

Request for Decision



2-To: Regular Meeting
From: **Development and Engineering Services**
Date: June 25, 2018
Subject: Third Reading of Zoning Bylaw Amendment No. 2039-A1
Recommendation: **THAT Council give third reading to Zoning Bylaw Amendment No. 2039-A1.
THAT Council directs staff to forward Zoning Bylaw Amendment No. 2039-A1 to the Ministry of Transportation and Infrastructure for approval.**

Background

The purpose of this report is to summarize the content of the Zoning Bylaw Amendment and the associated planning and community engagement process.

Purpose of the Zoning Bylaw Amendment

Zoning Bylaw Amendment No. 2039-A1 defines overlay zones and locational criteria to regulate cannabis retail sites and production/processing/distribution facilities. Also included in the Amendment Bylaw are five minor “housekeeping” changes. In summary:

Cannabis retail sites would be permitted to locate in the Core Commercial and Neighbourhood Commercial zones and in industrial zones. However, they must be located at least: a) 100 m from the nearest parcel boundary of a lot in a Community Use Zone; b) 30 m from the nearest parcel boundary of a lot having a youth-centred facility; and, 100 m from the nearest edge of building of another cannabis retail site. In addition, the front face of a building and any signage may be no less than 50 m from a controlled highway.

Cannabis production, processing and distribution would only be allowed in specific areas within industrial zones where they are not within 100 m of a residential zone, Community Use Zone or a youth-centred facility.

Minor amendments including:

- Clarifying the wording within the Rural Residential (R4) zones with respect to minimum parcel size for subdivision, increasing the minimum size of parcel where both water and sewer exists to 2500 m², clarifying permitted dwelling types, and adding that manufactured homes as secondary dwellings are subject to the regulations of the Agricultural Land Commission.
- Adding a clause which permits mobile homes to be placed on lands zoned R-1 (Single and Two-family) and R-2 (Small Lot Residential) south of the Kettle River in the North Ruckle and South Ruckle neighbourhoods only.
- Increasing the maximum height requirement for accessory dwelling units (i.e., garden suites/carriage houses) from 4.8 m to 7.6 m. This will allow a livable accessory dwelling unit (i.e., a carriage house) to be built above a garage or

- workshop and at the same time ensure that large monolithic structures are avoided. This height increase would not apply to other accessory buildings such as storage sheds and would only apply to the R-1 and R-2 residential zones where accessory dwelling units are permitted.
- Increasing the floor area maximum for all accessory buildings on a lot in the R-1 (Single and Two-family) and R-2 (Small Lot Residential) zones to “*not more than the lot coverage of the principal use*”. Currently the lot coverage of all accessory buildings (including accessory dwelling units) cannot exceed 50% of the lot coverage of the home. This increase would provide property owners with more flexibility for siting and building garden suites, or workshops, particularly when the principle residence is small.

Planning Process

Since early 2018, the City has undertaken an extensive planning and public engagement program respecting the regulation of cannabis facilities. Table 1 below summarizes the entire zoning amendment process.

Table 1: Planning and Public Engagement Process	
Date	Activity
February 26, 2018	Cannabis Legalization Critical Path introduced identifying bylaws needed to regulate legalized cannabis.
End of February	Community survey on retail cannabis business.
April 9	Proposed bylaw amendments considered and discussed by Committee of the Whole.
April 23	Zoning bylaw amendment given 1 st and 2 nd reading.
June 6 and 13	Open House and Public Hearing advertised in the Gazette and on the City's website.
June 11	Council received an update on the public engagement process (Open House and Public Hearing) to be held in conjunction with the bylaw.
June 18	All-day Open House hosted at City Hall.
June 18 (6pm)	Public Hearing.
June 18 – 25	Comments from the public received, documented and transmitted to Council.
June 25	Zoning Bylaw Amendment to be considered for 3rd reading.
Mid-July	Ministry of Transportation and Infrastructure approves Bylaw.
July 23, 2018	Zoning Bylaw Amendment given final reading.

Benefits or Impacts

Strategic Impact



Community Engagement

- Conducting community surveys, open houses and promoting activities that engage the public encourages feedback and community participation.



Community Livability

- Establishing regulations and responding to community feedback regarding the location of cannabis businesses increases community livability.



Economic Growth

- Defining where cannabis related businesses are permitted gives guidance and certainty which encourages investment.

Policy/Legislation

Zoning Bylaw No. 2039, the Local Government Act, federal/provincial legislation pertaining to cannabis.

Attachments

Zoning Bylaw Amendment No. 2039-A1

Recommendation

**THAT Council give third reading to Zoning Bylaw Amendment No. 2039-A1.
THAT Council directs staff to forward Zoning Bylaw Amendment No. 2039-A1 to the Ministry of Transportation and Infrastructure for approval.**

Options

1. RESOLVED THAT Council accepts the report.
2. RESOLVED THAT Council does not accept the report.
3. RESOLVED THAT Council refers the matter back to staff for further information.

Report Approval Details

Document Title:	09-4600-Bylaw 2039-A1 Cannabis Zoning.docx
Attachments:	- By2039-A1 Cannabis Production and Retail Overlay and Housekeeping Amendment.docx - Cannabis Underlying Zoning Map letter.pdf
Final Approval Date:	Jun 15, 2018

This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Dolores Sheets was completed by workflow administrator Daniel Drexler

Dolores Sheets - Jun 15, 2018 - 4:24 PM

No Signature - Task assigned to Diane Heinrich was completed by assistant Daniel Drexler

Diane Heinrich - Jun 15, 2018 - 4:25 PM