance power is provided to the Development Officer to deal with situations where cannabis store locations do not quite comply with the 200 m separation, but there would be no adverse land use impacts.

3. Any Site containing a Cannabis Retail Sales shall not be located less than 200 m from any Site being used for a public library, or public or private education at the time of the application for the Development Permit for the Cannabis Retail Sales. For the purposes of this subsection only:
 - a. the 200 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 “public library” is limited to the collection of literary, artistic, musical and similiar reference materials in the form of books, manuscripts, recordings and films for public use, and does not include private libraries, museums or art galleries; and
 - c. the term "public or private education" is limited to elementary through to high schools inclusive only, and does not include dance schools, driving schools or other Commercial Schools.

4. Any Site containing a Cannabis Retail Sales shall not be located less than 100 m from any Site being used for Community Recreation Services Use, Community Recreation Facilities, provincial health care facility, public lands, or designated as school reserve or municipal and school reserve at the time of the application for the Development Permit for the Cannabis Retail Sales. For the purposes of this subsection only:
 - a. the 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 Recreation Facilities” means indoor municipal facilities used primarily by members of the public to participate in recreational activities conducted at the facilities, as per the Muncipial Government Act; and

Separation distances are defined between cannabis stores and schools and libraries to make it harder for children and youth to access cannabis.

Separation distances are defined between cannabis stores and parks and recreation centres to ensure cannabis stores are not beside places where children and youth typically gather, such as City owned recreation centers, playgrounds or Community League buildings.

- c. the term "public lands" is limited to Sites zoned AP, and active recreation areas in the North Saskatchewan River Valley and Ravine System, as shown in Appendix I of Section 811 of this Bylaw, that are zoned A; it does not include passive areas in the North Saskatchewan River Valley and Ravine System, as shown in Appendix I of Section 811 of this Bylaw and other areas zoned A.
- 5. Notwithstanding Section 11 of this Bylaw, a Development Officer shall not grant a variance to subsection 70(3) or 70(4).
- 6. The Development Officer may require lighting, signage or screening measures that ensure the proposed development is compatible with adjacent or nearby Residential Uses or Commercial Uses.
- 7. A Crime Prevention Through Environmental Design (CPTED) Assessment may be required by the development authority and shall be reviewed by the Development Officer prior to the issuance of a Development Permit to ensure that development on the Site provides a safe urban environment, taking into account land use impacts including, but not limited to, exterior illumination, landscaping, screening, signs, and access.
- 8. The Development Officer shall impose a condition on any Development Permit issued for Cannabis Retail Sales requiring that the development:
 - a. shall not commence until authorized by and compliant with superior legislation; and
 - b. must commence within six (6) months of the date of approval of the Development Permit.
- 9. For the purposes of Section 70(8), development commences when the Cannabis Retail Sales Use is established or begins operation.

These regulations give the Development Officer oversight to ensure Cannabis Retail Sales are compatible with adjacent development and create a safe environment.

These regulations ensure that development permits are not issued for Cannabis Retail Sales until legalization has officially occurred. Six months is provided so that if a development permit is issued in May, but cannabis is not legalized by the federal government until August,

applicants will still have until October or November to begin operation.

22. Expiry of Permit

2. Once a Development Permit has been issued, it remains in effect until:
 - a. it expires, in cases where the Development Permit was issued for a limited period of time;
 - b. it expires, because of failure to commence development in accordance with subsection 22(3), ~~or and~~ subsection 22(4), or subsection 70(8); or
 - c. it is cancelled, in accordance with subsection 17.2(1) or is suspended in accordance with subsection 17.1(3).

7.5 Industrial Uses

(3) General Industrial Uses means development used principally for one or more of the following activities:

- a. the processing of raw materials;
- b. the making, manufacturing or assembling of semi-finished or finished goods, products or equipment;
- c. the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in Non-industrial Zones;
- d. the storage or transshipping of materials, goods and equipment;
 - i. the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to General Retail

- Stores or other sales Uses defined in this Bylaw for resale to individual customers;
or
ii. the training of personnel in general industrial operations.

