



PUBLIC HEARING BACKGROUND REPORT

Public Hearing Date: October 9, 2018
Public Hearing Time: 7:30 p.m.

AGENDA ITEM # 4.1

BYLAW NO.: 1252

PROPOSAL: To Amend Land Use Bylaw 1242 – Cannabis Land Use Bylaw Amendments

LEGISLATION: Municipal Government Act

Section 230: When to hold a public hearing

Section 606: Requirements for advertising

BACKGROUND: Council passed first reading of the proposed bylaw at the Regular Council meeting on September 24, 2018.

Administration has advertised the proposed bylaw in accordance with Section 230 and Section 606 of the Municipal Government Act. A notice was posted in the St. Paul Journal on September 25, 2018 and October 2, 2018.

A notice was also posted in the foyer of the Town office since October 1, 2018 and the Town's website since September 21, 2018.

The deadline to send in a written submission was October 2, 2018 at 12:00 Noon.

No written submissions were received.

SUBMITTED BY:

A. Brousseau

Aline Brousseau, Director of Planning & Legislative Services

ATTACHMENTS:

1. Public Hearing Notice (Newspaper Ad)
2. Proposed Bylaw 1252 – including amendments

**BYLAW 1252
OF THE
TOWN OF ST. PAUL**

A BYLAW OF THE TOWN OF ST. PAUL IN THE PROVINCE OF ALBERTA TO AMEND THE LAND USE BYLAW 1242, BEING THE LAND USE BYLAW OF THE TOWN OF ST. PAUL.

WHEREAS, Section 639 of the Municipal Government Act, R.S.A. 2000, ch. M-26, as amended, a municipality shall pass a land use bylaw and may amend the land use bylaw;

AND WHEREAS, the Council of the Town of St. Paul wishes to amend Bylaw 1242, being the Land Use Bylaw for the Town of St. Paul;

NOW THEREFORE under the authority and pursuant to the provisions of the said Municipal Government Act, and by virtue of all other enabling powers, the Council of the Town of St. Paul, duly assembled, enacts as follows:

1. This Bylaw may be cited as the “Cannabis Land Use Bylaw Amendments” of the Town of St. Paul.
2. THAT the following text be added to Section 3.18.13:
 - e. the applicant/owner fails to keep their business license in good standing.
3. THAT the following text be added to “PART 8 SPECIAL LAND USE PROVISIONS”.

8.53 CANNABIS STORE

1. Where provisions in this section are in conflict with the regulations of any district or any section of this Bylaw, the provisions of this section shall take precedence and be applied in addition to the regulations of the district and other applicable sections of this Bylaw.
2. An application for a Cannabis Store shall include:
 - a. a copy of the applicant’s current application for a license from the Alberta Gaming, Liquor and Cannabis Commission;
 - b. a landowner consent letter, if the applicant is leasing the building/site;
 - c. an interior floor plan identifying access/egress and loading areas;
 - d. a site plan that includes a land use map identifying adjacent industrial, commercial and residential uses to demonstrate minimum separation distances have been met; and
 - e. an engagement report. The applicant shall contact landowners and schools adjacent to the site, outline the details of the application and solicit their comments on the application, document any opinions or concerns and what modifications were made to address their concerns. The applicant shall then submit the documentation.

3. A Cannabis Store use shall meet the following requirements:
 - a. A Cannabis Store shall only be located within the C1 District and on a site with frontage to 50 Avenue (Main Street);
 - b. A Cannabis Store shall not be located within 100 m of any other Cannabis Store, private or public school, provincial health care facility, a registered daycare the St. Paul Wellness Centre and the St. Paul Community Health Services, St. Paul Public Library or parcel of land that is designated as school reserve or municipal and school reserve under the *Municipal Government Act*;
 - i. the term public or private schools is limited to elementary through to high school, and does not include commercial schools.
 - c. The separation distance between a Cannabis Store and other uses shall be measured from the exterior wall of the Cannabis Store to the lot line of the parcel;
 - d. A Cannabis Store shall operate from 10:00 a.m. to 10:00 p.m.;
 - e. A Cannabis Store use shall not operate in conjunction with or accessory to any other use;
 - f. Customer access to a Cannabis Store shall be visible from the street other than a lane, or a shopping centre parking lot, or a shopping mall access that allows visibility from the interior of the mall into the store;
 - g. All parking areas and shipping/receiving areas located on-site shall be well lit for pedestrians and vehicles during operating hours;
 - h. Parking and loading requirements for a Cannabis Store shall be provided based on Part 7.23 of this bylaw, the General Municipal Servicing Standards, and any applicable requirements to the satisfaction of the Development Authority;
 - i. The owner shall obtain any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or municipal legislation; and
 - j. The Development Authority shall impose a condition on any Development Permit issued for Cannabis Store requiring that the development shall not commence selling Cannabis until authorized by and compliant with superior legislation.
4. In addition to the provisions of Section 5.1: Contravention of this Bylaw, the first offence for a contravention shall be \$1,000.00, and \$5,000.00 for the second for a Cannabis Store and Cannabis Facility.
5. THAT a 'Cannabis Store' shall be added as a discretionary use to the Central Commercial District – C1.
6. THAT Section 8.18: Cannabis Facility be replaced with the following text:

8.18 CANNABIS FACILITY

1. A Cannabis Facility shall comply with all municipal Land Use Bylaw and policy requirements as well as all applicable Federal and Provincial regulations including:
 - a. The production of marijuana in accordance with the Marihuana for Medical Purposes Regulations, SOR/2013-119 (Canada), as amended, or any subsequent legislation that may be enacted.

