

COUNCIL REQUEST FOR DECISION

DATE: April 16, 2018

MEETING DATE: April 23, 2018

SUBMITTED BY: Ken Woitt, Director, Planning & Development

PREPARED BY: Sylvain Losier, Manager, Current Planning and Development

REPORT TITLE: Bylaw 970-2017 – Amendment 74 to the Land Use Bylaw

REPORT NUMBER: 2017-CR-131

REPORT SUMMARY

Bylaw 970-2017 is proposing to amend Section 3.4 (Establishment of Overlays) and Section 26.0 (Glossary) as well as to introduce Section 18.10 (Cannabis Overlay) in order to define and regulate land uses related to cannabis within the overlay area.

RECOMMENDATION

That Council give Bylaw 970-2017 first reading and set the Council meeting of May 14th, 2018 as the time and place for the Public Hearing of said bylaw to be held in accordance with the Municipal Government Act (MGA).

BACKGROUND

KEY ISSUE(S) / CONTEXT:

With the upcoming legalization of cannabis by the Government of Canada and the upcoming cannabis framework set by the Government of Alberta, the City of Leduc must review its Land Use Bylaw (LUB) to ensure conformity with the upper-levels of government as well as to properly define and regulate the new land uses related to cannabis.

The proposed bylaw defines Cannabis, Cannabis Accessory, Cannabis Counselling, Cannabis Production and Distribution, and Retail Store (Cannabis). It also identifies where the new land uses will be allowed as discretionary once the Federal and Provincial Acts come into effect. The proposed bylaw represents Administration's understanding of Council's desired outcome in accordance with the directions provided during the 2017 and 2018 Council and Committee of the Whole meetings.

To achieve the desired outcomes, the proposed bylaw contains the regulations related to specific land uses within the Cannabis Overlay Area. By containing the cannabis related land uses within the overlay, it will ensure that these specific uses will be far away from the schools, the Leduc Community Hospital, and other uses deemed sensitive by Council.

This overlay would enable cannabis related land uses as discretionary within the overlay, enabling the Development Authority to impose additional conditions where necessary. These uses would include Retail Store (Cannabis), Cannabis Production and Distribution, and Cannabis Counselling.

To prevent the clustering of Retail Store (Cannabis), the proposed overlay contains regulations to ensure a minimum separating distance of 100 meters between a Parcel of land where a Retail Store (Cannabis) is being proposed to any Parcel of land where a Retail Store (Liquor) or Retail Store (Cannabis) already exists at the time of the Development Permit application. The proposed regulation also prohibits the location of a Retail Store (Liquor) or Retail Store (Cannabis) on a

Parcel of land abutting a Parcel of land that is within a General Recreation (GR) or an Urban Services (US) district in order to prevent the proximity of sensitive uses.

Due to the location of the proposed overlay and the industrial nature of the area combined with the Airport Vicinity Protection Area Regulation land uses prohibition in relation to Day Care Facility, Administration believes that the possibility of having a land use conflict between a Retail Store (Liquor) / (Cannabis) and a Day Care Facility is unlikely. The exception could be within the Commercial Shopping Centre (CSC) district where Day Care Facility are discretionary, which is why the proposed bylaw contains a regulation that would prevent a parcel for Retail Store (Cannabis) or Retail Store (Liquor) to be abutting with a parcel where a Day Care Facility is located. Reciprocity would be obeyed for these relationships.

Once an amending bylaw is approved, Administration will have to identify indicators/criteria to monitor in order to evaluate the impacts of the new regulations and report to Council once sufficient data is obtained. This will ensure that Council's desired outcomes are achieved and enable us to adjust our framework if necessary. It will also confirm if there is merit in exporting regulations from the overlay into other areas of the City of Leduc.

Lastly, it is important to note that even if the proposed overlay supports cannabis related land uses, it doesn't mean that property/building owners will allow these uses on their premises. Furthermore, for a Cannabis Production and Distribution or a Retail Store (Cannabis) use to establish itself, all the federal and the provincial regulations and requirements shall be met.

Challenges and other considerations

Certain challenges will arise from the proposed approach. Keeping track of the sensitive land uses such as Retail Store (Cannabis), Retail Store (Liquor), and Day Care Facility for the purpose of the 100 meters separating distance will be much more complex than for parks, school, or our community hospital as these are generally more static. Once a parcel is allocated for a park, a school, or a hospital, the likelihood of seeing a land use change is minimal. For the purpose of the proposed framework, Planning will need to coordinate with Geomatics Services in order to add additional layers of information into the City database. This will enable the Development Officers to have better information when they are reviewing applications.

Another challenge that influenced the proposed approach was to keep the practicality of the solution within the grasp of a potential applicant. Administration did look at measuring from building to building or from building to parcel boundary. However, as soon as the measurement involved the building, then a Real Property Report is required, which would increase the cost for the applicant. Furthermore, requiring the measurement from the buildings could also mean obtaining third party information, which could become complicated. For these reasons, Administration is recommending that measurements are taken from parcel boundary to parcel boundary.

In terms of consideration, Administration identified two (2) items that need to be brought forward to Council's attention. The first one is consistency of the framework/approach within the region, and the second one is Health Service vs. Cannabis Counselling. As for consistency, the information gathered in the first three (3) weeks of April lead us to the following conclusion:

- Some municipalities are enabling cannabis related land uses as permitted and others as discretionary. Edmonton seems to be the municipality that will go with the permitted designation in most occasions. Other urban municipalities seem to go with discretionary and will likely revisit down the road as necessary;
- Most municipalities are going with permitted/discretionary uses per district as their proposed framework. If considered independently from the separating distance, this can create a perception of a much higher degree of flexibility or accessibility for the cannabis related land uses in those municipalities compared to Leduc.

