

Zoning Bylaw Alignment with Principles and Priorities

Amendments to Zoning Bylaw 12800 are intended to implement federal and provincial priorities for cannabis legalization that have a land use implication. The amendments are also meant to help implement the City’s key strategic principles (see Table 1). There are other tools and bylaws that will also be used to achieve the City’s strategic principles and other areas of the City that will play in implementing these four priorities, including Edmonton Police Service, Fire Rescue Services and Citizen Services.

In this document you will find the following information:

- Table 2 - Areas of responsibility of the three levels of government related to cannabis legalization
- Table 3 - Zoning Bylaw Alignment with the Federal Government
- Table 4 - Zoning Bylaw Alignment with the Provincial Government
- Table 5 - Highlights from federal and provincial policy directives

Table 1. Zoning Bylaw Alignment with City’s Strategic Principles	
Principle	Zoning Bylaw Regulations
Public Wellness & Safety	<ul style="list-style-type: none"> - Prevents clustering of cannabis stores in one area - Separates stores from places children/youth gather
Business Friendly	<ul style="list-style-type: none"> - Easy to interpret and implement - Supports an accessible permit process
Balanced Approach to Community Livability	<ul style="list-style-type: none"> - Balances different citizen perspectives - Level of certainty, limited impact

Table 2. Levels of Government and Areas of Responsibility			
FEDERAL	PROVINCIAL	MUNICIPAL	
Cannabis possession and age limits	[Blank]	[Blank]	
Drug trafficking of cannabis			
Cannabis advertising and packaging			
System for medical cannabis			
Track cannabis from seed to sale			
Licensing and inspecting cannabis production facilities			
Setting rules for growing cannabis at home			
[Blank]	Distribution from producers to stores	[Blank]	
	Cannabis impairment and workplace safety		
	Public consumption of cannabis		
	Retail locations and rules for store operation		
	Separation distances between cannabis stores and other uses		
			Zones that will allow cannabis stores
			Municipal permits/licenses for cannabis
Tools for police to address impaired driving			
Public Education			
Taxation related to cannabis			

Table 3. Zoning Bylaw Alignment with the Federal Government

The Government of Canada has committed to legalizing cannabis for recreational purposes in summer 2018. The Federal Task Force on Cannabis Legalization and Regulation prepared a new legislative and regulatory system for access to cannabis and released their final report in November 2016. The policy objectives in the below table are taken from the final task force report: A Framework for the Legalization and Regulation of Cannabis.

The task force report has guided creation of **Bill C-45 Cannabis Act** and **Bill C-46 Act to amend the Criminal Code**. Cannabis remains illegal as these bills move through the legislative process.

FEDERAL POLICY OBJECTIVES	AUTHORITY TO IMPLEMENT	RELATIONSHIP TO ZONING BYLAW
Protect young Canadians by keeping cannabis out of the hands of children and youth.	<i>Bill C-45 - Section 2.2</i> Sets punishments for individuals under 18 possessing, distributing or growing cannabis, and for adults distributing or selling cannabis to minors.	Includes a separation distance between cannabis stores and places where children and youth gather, specifically: schools, libraries, parks, and recreation centers.
Keep profits out of the hands of criminals, particularly organized crime.	<i>Bill C-45 - Section 2.7</i> Gives the minister authority to establish a national cannabis tracking system to prevent cannabis from being diverted to an illicit market.	Includes the opportunity for cannabis stores in commercial zones across the City. This is to allow for cannabis stores to be distributed across Edmonton that can compete with the illicit cannabis market.