2. Where provisions in this section are in conflict with the regulations of any district or any section of this Bylaw, the provisions of this section shall take precedence and be applied in addition to the regulations of the District and other applicable sections of this Bylaw.
3. Any Cannabis Facility must comply with the following requirements, in addition to any other municipal or provincial regulations or requirements:
 - a. A Cannabis Facility must meet all applicable requirements of the identified district, which allows for the use.
 - b. Only facilities licensed by Health Canada under the Marihuana for Medical Purposes Regulations (SOR/2013-119) or as amended will be permitted.
 - c. A copy of the current license for the Cannabis Facility as issued by Health Canada shall be provided to the Development Authority before a permit can be issued.
 - d. The Licensed Cannabis Facility must not operate in conjunction with another approved use on the lot(s) or parcel(s).
 - e. Marijuana products must not be smoked, ingested, or otherwise consumed on the Premises of a Cannabis Facility.
 - f. The Cannabis Facility must not permit any person who is not an adult, as defined under the Marihuana for Medical Purposes Regulations (SOR/2013-119) or as amended, to be present anywhere on the Cannabis unless accompanying an adult authorized user to the designated waiting area(s).
4. The Development Authority may require an applicant for a Development Permit for a Cannabis Facility to have any or all of the following information be prepared by a qualified professional and have it included with the application:
 - a. Waste Management Plan;
 - b. Environmental Assessment;
 - c. Traffic Impact Assessment;
 - d. Water/Wastewater Report;
 - e. Storm Water Management Plan;
 - f. Any additional study or assessment necessary to address specific concerns at the discretion of the Development Authority.
5. The Cannabis Facility must include suitable landscaping and parking requirements, as determined by the Development Authority.
6. Parking shall comply with regulations of this Bylaw and meet all servicing standards of Town of St. Paul.
7. Cannabis Facilities shall meet security and premises requirements as required under the Marihuana for Medical Purposes Regulations (SOR/2013-119).

8. The design of the buildings and the landscaping on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.
9. The development shall be designed and located to minimize any impacts on the natural environment, and the development shall include equipment installed and functioning that remove odours from the air where it is discharged from the building as part of a ventilation system.
10. The development shall **not emit odours from the building, and** be designed to minimize any exposure or disturbance to the surrounding area including, but not limited to, dust, pollution, noise, odour, or any other related land use nuisance effects.
11. There shall be no outdoor storage of goods, material, or supplies.
12. Garbage containers and waste material shall be contained within an enclosed building.
13. Solid waste material must be secured in accordance with the Controlled Drugs and Substances Act (S.C. 1996, c. 19) and Marihuana for Medical Purposes Regulations (SOR/2013-119), as outlined in Health Canada's Directive on Physical Security Requirements for Controlled Substances (Security Directive) until destroyed.
14. All activities related to the Cannabis Facility shall occur within a fully enclosed stand-alone building, including but not limited to loading, receiving, and shipping of medical marijuana and any other goods, materials, and supplies.
15. Hours of operation shall be restricted as a condition of the development permit issued by the Development Authority.
16. A Cannabis Facility's Exterior Lighting and Noise levels should meet the following:
 - a. The illumination of parking areas, walkways, signs, and other structures associated with Cannabis Facilities shall be arranged to meet the requirements under the Marihuana for Medical Purposes Regulations (SOR/2013-119);
 - b. Noise from facilities shall not exceed that allowed under the Land Use Bylaw or any other bylaw and/or policy approved by the Town and the requirements under the Marihuana for Medical Purposes Regulations (SOR/2013-119).
17. Buffers shall be required for all Cannabis Facilities. Buffers can combine separation, vegetation, and fencing to mitigate the impacts on farming and adjacent activities.
18. Parking and loading requirements for a Cannabis Facility shall be provided based on PART 7.23: Parking and Loading Provisions of this Bylaw, the General Municipal Servicing Standards, and any applicable requirements and regulations under the Marihuana for Medical Purposes Regulations (SOR/2013-119), as amended.

19. The Development Permit application shall, in addition to the above noted requirements, include the following information:
 - a. The distance between the proposed Cannabis Facility and all school sites within the municipality. A school site, for the purposes of this section, means the lot(s) or parcel(s) on which either a Child Care Facility, Public Education Facility, or Institutional Use is listed as a Permitted or Discretionary Use.
 - b. The distance between the proposed Cannabis Facility and the nearest residential lot. A residential lot, for the purposes of this section, means any lot wherein a “dwelling” is listed as a Permitted or Discretionary Use.
20. A Cannabis Facility shall be located at a minimum separation distance of 90 m ~~200 m~~ from any school site or residential lot. The minimum separation distance shall be established by measuring the distance between the boundary of a residential parcel or school site and the nearest building edge boundary of the Cannabis Facility.
21. Minimum setback from any watercourse shall be 30 m (98 ft.).
22. A building or structure used for security purposes for a Cannabis Facility may be located in the front yard and must comply with the required minimum setbacks.
23. No outdoor advertising shall be permitted.
7. THAT a ‘Cannabis Facility’ shall be added as a discretionary use to the INDUSTRIAL DISTRICT – M.
8. This Bylaw shall come into effect upon passing of third and final reading.

MOTION BY COUNCILLOR TAYLOR THAT BYLAW 1252 BE GIVEN FIRST READING THIS 24TH DAY OF SEPTEMBER, 2018.

Maureen Miller
Mayor

Kim Heyman
Chief Administrative Officer

MOTION BY COUNCILLOR _____ THAT BYLAW 1252 BE GIVEN SECOND READING THIS
____ DAY OF _____, 2018.

MOTION BY COUNCILLOR _____ THAT BYLAW 1252 BE GIVEN THIRD AND FINAL READING
THIS ____ DAY OF _____, 2018.

Maureen Miller
Mayor

Kim Heyman
Chief Administrative Officer

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