

# Request for Decision



To: Regular Meeting  
From: **Development, Engineering & Planning**  
Date: February 11, 2019  
Subject: Third and Final Reading –Amendments to the Zoning Bylaw with respect to cannabis retail stores, accessible parking spaces and other minor changes (File: ZA1901)  
Recommendation: **THAT Council gives third and final reading to Zoning Bylaw Amendment No. 2039-A3, 2019.**

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## Background

### Overview

At the regular meeting on January 14, 2019, Council passed a resolution directing staff to bring forward a zoning bylaw amendment to eliminate the 100 metre separation distance between cannabis retail stores in the City and to eliminate the requirement for signs and the front face on these stores to be at least 50 metres from a controlled highway (i.e., Highway No. 3).

Council gave first and second reading of the Zoning Bylaw amendment at the January 28, 2019 meeting. The bylaw was advertised in two consecutive (January 30<sup>th</sup> and February 6<sup>th</sup>, 2019) issues of the local paper. Council heard comments from the public at the hearing held on February 11<sup>th</sup>, 2019 at 6:00 pm as well as any written feedback.

Bylaw No. 2039-A3 (attached) addressed these two regulations as well as several other minor “housekeeping” issues intended to clarify the intent of the zoning bylaw and update certain regulations as summarized in Table 1 below.

<b>Section Reference</b>	<b>Amendment</b>	<b>Intent</b>
58.3 Cannabis Retail Overlay (CRO)	To delete the 100 metre separation distance required between cannabis retail stores in the City.	To streamline the provincial licencing and municipal approval process and to create market access equity among cannabis retail store applicants. Eliminates municipal involvement in market competition in this retail sector.
58.4 Cannabis Retail Overlay (CRO)	To delete the requirement for building facades and signage to be set back 50 metres from Highway No. 3.	To permit more equitable access to the cannabis retail market among stores in the city.

<b>Table 1: Summary of Proposed Zoning Bylaw Amendments</b>		
<b>Section Reference</b>	<b>Amendment</b>	<b>Intent</b>
26.6 Offstreet Parking	To require 2% of parking spaces for non-residential uses to be accessible, with a minimum of one space per site. To require the size of these spaces to be at least 2.8 metres wide with an additional 1.2 metres on both sides of the stall to allow wheelchair access.	<p>To ensure that suitably sized accessible parking stalls are provided for non-residential land uses in the City.</p> <p>The British Columbia Building Code 2018 no longer regulates accessible parking so it now the responsibility of the City. This amendment brings in regulations for the number and size of accessible parking spaces required for non-residential land uses.</p> <p>The new regulation is based on standards recommended by the <i>Ministry of Transportation and Infrastructure</i> and the <i>Institute of Transportation Engineer's</i> publication entitled "Guidelines for Parking Facility Location and Design".</p>
Sections 36.4 (R-1 zone), 39.5 (R-2 zone) and 40.7 (R-3 zone)	Clarify the types of dwelling units permitted in certain residential zones.	To eliminate ambiguity with respect to the interpretation of these sections.
Various sections; NC, I-1, I-2, I-3, I-4, LF, R-4 and R-4A	Add "animal hospitals" as a permitted use in commercial, industrial and rural residential zones.	To allow animal hospitals to locate in areas other than in the downtown or highway commercial areas.
Section 47 HC Highway Commercial Zone and Section 50 I-1 Light Industrial Zone	Add "professional services" as a permitted use in the HC and I-1 zones.	To allow additional flexibility as to where professional offices (i.e., doctors, lawyers) can locate in the City.

### **Timing**

The bylaw received first and second reading. The timing for the next steps and estimated time frame are outlined below:

<b>Activity</b>	<b>Timing</b>
First and second reading of the zoning bylaw amendment.	January 28, 2019
Public Hearing advertised for two consecutive weeks.	January 30 & February 6 <sup>th</sup> , 2019
Public Hearing held by City Council.	February 11, 2019
Third and final reading of the zoning bylaw amendment.	February 11, 2019 (subject to results of Public Hearing)
Implementation.	February, 2019

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## Benefits or Impacts

### General

The amendments to the cannabis separation/setback distances will create more equitable access to the market for potential retailers and streamline the provincial/municipal licencing process without compromising other siting regulations related to neighbourhood impacts, safety, etc.

The text amendments will eliminate some regulation ambiguities and allow more flexibility for animal hospitals and professional services to locate in the City.

### Strategic Impact



#### Community Engagement

- An notice was advertised for two consecutive weeks in the local weekly newspaper and a statutory Public Hearing was held to encourage and receive feedback from the community on the proposed zoning amendments.



#### Community Livability

- Adding best practices for accessible parking into the zoning bylaw will improve community livability for community members with accessibility challenges.



#### Economic Growth

- The process for applying for a cannabis retail store licence will be more transparent allowing applicants to make more informed decisions as to where they may propose to establish a store.
- Requiring accessible parking will make it easier for those with mobility challenges to fully participate in the local economy.



### Fiscal Responsibility

- The text amendments will provide clarification to the zoning bylaw and reduces staff time associated with interpreting and clarifying the intent of the bylaw.

### Policy/Legislation

Freedom of Information and Protection of Privacy Act, Zoning Bylaw, Official Community Plan, Local Government Act, Ministry of Transportation and Infrastructure Policy No. 5.2.4 and “Guidelines for Parking Facility Location and Design” (Institute of Transportation Engineers).

### Attachments

Zoning Bylaw Amendment No. 2039-A3, 2019

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### Recommendation

**THAT Council gives third and final reading to Zoning Bylaw Amendment No. 2039-A3, 2019.**

### Options

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

### Report Approval Details

Document Title:	2019-02-11-ZA1901-Zoning_Bylaw_2039_A3_RFD.docx
Attachments:	- ZA1901-2019-01-28_Zoning_Bylaw_No_2039A3.docx
Final Approval Date:	Feb 5, 2019

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

**Dolores Sheets - Feb 5, 2019 - 12:12 PM**

**Diane Heinrich - Feb 5, 2019 - 3:56 PM**