- The City of Leduc is the only one contemplating an overlay to our knowledge. Having said this, the net result of using an overlay is twofold. First, we will not have to factor school, most parks, or residential neighbourhoods into our separating distance analysis as these are predominantly located outside of the overlay. Furthermore, using the overlay will facilitate a phased-in approach for the community, while making the information more accessible to proponents interested in pursuing cannabis related land uses. Most of the information they will need will be within the overlay section of the Land Use Bylaw. Secondly, using an overlay will enable the alignment of the framework with the direction provided at the March 19 Committee of the Whole (CoW) meeting. With an overlay, the Retail Store (Cannabis) will be contained within the overlay whereas the district approach would allow this use throughout the City as long as the separating distances would be met.

The second consideration that Administration would like to bring to Council's attention is the distinction between Health Service and Cannabis Counselling. Health Service is a use that includes medical clinics. At these locations, medical staff can perform cannabis counselling. Since medicinal/medical cannabis has been legalized, this is an activity that has been authorized with the legalization of medicinal cannabis, and left to the discretion of the practitioners. Some practitioners will provide this service while others will not. Health Service is permitted in many districts including GC, CSC, and CBC.

The proposed Cannabis Counselling definition is constructed around non-medical staff. This would be a service performed by individuals that have knowledge, experience, and skillset in regards to cannabis, cannabis impact, cannabis regulations, and other cannabis related topics. There is no consumption or sale associated with this service on the premises of the activity. As presented at the March 19 CoW meeting, this use would be discretionary in the same area where the Retail Store (Cannabis) use would be discretionary. Within the proposed framework, this use would be discretionary only within the overlay. It would not be allowed elsewhere.

LEGISLATION AND/OR POLICY:

1. Municipal Government Act, RSA 2000, Chapter M-26, as amended
 - S. 640(2)(a) requires a municipality be divided into land use districts.
 - S. 606 and S. 692 govern the requirements for advertising a bylaw.
2. Land Use Bylaw 809-2013, as amended

PAST COUNCIL CONSIDERATION:

The upcoming legalization has been previously discussed three (3) times (June 26th and December 4th, 2017, March 19, 2018) in Committee of the Whole (CoW) and once recently at Council (March 12, 2018). Bylaw 970-2017 is presented to Council for the first time.

CITY OF LEDUC PLANS:

Bylaw 970-2017 is consistent with the City's Municipal Development Plan, as amended.

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Administration should identify indicators to measure the impacts of the legalization of cannabis and the implementation of its various land uses within the City boundary. Furthermore, additional information will need to be added into the database to be displayed in a layer into our GIS system in order for staff to review applications and apply the regulations. This will require time for the Administration to build and implement.

POLICY:

There are no policy implications.

IMPLEMENTATION / COMMUNICATIONS:

The public hearing will need to be advertised in the April 27th and May 4th, 2018 issues of *'The Representative'* and notification will also be made available on the City of Leduc cannabis webpage.

ALTERNATIVES:

1. That Council defeat Bylaw 970-2017, cancel the public hearing of May 14th, and direct Administration to create a new amending bylaw to address the upcoming legalization of cannabis. The new amending bylaw could be structured around enabling cannabis related land uses within districts, therefore not using an overlay. This would enable the City's regulations to be aligning more closely with other municipalities in the capital region, but would also be a slight departure of the direction provided at the CoW of March 19 whereas the Committee of the Whole provided the direction of ensuring that cannabis related land use would not be located in proximity to schools, parks and residential developments throughout the City of Leduc.

ATTACHED REPORTS / DOCUMENTS:

1. Bylaw 970-2017
2. Explanatory notes
3. Cannabis Overlay Area map

Others Who Have Reviewed this Report

P. Benedetto, City Manager / B. Loewen, City Solicitor / M. Pieters, General Manager, Infrastructure & Planning

AMENDMENT #74 - TO BYLAW NO. 809-2013, THE LAND USE BYLAW

The *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended (the "Act") grants a municipality the authority to pass a Land Use Bylaw;

AND: in accordance with the Act, the City of Leduc passed Land Use Bylaw No. 809-2013 to regulate and control the use and development of land and buildings in the City of Leduc, and the Council has deemed it expedient and necessary to amend Bylaw No. 809-2013;

AND: notice of intention to pass this bylaw has been given and a public hearing has been held in accordance with the Act;

THEREFORE: the Council of the City of Leduc in the Province of Alberta duly assembled hereby enacts as follows:

PART I: APPLICATION

That Bylaw No. 809-2013 be amended as follows:

1. Section 3.4.1. is deleted and replaced with the following:

"3.4.1. Overlays shall provide a means to add or remove land uses as well as to alter or specify regulations for Permitted and Discretionary Uses in otherwise appropriate districts in order to achieve the local planning objectives in specially designated areas throughout the City of Leduc."

2. Section 3.4.2.3. is deleted and replaced with the following:

"3.4.2.3. every use and regulation specified or changed by the Overlay."

3. Section 3.4.3. is deleted in its entirety.

4. The following new sections are added after Table 42.1.1:

"18.10. Cannabis Overlay

18.10.1. Purpose

18.10.1.1. The purpose of this overlay is to enable and coordinate the land uses associated with cannabis in order to ensure their proper integration within the Cannabis Overlay area.