<p>Protect public health and safety by strengthening, where appropriate, laws and enforcement measures that deter and punish more serious cannabis offences, particularly selling and distributing to children and youth, selling outside of the regulatory framework, and operating a motor vehicle while under the influence of cannabis.</p>	<p><i>Bill C-45 - Section 2.2</i> Sets punishments for individuals distributing or selling cannabis to minors.</p> <p><i>Bill C-46 - Section 254</i> Giving peace officers the ability to test for the presence of cannabis if they suspect impaired driving.</p>	<p>Outside the authority of Zoning Bylaw 12800.</p>
<p>Reduce the burdens on police and the justice system associated with simple possession of cannabis offences. Prevent Canadians from entering the criminal justice system and receiving criminal records for simple possession of cannabis offences.</p>	<p><i>Bill C-46 - Section 2.2</i> Establishes penalties for criminal activities related to cannabis that align with policy objectives. For example, more severe penalties for distributing cannabis to minors than those distributing it illegally to adults.</p>	<p>Outside the authority of Zoning Bylaw 12800.</p>
<p>Establish and enforce a system of strict production, distribution and sales, taking a public health approach, with regulation of quality and safety, restriction of access, and application of taxes, with programmatic support for addiction treatment, mental health support and education programs.</p>	<p><i>Bill C-45 - Section 2.4</i> Gives the minister authority to establish a system of licenses and permits in relation to cannabis production, testing, packaging, labelling, sending, delivery, transportation, sale possession, disposal, importation and exportation.</p>	<p>Includes the ability for the Development Officer to set a process for accepting, reviewing and issuing municipal development permits related to cannabis.</p> <p>The Business Licensing Bylaw will be amended to create licensing categories that align with federal cannabis licensing categories.</p>

<p>Provide access to quality-controlled cannabis for medical purposes consistent with federal policy and Court decisions.</p>	<p><i>Controlled Drugs and Substances Act</i> Enables the Access to Cannabis for Medical Purposes Regulations, which guide how medical cannabis can be grown and sold.</p>	<p>Excludes cannabis production from urban agriculture uses, except for cannabis production authorized by the Federal Government for medical cannabis.</p> <p>Selling of cannabis for medical purposes through the federal government does not relate to Zoning Bylaw 12800.</p>
<p>Enable ongoing data collection, including gathering baseline data, to monitor the impact of the new framework.</p>	<p><i>Statistics Canada</i> Has set up a cannabis stats hub to collect baseline cannabis statistics related to health, justice, economy and cannabis consumer prices.</p>	<p>The creation of a distinct land use class for Cannabis Sales will enable reliable reporting of development permits.</p> <p>Administration will be monitoring the implementation of Zoning Bylaw 12800 as it relates to cannabis and will report back to Council in future years.</p>

Table 4. Zoning Bylaw Alignment with the Provincial Government

The policy objectives in the table below are taken from the Alberta Cannabis Framework section of the Government of Alberta website.

The framework lead to the creation of **Bill 26: An Act to Control and Regulate Cannabis** and **Bill 29: An Act to Reduce Cannabis and Alcohol-Impaired Driving**, which both passed in November, 2017. The province also updated the **Alberta Gaming, Liquor and Cannabis (AGLC) Regulation**, in February, 2018.

PROVINCIAL POLICY PRIORITIES	AUTHORITY TO IMPLEMENT	RELATIONSHIP TO ZONING BYLAW
Keeping cannabis out of the hands of children	<p><i>Alberta Gaming, Liquor and Cannabis Regulation - Section 105.3</i></p> <p>Sets a required 100 m separation distance between a cannabis store and a provincial health care facility, a school, or municipal/school reserve land.</p> <p><i>Section 105.4</i></p> <p>Also gives municipalities the ability to vary or set different separation distances through a land use bylaw.</p>	Includes a separation distance between cannabis stores and places where children and youth gather, specifically: schools, libraries, parks, and recreation centers.
Limiting the illegal market for cannabis	<p><i>Bill 26: An Act to Control and Regulate Cannabis - Section 3</i></p>	Includes the opportunity for cannabis stores in commercial zones across the City.