This Use includes vehicle body repair and paint shops and Cannabis Production and Distribution facilities licensed and operating pursuant to federal legislation. This Use does not include Major Impact Utility Services and Minor Impact Utility Services or the preparation of food and beverages for direct sale to the public.

(7) Urban Indoor Farms means the cultivation and harvesting of plant and/or animal products primarily within enclosed buildings for the primary purpose of wholesale or retail sales. Accessory activities may include on-Site sales, composting of plants grown on-Site, outdoor storage, and food packaging and processing. Typical activities include vertical farms, hydroponic systems and aquaponic systems. This Use does not include Livestock Operations, Rural Farms, Recreational Acreage Farms, Urban Outdoor Farms, Urban Gardens, or Cannabis Production and Distribution, unless ~~licensed and~~ operating pursuant to a registration certificate issued by the Federal Government for personal production or designated personal production for medical Cannabis federal legislation.

7.6 Agricultural and Natural Resource Development Uses

(1) Rural Farms means development for the primary production of farm products such as: dairy products; poultry products; cattle, hogs, sheep and other animals; wheat or other grains; and vegetables or other field crops in rural and peri-urban areas. This does not include Livestock Operations Recreational Acreage Farms, Urban Gardens, Urban Indoor Farms, Urban Outdoor Farms, or Cannabis Production and Distribution, unless ~~licensed and~~ operating pursuant to a registration certificate issued by the Federal Government for personal production or designated personal production for medical Cannabis federal legislation.

Deleting facilities to align with the definition for Cannabis Production and Distribution to avoid any confusion in terms.

Individuals with approval from the Federal Government, may currently grow cannabis for medical purposes for other patients. Under new Federal license categories, micro-cultivation of cannabis in smaller facilities may be allowed for recreational purposes. It is not clear yet, what the implications of this type of cannabis production are or if micro-cultivation will be appropriate in the same places that agriculture and urban gardens are allowed in Edmonton.

(6) Urban Outdoor Farms means the cultivation and harvesting of plant and/or animal products in urban areas, primarily as an interim Use on idle or under-used land for the primary purpose of wholesale or retail sales. Cultivation and harvesting may occur within unenclosed structures primarily lit by natural light and used for the extension of the growing season, such as coldframes and hoophouses. Accessory structures may include Hen Enclosures or those used for the operation of the Site. Accessory activities may include on-Site sales, composting of plants grown on-Site, or outdoor storage. This Use does not include Livestock Operations, Rural Farms, Recreational Acreage Farms, Urban Indoor Farms, Urban Gardens, or Cannabis Production and Distribution, unless ~~licensed and~~ operating pursuant to a registration certificate issued by the Federal Government for personal production or designated personal production for medical Cannabis federal legislation.

7.6 Community, Educational, Recreational and Cultural Service Uses

(18) Urban Gardens means the cultivation and harvesting of plant and/or animal products in urban areas for the primary purpose of beautification, education, recreation, or social or community programming. Accessory buildings or structures may include Hen Enclosures, or those used for the operation of the Site and the extension of the growing season, such as coldframes, hoophouses and greenhouses. On-Site sales and processing of plants or animal products are prohibited. Accessory activities may include outdoor storage or composting of plants grown on-Site. Typical activities include community gardens. This Use does not include Livestock Operations, Rural Farms, Recreational Acreage Farms, Urban Indoor Farm, Urban Outdoor Farms, or Cannabis Production and Distribution, unless ~~licensed and~~ operating pursuant to a registration certificate issued by the Federal Government for personal production or designated personal production for medical Cannabis federal legislation.

The agriculture and urban garden use categories in the Zoning Bylaw are amended to still allow the opportunity for medical cannabis production that has a Federal registration certificate. At the same time the amendment will ensure micro-cultivation for recreational purposes is not allowed on agriculture or urban garden sites until more information is available from the Federal Government.