18.10.2. Applicability

18.10.2.1. This Overlay shall apply to the area outlined in Figure 3.3: City of Leduc Cannabis Overlay Area.

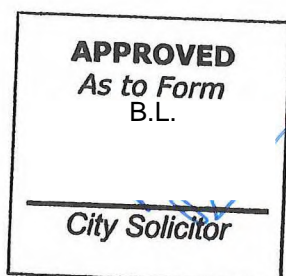
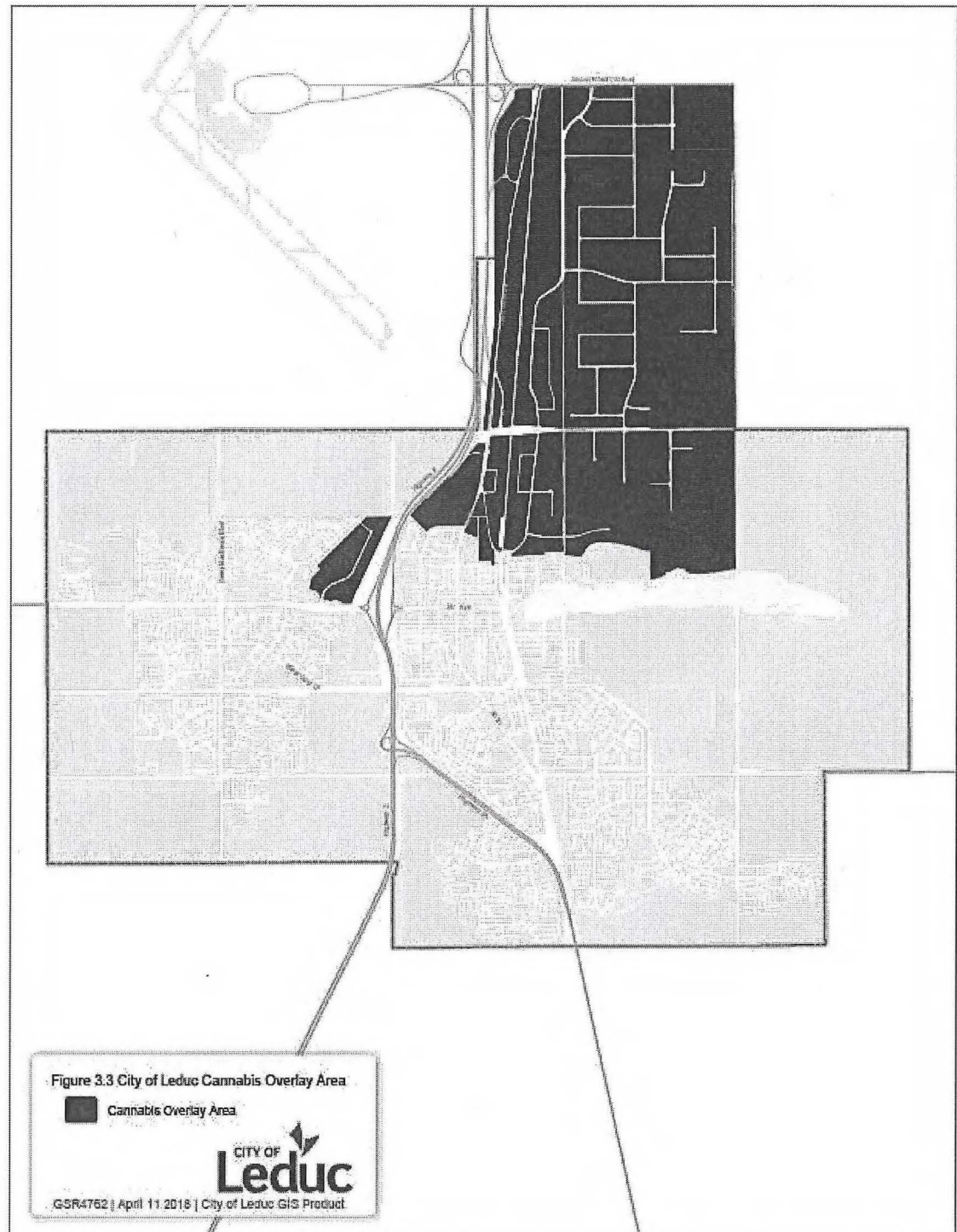


Figure 3.3 City of Leduc Cannabis Overlay Area



18.10.3. Development Regulations

- 18.10.3.1. Development within this overlay shall be evaluated with respect to compliance with the underlying district and all other provisions of this Bylaw where not specifically overridden by this overlay. In the case of

conflicting regulations within this overlay and other sections of the Land Use Bylaw, the regulations contained in the overlay shall prevail.

- 18.10.3.2. Within the Cannabis Overlay, for any Parcel of land that is 1.99 ha or less at the time of the Development Permit application, a minimum separating distance of 100 meters shall be required between specific land uses located within the overlay as follow:

1) if the proposed use is Retail Store (Cannabis) - separating distance from an existing Retail Store (Cannabis) or an existing Retail Store (Liquor); or

2) if the proposed use is Retail Store (Liquor), - separating distance from an existing Retail Store (Cannabis) or an existing Retail Store (Liquor).

For the purpose of this section, the minimum 100.0 m separating distance shall be measured from the closet point of the subject Parcel of land boundary to the closest point of another Parcel of land boundary, and shall not be measured from the District boundaries or from the edges of Structures.

- 18.10.3.3. Within the Cannabis Overlay, for any Parcel of land that is 2.00 ha or greater at the time of the Development Permit application, no separating distance shall be required, but there shall be a limit of one (1) Retail Store (Liquor) or one (1) Retail Store (Cannabis) per Parcel of land.
- 18.10.3.4. Within the Cannabis Overlay, a Retail Store (Cannabis) or a Retail Store (Liquor) cannot be located on a Parcel of land abutting another Parcel of Land where a Retail Store (Cannabis), a Retail Store (Liquor), or a Day Care Facility exist at the time of the Development Permit application. Furthermore, a Day Care Facility cannot be located on a Parcel of land abutting another Parcel of Land where a Retail Store (Cannabis) or a Retail Store (Liquor) exist at the time of the Development Permit application.
- 18.10.3.5. Within the Cannabis Overlay, a Retail Store (Cannabis) or a Retail Store (Liquor) cannot be located on a Parcel of land abutting another Parcel of Land which is under the district General Recreation or Urban Services at the time of the Development Permit application.
- 18.10.3.6. Within a Cannabis Production and Distribution Use, all activities linked to the production, cultivation, and processing of cannabis shall be done indoors, within an enclosed building designed and equipped to prevent odours and noise from negatively impacting adjacent properties as per the requirement of Health Canada and Federal Legislation.

18.10.4. Land Uses

- 18.10.4.1. Permitted and Discretionary Uses within the underlying Land Use Districts remain Permitted and Discretionary within this Overlay.

18.10.4.2. In addition to the Uses identified in Section 18.10.4.1., the following Uses will be Discretionary within this Overlay:

1) Cannabis Counselling within the following underlying Land Use Districts: GC – General Commercial; CSC – Commercial Shopping Centre; IL – Light Industrial; IBL – Business Light Industrial; and IM – Medium Industrial.