	<p>Gives the Alberta Gaming, Liquor and Cannabis Commission the ability to control the import, purchase, possession, storage, transportation, distribution and sale of cannabis.</p>	<p>This is to allow for cannabis stores to be distributed across Edmonton that can compete with the illicit cannabis market.</p>
<p>Protecting public health</p>	<p><i>Alberta Gaming, Liquor and Cannabis Regulation - Section 105.3</i> Sets a required 100 m separation distance between a cannabis store and a provincial health care facility.</p> <p><i>Section 105.4</i> Also gives municipalities the ability to vary or set different separation distances through a land use bylaw.</p> <p><i>Tobacco and Smoking Reduction Act</i> Will prohibit smoking or vaping of cannabis within 5 meters of of where tobacco is restricted and on property with a school, hospital or child care facility, and near playgrounds, sports/playing fields, skateboard or bicycle parks, zoos, outdoor theatres and outdoor pools or splash pads.</p>	<p>Outside the authority of Zoning Bylaw 12800.</p>

Promoting safety on roads, in workplaces and in public spaces

Bill 29: An Act to Reduce Cannabis and Alcohol-Impaired Driving

Includes sanctions for drivers impaired by cannabis, such as license suspension, vehicle seizure, and remedial education.

Occupational Health and Safety Act, Regulation and Code

To be reviewed to ensure the rules continue to address impairment issues once cannabis is legalized.

Outside the authority of Zoning Bylaw 12800.

Table 5. Highlights from federal and provincial policy directives**Federal Task Force on Cannabis Legalization**

In moving ahead with its commitment to legalize, regulate and restrict access to cannabis, the Government set out its principal objectives in its Discussion Paper. These objectives were established to:

- Protect young Canadians by keeping cannabis out of the hands of children and youth;
- Keep profits out of the hands of criminals, particularly organized crime;
- Reduce the burdens on police and the justice system associated with simple possession of cannabis offences;
- Prevent Canadians from entering the criminal justice system and receiving criminal records for simple cannabis possession offences;
- Protect public health and safety by strengthening, where appropriate, laws and enforcement measures that deter and punish more serious cannabis offences, particularly selling and distributing to children and youth, selling outside of the regulatory framework, and operating a motor vehicle while under the influence of cannabis;
- Ensure Canadians are well-informed through sustained and appropriate public health campaigns and, for youth in particular, ensure that risks are understood;
- Establish and enforce a strict system of production, distribution and sales, taking a public health approach, with regulation of quality and safety (e.g., child-proof packaging, warning labels), restriction of access, and application of taxes, with programmatic support for addiction treatment, mental health support and education programs;
- Provide access to quality-controlled cannabis for medical purposes consistent with federal policy and court decisions;
- Enable ongoing data collection, including gathering baseline data, to monitor the impact of the new framework.

The Final Report of the Task Force on Cannabis Legalization and Regulation

Advice to Ministers from the federal government document *A Framework for the Legalization and Regulation of Cannabis in Canada* included the following comments on the location of cannabis retail stores:

“The Task Force further recommends that the retail environment include:

- No co-location of alcohol or tobacco and cannabis sales, wherever possible. When co-location cannot be avoided, appropriate safeguards must be put in place
- Limits on the density and location of storefronts, including appropriate distance from schools, community centres, public parks, etc.”

Additional details:

- “the Task Force heard strong support for prohibiting the co-location of cannabis sales with either alcohol or tobacco. Given the wide use and availability of liquor stores, concerns were raised about product promotion and exposing a larger population to cannabis products should sales be co-located, as well as the impact on cannabis consumers who are trying to avoid alcohol. Many also noted that this approach could help mitigate co-use, given what we heard about the risks of co-use on health and, with alcohol, the exponential effect on impairment. In all of the U.S. states that have legalized cannabis, there is a ban on the co-location of sales of cannabis and alcohol.
- There was strong support for measures to control the density and location of retail stores. These measures prohibit storefronts from being located near schools, community centres and other public institutions. However, concerns were raised about the "downloading" of these regulatory responsibilities and costs to municipalities.”
- “Jurisdictions should avoid and strongly discourage the co-location of retail cannabis and alcohol or tobacco sales wherever possible.”
- “In order to control access and curb overconsumption, provinces, territories and municipalities should consider using legislation and bylaws to prevent the proliferation of storefronts, including stores selling

cannabis or cannabis paraphernalia, and to ensure locations are an acceptable distance away from schools, community centres, public parks, etc.”

