

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	Permitted
910.5 (CCA) Core Commercial Arts Zone	Permitted
910.6 (CMU) Commercial Mixed Use Zone	Permitted
910.7 (HA) Heritage Area Zone	Permitted
910.9 (JAMSC) Jasper Avenue Main Street Commercial Zone	Permitted
910.11 (UW) Urban Warehouse	Permitted

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

Cannabis Retail Sales would also be permitted in three commercial mixed use zones found in main Street and downtown areas.

Cannabis Retail Sales would be permitted in one industrial zone that has a commercial emphasis, and is typically located along major roadways

910.12 (AED) Arena & Entertainment District Zone	Permitted
400 (IB) Industrial Business Zone	Permitted

on the periphery of industrial areas.

The definition for Cannabis Retail Sales will be amended to allow the sale of cannabis accessories as approved by the Alberta Gaming, Liquor and Cannabis Commission.

This clause gives the Development Authority the ability to set an alternative process for the acceptance and review of development permit applications for Cannabis Retail Sales in order to manage the high volume of anticipated applications.

This clause gives the Development Authority additional time to review an application before it is deemed refused.

**7 Use Definitions**

7.4(9) **Cannabis Retail Sales** means development used for the retail sale of Cannabis that is authorized by provincial or federal legislation. This Use may include retail sales of cannabis accessories. This Use does not include Cannabis Production and Distribution.

**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.

11.1.4 Further to section 11.1.3 and notwithstanding section 11.2(1), the Development Officer, unless extended by an agreement in writing between the applicant and the Development Officer, shall within 90 days after receipt of an application for Cannabis Retail Sales,

- a. issue a written acknowledgment to the applicant advising that the application is complete;  
or
- b. issue a written notice to the applicant advising that the application is incomplete, listing the documentation and information that is still required, and setting a date by which the required documentation and information must be submitted.

An alternative process would only be used to manage the initial rush of applications. Administration may return to Council to remove these clauses in the future.

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

Separation distances are defined between cannabis stores to ensure an equitable distribution, to prevent clustering of cannabis stores in one neighbourhood, and to maintain the opportunity for a diversity of businesses in commercial areas.

A limited variance power is provided to the Development Authority to deal with situations where cannabis store locations do not quite comply with the 200

## **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.

### **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 shall not grant a variance to reduce the separation distance by more than 20 m in compliance with Section 11; 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 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 similar 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.

3. 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

m separation, but there would be no adverse land use impacts by allowing cannabis stores to locate within 180 meters of each other.

Separation distances are defined between cannabis stores and schools and libraries to manage the incompatibility of cannabis stores and key places where minors gather.

Separation distances are defined between cannabis stores and parks and recreation

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 Municipal Government Act; and
- c. the term "public lands" is limited to Sites zoned AP, and Sites zoned A.

4. Notwithstanding Section 11 of this Bylaw, a Development Officer shall not grant a variance to subsection 70(2) or 70(3).

5. The Development Officer shall consider Crime Prevention Through Environmental Design criteria by ensuring:

- a. the exterior of all stores have ample transparency from the street to allow natural surveillance;
- b. exterior lighting should be in accordance with the minimum safety standards prescribed by the Illuminating Engineers Society of North America;
- c. Landscaping be low-growing shrubs or deciduous trees with a high canopy at maturity and that all foliage be kept trimmed back to prevent loss of natural surveillance; and
- d. customer access to the store is limited to a store front that is visible from the street, other than a Lane, shopping centre parking lot or a mall access that allows visibility from the interior.

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.

Separation distances are defined between cannabis stores and provincial health care facilities and land designated school/municipal reserve, to comply with the regulations in the Alberta Gaming, Liquor and Cannabis Act.

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

- 6. 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 nine (9) months of the date of approval of the Development Permit.
- 7. For the purposes of Section 70(6), development commences when the Cannabis Retail Sales Use is established or begins 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(6); 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

These regulations ensure that Cannabis Retail Sales do not begin operation until legalization has officially occurred.

This amendment ensures that the new regulation 70.6 is captured in the standard expiry of permit section already existing in Zoning Bylaw 12800.

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,

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

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](#).

(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 hoopouses. 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, hoopouses 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

gardens are allowed in Edmonton.

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.



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.