2) Cannabis Production and Distribution within the following underlying Land Use Districts: IL – Light Industrial and IM – Medium Industrial.

3) Retail Store (Cannabis) within the following underlying Land Use Districts: GC – General Commercial; CSC – Commercial Shopping Centre; IL – Light Industrial; IBL – Business Light Industrial; and IM – Medium Industrial."

5. Section 26.0. Table 48: Glossary of Terms and Uses is amended as follows:

a) The definition for Agriculture is deleted and replaced with:

- i) "Agriculture means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward, and includes:
 - (a) the cultivation of land,
 - (b) the raising of livestock, including domestic cervids within the meaning of the Livestock Industry Diversification Act and poultry,
 - (c) the raising of fur-bearing animals, game birds or fish,
 - (d) the production of agricultural field crops,
 - (e) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops,
 - (f) the production of eggs and milk,
 - (g) the production of honey,
 - (h) the operation of agricultural machinery and equipment, including irrigation pumps,
 - (i) the application of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes, and
 - (j) the collection, transportation, storage, application, use, transfer and disposal of manure, composting materials and compost, and the abandonment and reclamation of confined feeding operations and manure storage facilities.

Agriculture does not include Cannabis Production and Distribution."

b) The following new definitions are added after the definition for Campground:

- i) "Cannabis means a cannabis plant and any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not, any substance or mixture of substances that contains or has on it any part of such a plant and any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained but does not include a non-viable seed of a cannabis plant, a mature stalk,

without any leaf, flower, seed or branch, of such a plant, fibre derived from a such a stalk and the root or any part of the root of such a plant."

- ii) "Cannabis Accessory
(a) means a thing, including rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers, that is represented to be used in the consumption of cannabis or a thing that is represented to be used in the productions of cannabis; or
(b) for the purposes of this definition a thing is deemed to be represented to be used in the consumption or production of cannabis if the thing is sold at the same point of sale as cannabis."
- iii) "Cannabis Counselling
means a use where counselling on cannabis is provided by a person or group of persons who are not medical professionals, and whereas no sales or consumption of cannabis is permitted at the premise where the activity is conducted."
- iv) "Cannabis Plant
means a plant that belongs to the genus *Cannabis*."
- v) "Cannabis Production and Distribution
means a Development operated by a person who holds a licence under the federal Act that authorizes the person to produce cannabis. Typical activities would include the production, cultivation, processing, making, testing, manufacturing, packaging, storing, and transshipping of Cannabis in conformity with all federal and provincial Acts."

c) The definition for Commercial Storage Facility is deleted and replaced with:

- i) "Commercial Storage Facility
means a single Building storage facility in which all storage is indoors with an interior loading and unloading dock. Exterior storage is not permitted except for licenced vehicles that may be parked for extended periods of time, but does not include recreation vehicles. The Building will be of a single or multi Storey design with a higher exterior architectural standard suitable to a commercial usage area and does not include Cannabis Production and Distribution."

d) The definition for General Industrial (Light) is deleted and replaced with:

- i) "General Industrial (Light)
means Development industrial business uses that conduct their operations such that no significant adverse effects or nuisance factors such as noise, effluent, odour or emission is created or apparent outside an enclosed building or beyond the site that would make the use incompatible with adjacent nonindustrial uses. These uses are low risk prone activities, with no Dangerous Goods above minimum acceptable thresholds. This Land Use category may include, but is not limited to the following:
 - (a) processing of raw or finished materials;
 - (b) transshipment of goods;
 - (c) manufacturing or assembly of goods, products or equipment;
 - (d) cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial business or those associated with personal or household use, where such operations have impacts that would typically make them incompatible in non-industrial districts;
 - (e) research and development uses and laboratory facilities;

- (f) the training of personnel in general industrial operations;
- (g) these uses may include any indoor display, office, technical or administrative support areas or any sales operation accessory to the General Industrial (Light) businesses.

Pipe storage yards and Cannabis Production and Distribution are both excluded from this use class."

- e) The definition for General Industrial (Medium) is deleted and replaced with:

- i) "General Industrial (Medium)
means industrial logistics or industrial manufacturing, including activities involved in storage, transportation, distribution, wholesaling, manufacturing and servicing of industrial goods or equipment, which do not, in the opinion of the Development Authority, emit a significant level of noise, smoke, dust, odour, vibration or other nuisance factor beyond the Medium Industrial District boundary. Where these uses include on-site Dangerous and Hazardous Goods, a Dangerous Goods Impact Assessment (DGIA) will be required identifying the estimated risks using the Major Industrial Accidents Counsel of Canada (MIACC) Version 1 methodology (The MIACC's Acceptability Criteria). These uses may include any indoor display, office, technical or administrative support areas or any sales operation accessory to the General Industrial (Medium) businesses.

Cannabis Production and Distribution is excluded from this use class."

- f) The definition for General Industrial (Special) is deleted and replaced with:

- i) "General Industrial (Special)
means industrial operations similar to those classified as General Industrial (Medium) uses, but which include moderate risk activities with Dangerous and Hazardous Goods. A Dangerous Goods Impact Assessment (DGIA) must be completed identifying the estimated risks using the Major Industrial Accidents Counsel of Canada (MIACC) Version 1 methodology (The MIACC's Acceptability Criteria). The uses must demonstrate that there is no more than a 10 in 1,000,000 risk fatality within a 160 meter diameter radius from the dangerous goods/products on site. These uses may include any indoor display, office, technical or administrative support areas or any sales operation accessory to the General Industrial (Special) businesses.

Cannabis Production and Distribution is excluded from this use class."