- “There is a significant combination effect when cannabis is consumed with alcohol, leading to a greater level of intoxication and motor control problems than when either substance is consumed alone;”

Alberta Cannabis Framework

The Provincial Government set out its policy objectives on the Government of Alberta Cannabis Legalization webpage, as quoted below:

“The Alberta Cannabis Framework was developed following extensive public and stakeholder engagement to best achieve our 4 policy priorities for cannabis legalization in our province:

1. keeping cannabis out of the hands of children and youth
2. protecting safety on roads, in workplaces and in public spaces
3. protecting public health
4. limiting the illegal market for cannabis”

Additional details:

- “Albertans will be allowed to consume cannabis in their homes and in some public spaces where smoking tobacco is allowed, but use will be banned in cars.
- In an effort to protect children and limit second-hand exposure, public smoking or vaping of cannabis in Alberta will be prohibited from any place where tobacco is restricted, and in the following places:
 - on any hospital property, school property or child care facility property
 - in or within a prescribed distance from:
 - a playground
 - a sports or playing field

- a skateboard or bicycle park
- a zoo
- an outdoor theatre
- an outdoor pool or splash pad
- from any motor vehicles, with the exception of those being used as a temporary residences, such as a parked RV
- There will also be no consumption of cannabis at any cannabis retail outlets. Legislation will establish provincial offenses for public consumption infractions and consumption of cannabis in vehicles.
- Municipalities may create additional restrictions on public consumption using their existing authorities.
- Stakeholders supported rules against co-location of cannabis with alcohol, pharmaceuticals, and tobacco.”

Alberta Health Services Recommendations on Cannabis Regulations for Alberta Municipalities

In a submission to the Mayor and Councillors of the City of Edmonton, Alberta Health Services made the following information available:

“Where evidence is incomplete or inconclusive, AHS is advising that a precautionary approach be taken to minimize unintended consequences. This approach is consistent with the recommendations of Federal Taskforce on the Legalization and Regulation of Cannabis (Government of Canada, 2016).

Business Regulation & Retail

- Limit the number of cannabis stores, and implement density and distance controls to prevent stores from clustering, while also keeping buffer zones around well-defined areas where children and youth frequent.

- Consider requirements for cannabis education and community engagement as part of the business licensing approval process.
- Limit hours of operation to limit availability late at night and early morning hours.
- Restrict signage and advertising to minimize visibility to youth.

Consumption

- Ban consumption in areas frequented by children.
- Align the cannabis smoking regulations with the *Tobacco and Smoking Reduction Act* and/or with your municipal regulations, whichever is more stringent.
- Ban smoking, vaping and water pipes in public indoor consumption venues.

Location and Number of Stores

Alberta Health Services recommends municipalities strengthen zoning regulations by using a combination of population and geographic based formulas to restrict the number and location of cannabis outlet licenses. In particular AHS recommends that municipalities:

- Limit the number of business licenses issued in the first phases of implementation.
- Implement a 300-500m minimum distance restriction between cannabis retail outlets
- Implement a 300m distance between cannabis stores and schools, daycares and community centers.
- Implement a 100m minimum distance from tobacco and liquor retailers, in addition to a square kilometer density restriction, adjusted for population, at the onset of legalization.

Evidence shows commercialization of alcohol and tobacco has resulted in substantial population level morbidity and mortality as well as community level harms. This is of particular importance because adding cannabis use to a community adds multifactorial relationships to already existing social issues, as we know co-use or simultaneous use of cannabis, alcohol and/or tobacco, in some kind of combination is common (Barrett et al. 2006; Canadian Centre for Substance Abuse, 2007; Subbaraman et al. 2015). For example, simultaneous use of

alcohol and cannabis has been found to approximately double the odds of impaired driving, social consequences, and harms to self (Subbaraman et al. 2015). According to AHS treatment data, of those using AHS Addiction Services, more than half used cannabis, and of those who use cannabis, 90% have used alcohol and 80% have used tobacco (Alberta Health Services, 2017).”