- g) The definition for Greenhouse is deleted and replaced with:

- i) "Greenhouse
means a Development for the growing, acclimating, propagating, harvesting, displaying and selling of bedding, edible, Household and ornamental plants and may include accessory uses related to the storing, displaying and selling of gardening, nursery and related products. Cannabis Production and Distribution and Retail Store (Cannabis) are both excluded from this use class."

h) The definition for Home Occupation is deleted and replaced with:

- i) "Home Occupation
means a secondary use to the residential use of a Dwelling for the purpose of a business which:
 - (a) is operated by a principal resident of the Dwelling;
 - (b) may have business associated visits to the residence to a maximum of fifteen (15) per week;
 - (c) may have a non-resident person employed in the Dwelling;
 - (d) is not detectable from outside the Dwelling;
 - (e) may have some business activities extend to the Garage and/or an Accessory Development;
 - (f) may have some storage related to the business located inside the dwelling, Garage and/or an Accessory Development;
 - (g) may have a business-related vehicle; and
 - (h) does not use any outside Yard for storage or any type of business activity.

Cannabis Counselling and Retail Store (Cannabis) are both excluded from this use class."

i) The definition for Home Office is deleted and replaced with:

- i) "Home Office
means a secondary use located within a Dwelling for the purpose of a business which:
 - (a) is operated by a principal resident of the Dwelling;
 - (b) does not require business associated visits;
 - (c) does not require any non-resident persons employed within the Dwelling;
 - (d) is not detectable from outside the Dwelling;
 - (e) does not extend the business activity to the Garage or outside yard;
 - and
 - (f) does not require parking of business-related vehicle.

Cannabis Counselling and Retail Store (Cannabis) are both excluded from this use class."

j) The definition for Late Night Club is deleted and replaced with:

- i) "Late Night Club
means any premises or part thereof, the primary purpose of which is to host regular dances, entertainment performances or other events where:
 - (a) no alcohol, alcoholic beverages, or cannabis are available on the premises for consumption or sale;
 - (b) 20 or more patrons are assembled at any time between 2:00 A.M. and 6:00 A.M.;
 - (c) the events are held for the purpose of gain or profit;
 - (d) tickets are sold or an entrance or attendance fee is charged for persons to attend; and
 - (e) music, noise or sound of any kind or source is emitted, including, but not limited to the performing or playing of live music, amplified recorded or computer generated sounds."

k) The definition for Personal Service is deleted and replaced with:

- i) "Personal Service
means a Development used for the provision of Personal Services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects and includes such uses as barbershops, hairdressers, tattoo parlours, beauty salons, tanning salons, shoe repair shops, Laundromats, dry cleaning outlets, but does not include Cannabis Counselling, Health Service, Retail Stores, Service Stations or Adult Entertainment Facilities."

l) The definition for Private Club is deleted and replaced with:

- i) "Private Club
means Development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, and athletic, business or fraternal organization, without on-site residences. Private Clubs may include lodges as well as rooms for eating, drinking and assembly. This use class does not allow for any cannabis consumption on the premise. Cannabis Production and Distribution is excluded from this use class."

m) The following new definition is added after the definition for Residential unit:

- i) "Retail Store (Cannabis)
means a retail store licenced by the Province of Alberta to sell Cannabis and Cannabis Accessory to the public, for consumption elsewhere."

PART II: ENACTMENT

This Bylaw shall come into force and effect when it receives Third Reading and is duly signed.

READ A FIRST TIME IN COUNCIL THIS _____ DAY OF _____, AD 2018.

READ A SECOND TIME IN COUNCIL, THIS _____ DAY OF _____, AD 2018.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS _____ DAY OF _____, AD 2018.

Robert Young
MAYOR

Sandra Davis
CITY CLERK

Date Signed

Attachment 2

| Section of Bylaw 809-2013 | Page | Description of Amendment | Rationale | Amend . No. |
|---|------|--|--|----------------|
| PART 3: INTERPRETATION | | | | |
| 3.4. Establishment of Overlay | 9 | Delete Sections 3.4.1. and replace it with: "Overlays shall provide a means to add or remove land uses as well as to alter or specify regulations for Permitted and Discretionary Uses in otherwise appropriate districts in order to achieve the local planning objectives in specially designated areas throughout the City of Leduc." | To clarify the purpose of overlay in relation to how the city has been using this tool for the last few years. | 1. |
| 3.4. Establishment of Overlay | 10 | Delete Sections 3.4. 2.3. and replace it with: "3.4.2.3. every use and regulation specified or changed by the Overlay." | To clarify that an overlay can change both uses and regulations. | 3. |
| 3.4. Establishment of Overlay | 10 | Delete Sections 3.4.3. | To avoid confusion in regards to what an overlay can alter. | 4. |
| PART 4: DISTRICT REGULATIONS AND DEVELOPMENT STANDARDS | | | | |
| 18.0 Overlays | 173 | Add the following new sections after table 42.11: "18.10. Cannabis Overlay | To identify the overlay. | 5 |
| 18.10.1. Purpose | | 18.10.1.1. The purpose of this overlay is to enable and coordinate the land uses associated with cannabis in order to ensure their proper integration within the Cannabis Overlay area. | To state the purpose of the overlay. | 5 |
| 18.10.2. Applicability | | 18.10.2.1. This Overlay shall apply to the area outlined in Figure 3.3: City of Leduc Cannabis Overlay Area. Figure 3.3 City of Leduc Cannabis Overlay Area (see Attachment 3 for the map) | To map the overlay area as per LUB requirement. This provides a visual support to all interested parties. | 5 |
| 18.10.3. Development Regulations | | 18.10.3.1. Development within this overlay shall be evaluated with respect to compliance with the underlying district and all other provisions of this Bylaw where not specifically overridden by this overlay. In the case of conflicting regulations within this overlay and other sections of the Land Use Bylaw, the regulations contained in the overlay shall prevail. | To define how regulations will be applied to the overlay area. | 5 |

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| | | <p>18.10.3.2. Within the Cannabis Overlay, for any Parcel of land that is 1.99 ha or less at the time of the Development Permit application, a minimum separating distance of 100 meters shall be required between specific land uses located within the overlay as follow:</p> <p>1) if the proposed use is Retail Store (Cannabis) - separating distance from an existing Retail Store (Cannabis) or an existing Retail Store (Liquor); or</p> <p>2) if the proposed use is Retail Store (Liquor), - separating distance from an existing Retail Store (Cannabis) or an existing Retail Store (Liquor).</p> <p>For the purpose of this section, the 100.0 m separation distance shall be measured from the closet point of the subject Parcel of land boundary to the closest point of another Parcel of land boundary, and shall not be measured from the District boundaries or from the edges of Structures.</p> | <p>In order to minimize the opportunities for clustering, council provide the direction of including a 100 meters minimum separating distance at the CoW of March 19.</p> <p>Measurements will be taken from the parcel boundary to other parcels. This will eliminate the need to request real Property Report depicting where buildings are located. It also prevents future issues when buildings are subject to alteration or expansion.</p> | 5 |
| | | <p>18.10.3.3. Within the Cannabis Overlay, for any Parcel of land that is 2.00 ha or greater at the time of the Development Permit application, no separating distance shall be required, but there shall be a limit of one (1) Retail Store (Liquor) or one (1) Retail Store (Cannabis) per Parcel of land.</p> | <p>On larger Parcels, a 100 meters separating distance would sterilize significant tracks of lands. Using a limit of 1 per parcel in combination with abutting restriction will minimize clustering opportunities.</p> | 5 |
| | | <p>18.10.3.4. Within the Cannabis Overlay, a Retail Store (Cannabis) or a Retail Store (Liquor) cannot be located on a Parcel of land abutting another Parcel of Land where a Retail Store (Cannabis), a Retail Store (Liquor), or a Day Care Facility exist at the time of the Development Permit application. Furthermore, a Day Care Facility cannot be located on a Parcel of land abutting another Parcel of Land where a Retail Store (Cannabis) or a Retail Store (Liquor) exist at the time of the Development Permit application.</p> | <p>To minimize the opportunities for clustering and ensure separation of sensitive uses.</p> | 5 |
| | | <p>18.10.3.5. Within the Cannabis Overlay, a Retail Store (Cannabis) or a Retail Store (Liquor) cannot be located on a Parcel of land abutting another Parcel of Land which is under the district General Recreation or Urban Services at the time of the Development Permit application.</p> | <p>To prevent location near parks and other sensitive uses as discussed at the March 19 CoW.</p> | 5 |
| | | <p>18.10.3.6. Within a Cannabis Production and Distribution Use, all activities linked to the production, cultivation, and processing of cannabis shall be done indoors, within an enclosed building designed and equipped to prevent odours and noise from negatively impacting adjacent properties as per the requirement of Health Canada and Federal Legislation.</p> | <p>To prevent odour nuisance within the City of Leduc.</p> | 5 |

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| 18.10.4. Land Uses | | 18.10.4.1. Permitted and Discretionary Uses within the underlying Land Use Districts remain Permitted and Discretionary within this Overlay. | | 5 |
| | | <p>18.10.4.2. In addition to the Uses identified in Section 18.10.4.1., the following Uses will be Discretionary within this Overlay:</p> <p>1) Cannabis Counselling within the following underlying Land Use Districts: GC – General Commercial; CSC – Commercial Shopping Centre; IL – Light Industrial; IBL – Business Light Industrial; and IM – Medium Industrial.</p> <p>2) Cannabis Production and Distribution within the following underlying Land Use Districts: IL – Light Industrial and IM – Medium Industrial.</p> <p>3) Retail Store (Cannabis) within the following underlying Land Use Districts: GC – General Commercial; CSC – Commercial Shopping Centre; IL – Light Industrial; IBL – Business Light Industrial; and IM – Medium Industrial.”</p> | To enable a stepped-in approach of cannabis related land uses implementation within the City of Leduc. | 5 |
| PART 8: TERMINOLOGY AND TRANSLATIONS | | | | |
| 26.0 Glossary of Terms and Uses | 256 | <p>The definition for Agriculture is deleted and replaced with:</p> <p>“Agriculture means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward, and includes:</p> <p>(a) the cultivation of land,</p> <p>(b) the raising of livestock, including domestic cervids within the meaning of the Livestock Industry Diversification Act and poultry,</p> <p>(c) the raising of fur-bearing animals, game birds or fish,</p> <p>(d) the production of agricultural field crops,</p> <p>(e) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops,</p> <p>(f) the production of eggs and milk,</p> <p>(g) the production of honey,</p> <p>(h) the operation of agricultural machinery and equipment, including irrigation pumps,</p> <p>(i) the application of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes, and</p> <p>(j) the collection, transportation, storage, application, use, transfer and disposal of manure, composting materials and compost, and the abandonment and reclamation of confined feeding operations and manure storage facilities.</p> <p>Agriculture does not include Cannabis Production and Distribution.”</p> | To clarify that cannabis production is a standalone use with its own definition, not integrated or included within the Agriculture land use/definition. | 6a) |

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| The following new definitions are added after the definition for Campground | 259 | " Cannabis means a cannabis plant and any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not, any substance or mixture of substances that contains or has on it any part of such a plant and any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained but does not include a non-viable seed of a cannabis plant, a mature stalk, without any leaf, flower, seed or branch, of such a plant, fibre derived from a such a stalk and the root or any part of the root of such a plant." | To align with the Federal Act | 6b) |
| | | " Cannabis Accessory (a) means a thing, including rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers, that is represented to be used in the consumption of cannabis or a thing that is represented to be used in the productions of cannabis; or (b) for the purposes of this definition a thing is deemed to be represented to be used in the consumption or production of cannabis if the thing is sold at the same point of sale as cannabis." | To align with the Federal Act | 6b) |
| | | "Cannabis Counselling means a use where counselling on cannabis is provided by a person or group of persons who are not medical professionals, and whereas no sales or consumption of cannabis is permitted at the premise where the activity is conducted." | To define a new use that may be implemented in the City of Leduc. | 6b) |
| | | "Cannabis Plant means a plant that belongs to the genus <i>Cannabis</i> ." | To align with the Federal Act | |
| | | "Cannabis Production and Distribution means a Development operated by a person who holds a licence under the federal Act that authorizes the person to produce cannabis. Typical activities would include the production, cultivation, processing, making, testing, manufacturing, packaging, storing, and transshipping of Cannabis in conformity with all federal and provincial Acts." | To define a new use that may be implemented in the City of Leduc. | 6b) |
| | 260 | The definition for Commercial Storage Facility is deleted and replaced with: "Commercial Storage Facility means a single Building storage facility in which all storage is indoors with an interior loading and unloading dock. Exterior storage is not permitted except for licenced vehicles that may be parked for extended periods of time, but does not include recreation vehicles. The Building will be of a single or multi Storey design with a higher exterior architectural standard suitable to a commercial usage area and does not include Cannabis Production and Distribution." | To exclude retail Store (Cannabis) from this definition and clarify that Retail Store (Cannabis) is a land use on its own. | 6c) |

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| | 270 | <p>The definition for General Industrial (Light) is deleted and replaced with:</p> <p>"General Industrial (Light) means Development industrial business uses that conduct their operations such that no significant adverse effects or nuisance factors such as noise, effluent, odour or emission is created or apparent outside an enclosed building or beyond the site that would make the use incompatible with adjacent nonindustrial uses. These uses are low risk prone activities, with no Dangerous Goods above minimum acceptable thresholds. This Land Use category may include, but is not limited to the following:</p> <ul style="list-style-type: none"> (a) processing of raw or finished materials; (b) transshipment of goods; (c) manufacturing or assembly of goods, products or equipment; (d) cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial business or those associated with personal or household use, where such operations have impacts that would typically make them incompatible in non-industrial districts; (e) research and development uses and laboratory facilities; (f) the training of personnel in general industrial operations; (g) these uses may include any indoor display, office, technical or administrative support areas or any sales operation accessory to the General Industrial (Light) businesses. <p>Pipe storage yards and Cannabis Production and Distribution are both excluded from this use class."</p> | To exclude retail Store (Cannabis) from this definition and clarify that Retail Store (Cannabis) is a land use on its own. | 6d) |
| | 270 | <p>The definition for General Industrial (Medium) is deleted and replaced with:</p> <p>"General Industrial (Medium) means industrial logistics or industrial manufacturing, including activities involved in storage, transportation, distribution, wholesaling, manufacturing and servicing of industrial goods or equipment, which do not, in the opinion of the Development Authority, emit a significant level of noise, smoke, dust, odour, vibration or other nuisance factor beyond the Medium Industrial District boundary. Where these uses include on-site Dangerous and Hazardous Goods, a Dangerous Goods Impact Assessment (DGIA) will be required identifying the estimated risks using the Major Industrial Accidents Counsel of Canada (MIACC) Version 1 methodology (The MIACC's Acceptability Criteria). These uses may include any indoor display, office, technical or administrative support areas or any sales operation accessory to the General Industrial (Medium) businesses. Cannabis Production and Distribution is excluded from this use class."</p> | To exclude retail Store (Cannabis) from this definition and clarify that Retail Store (Cannabis) is a land use on its own. | 6e) |

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| | 270 | <p>The definition for General Industrial (Special) is deleted and replaced with:</p> <p>"General Industrial (Special) means industrial operations similar to those classified as General Industrial (Medium) uses, but which include moderate risk activities with Dangerous and Hazardous Goods. A Dangerous Goods Impact Assessment (DGIA) must be completed identifying the estimated risks using the Major Industrial Accidents Counsel of Canada (MIACC) Version 1 methodology (The MIACC's Acceptability Criteria). The uses must demonstrate that there is no more than a 10 in 1,000,000 risk fatality within a 160 meter diameter radius from the dangerous goods/products on site. These uses may include any indoor display, office, technical or administrative support areas or any sales operation accessory to the General Industrial (Special) businesses. Cannabis Production and Distribution is excluded from this use class."</p> | To exclude retail Store (Cannabis) from this definition and clarify that Retail Store (Cannabis) is a land use on its own. | 6f) |
| | 271 | <p>The definition for Greenhouse is deleted and replaced with:</p> <p>"Greenhouse means a Development for the growing, acclimating, propagating, harvesting, displaying and selling of bedding, edible, Household and ornamental plants and may include accessory uses related to the storing, displaying and selling of gardening, nursery and related products. Cannabis Production and Distribution and Retail Store (Cannabis) are both excluded from this use class."</p> | To exclude retail Store (Cannabis) from this definition and clarify that Retail Store (Cannabis) is a land use on its own. | 6g) |
| | 273 | <p>The definition for Home Occupation is deleted and replaced with:</p> <p>"Home Occupation means a secondary use to the residential use of a Dwelling for the purpose of a business which:</p> <ul style="list-style-type: none"> (a) is operated by a principal resident of the Dwelling; (b) may have business associated visits to the residence to a maximum of fifteen (15) per week; (c) may have a non-resident person employed in the Dwelling; (d) is not detectable from outside the Dwelling; (e) may have some business activities extend to the Garage and/or an Accessory Development; (f) may have some storage related to the business located inside the dwelling, Garage and/or an Accessory Development; (g) may have a business-related vehicle; and (h) does not use any outside Yard for storage or any type of business activity. <p>Cannabis Counselling and Retail Store (Cannabis) are both excluded from this use class."</p> | To exclude retail Store (Cannabis) from this definition and clarify that Retail Store (Cannabis) is a land use on its own. | 6h) |

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| | 273 | <p>The definition for Home Office is deleted and replaced with:</p> <p>"Home Office means a secondary use located within a Dwelling for the purpose of a business which:</p> <ul style="list-style-type: none"> (a) is operated by a principal resident of the Dwelling; (b) does not require business associated visits; (c) does not require any non-resident persons employed within the Dwelling; (d) is not detectable from outside the Dwelling; (e) does not extend the business activity to the Garage or outside yard; and (f) does not require parking of business-related vehicle. <p>Cannabis Counselling and Retail Store (Cannabis) are both excluded from this use class."</p> | To exclude retail Store (Cannabis) from this definition and clarify that Retail Store (Cannabis) is a land use on its own. | 6i) |
| | 274 | <p>The definition for Late Night Club is deleted and replaced with:</p> <p>"Late Night Club means any premises or part thereof, the primary purpose of which is to host regular dances, entertainment performances or other events where:</p> <ul style="list-style-type: none"> (a) no alcohol, alcoholic beverages, or cannabis are available on the premises for consumption or sale; (b) 20 or more patrons are assembled at any time between 2:00 A.M. and 6:00 A.M.; (c) the events are held for the purpose of gain or profit; (d) tickets are sold or an entrance or attendance fee is charged for persons to attend; and (e) music, noise or sound of any kind or source is emitted, including, but not limited to the performing or playing of live music, amplified recorded or computer generated sounds." | To exclude retail Store (Cannabis) from this definition and clarify that Retail Store (Cannabis) is a land use on its own. | 6j) |
| | 279 | <p>The definition for Personal Service is deleted and replaced with:</p> <p>"Personal Service means a Development used for the provision of Personal Services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects and includes such uses as barbershops, hairdressers, tattoo parlours, beauty salons, tanning salons, shoe repair shops, Laundromats, dry cleaning outlets, but does not include Cannabis Counselling, Health Service, Retail Stores, Service Stations or Adult Entertainment Facilities."</p> | To exclude retail Store (Cannabis) from this definition and clarify that Retail Store (Cannabis) is a land use on its own. | 6k) |

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| | 280 | <p>The definition for Private Club is deleted and replaced with:</p> <p>"Private Club means Development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, and athletic, business or fraternal organization, without on-site residences. Private Clubs may include lodges as well as rooms for eating, drinking and assembly. This use class does not allow for any cannabis consumption on the premise. Cannabis Production and Distribution is excluded from this use class."</p> | To exclude retail Store (Cannabis) from this definition and clarify that Retail Store (Cannabis) is a land use on its own. | 6l) |
| The following new definition is added after the definition for Residential unit | 283 | "Retail Store (Cannabis) means a retail store licenced by the Province of Alberta to sell Cannabis and Cannabis Accessory to the public, for consumption elsewhere." | To be consistent with how the IUB define other types of retail stores and clarify that Retail Store (Cannabis) is a land use on its own. | 6m) |

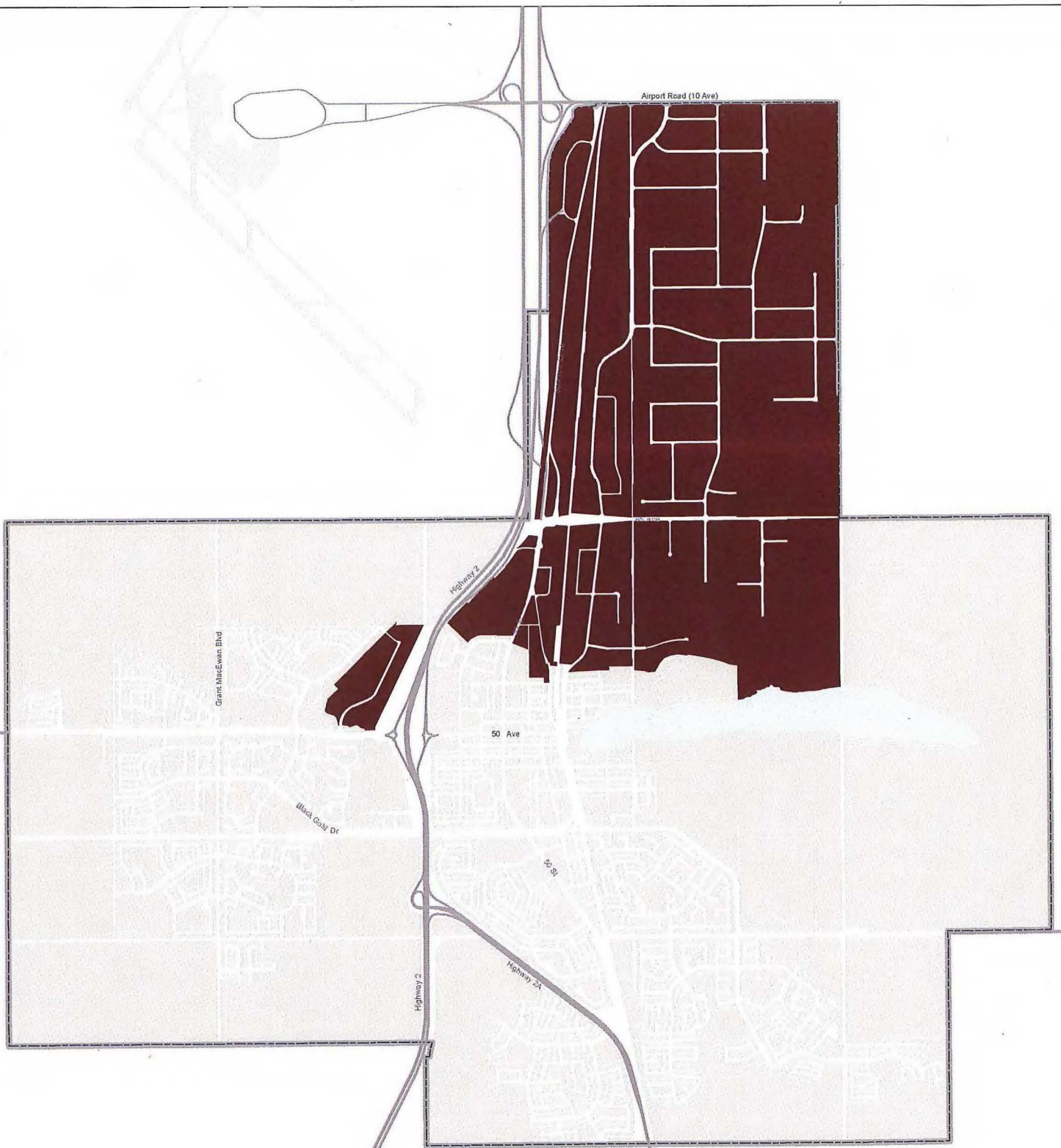



Figure 3.3 City of Leduc Cannabis Overlay Area

 Cannabis Overlay Area

