

Markup of Proposed Text Amendment to Zoning Bylaw 12800

| <p>Black Font</p> <p>Strikethrough:</p> <p><u>Underline:</u></p> | <p>Existing Text in Zoning Bylaw 12800</p> <p>Proposed deletion from Zoning Bylaw 12800</p> <p>Proposed addition to Zoning Bylaw 12800</p> | <p>Rationale</p> |
|---|--|--|
| <p>22. Expiry of Permit</p> <p>2. Once a Development Permit has been issued, it remains in effect until:</p> <p> a. it expires, in cases where the Development Permit was issued for a limited period of time;</p> <p> b. it expires, because of failure to commence development in accordance with subsection 22(3), or subsection 22(4); or subsection 70(6); or</p> <p> c. it is cancelled, in accordance with subsection 17.2(1) or is suspended in accordance with subsection 17.1(3).</p> | | <p>Reference to Section 70(6) has been deleted. The previous Section 70(6) referred to in this section was the nine month expiry clause, which has been deleted (see below).</p> |
| <p>70. Cannabis Retail Sales</p> <p>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:</p> | | <p>No change proposed</p> |
| <p> 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;</p> | | <p>No change proposed</p> |
| <p> 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</p> | | <p>No change proposed</p> |

| | |
|--|--|
| <p>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.</p> | <p>No change proposed. Minor formatting edit made.</p> |
| <p>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 for 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:</p> | <p>Existing Regulations 70(2) and 70(3) have been collapsed into a single regulation. The following changes reflect this.</p> |
| <p>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; 200 m from any Site being used for a public library, at the time of the application for the Development Permit for the Cannabis Retail Sales; and</p> | <p>Intent of former Subsection 70(2)(a) has been captured under the new Section 70(3)(a). This new Subsection 70(2)(a) establishes the separation distance between Cannabis Retail Sales and Public Libraries.</p> |
| <p>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 100 m from any Site being used for Community Recreation Services Use, a community recreation facility or as public lands at the time of application for the Development Permit for the Cannabis Retail Sales.</p> | <p>Intent of former Subsection 70(2)(b) has been captured under the new Section 70(3)(b). This new Subsection 70(2)(b) establishes the separation distance between Cannabis Retail Sales and Community Recreation Services and public lands.</p> |
| <p>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.</p> | <p>Deleted. Intent is captured under the new Section 70(4)(d).</p> |
| <p>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, a community recreation facility, a provincial health care facility, as public</p> | <p>Subsection 70(3) has been modified to provide the clarification needed to</p> |

| | |
|---|--|
| <p>lands, or any Site that is designated as school reserve or 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: <u>For the purposes of subsection 2:</u></p> | <p>enforce the separation distances established in subsection 70(2).</p> |
| <p>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; <u>separation distances 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;</u></p> | <p>Intent of former Subsection 70(2)(a) has been captured under the new Section 70(3)(a).</p> |
| <p>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 <u>the term “public library” is limited to the collection of literary, artistic, musical and similar reference materials and learning resources in the form of books, electronic files, computers, manuscripts, recordings and films for public use, and does not include private libraries, museums or art galleries.</u></p> | <p>Intent of former Subsection 70(2)(b) has been captured under the new Section 70(3)(b).</p> |
| <p>c. the term “public lands” is limited to Sites zoned AP, and Sites zoned A. <u>the term “community recreation facilities” means indoor municipal facilities used primarily by members of the public to participate in</u></p> | <p>Additional clarification for Community Recreation Facilities has been added to rely on the definition of these uses as established in the Municipal Government Act.</p> |

| | |
|---|--|
| <p><u>recreational activities conducted at the facilities, as per the Municipal Government Act; and</u></p> | |
| <p><u>d. the term "public lands" is limited to Sites zoned AP, and Sites zoned A.</u></p> | <p>Intent of former Subsection 70(3)(c) has been captured under the new Section 70(3)(d) verbatim.</p> |
| <p>4. Notwithstanding Section 11 of this Bylaw, a Development Officer shall not grant a variance to subsection 70(2) or 70(3). <u>Subsection 105(3) of the Gaming, Liquor and Cannabis Regulation, is expressly varied by the following:</u></p> | <p>New subsection 70(4) is a new development regulation to Section 70, serving to provide clarification that Administration has expressly varied the separation distances, and the method for measuring separation distance, between Cannabis Retail Sales uses and any other sensitive use listed within these regulations, as outlined in Subsection 105(3) of the Alberta Gaming, Liquor and Cannabis Regulation.</p> |
| <p><u>a. any Site containing a Cannabis Retail Sales shall not be located less than:</u></p> | |
| <p><u>Public or private education</u> <i>i. <u>200 m from a Site being used for public or private education, at the time of the application for the Development Permit for the Cannabis Retail Sales:</u></i></p> | <p>Clarifies that the City is expressly varying the separation distance found in Subsection 105(3) of the Alberta Gaming, Liquor and Cannabis Regulation, between Cannabis Retail Sales and Sites used for public or private education, to 200m and specifies that the separation distance is measured from site boundary to site</p> |

| | |
|--|---|
| | boundary. Previously captured in Subsection 70 (2). |
| <p><u>Provincial health care facility</u></p> <p><i>ii. <u>100 m from a Site being used for a provincial health care facility at the time of the application for the Development Permit for the Cannabis Retail Sales; and</u></i></p> | Specifies that the 100 m separation distance between Cannabis Retail Sales and Sites used for provincial health care facility is measured from site boundary to site boundary. Previously captured in Subsection 70 (3). |
| <p><u>School reserve or municipal and school reserve</u></p> <p><i>iii. <u>100 m from a Site designated as school reserve or municipal and school reserve at the time of the application for the Development Permit for the Cannabis Retail Sales.</u></i></p> | Specifies that the 100 m separation distance between Cannabis Retail Sales and Sites used for school or municipal reserve is measured from site boundary to site boundary. Previously captured in Subsection 70 (3). |
| <p><u>Measurement of Separation Distances</u></p> <p><i>b. <u>For the purposes of this subsection, separation distances 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.</u></i></p> | Clarifies the method for measuring the separation distance between uses, thereby expressly varying the distances prescribed in Subsection 105(3) of the Alberta Gaming, Liquor and Cannabis Regulation. |
| <p><u>Sites Greater than Two Hectares</u></p> <p><i>c. <u>For Sites that are greater than 2.0 ha in size and zoned either CSC or DC2, that do not contain a public library at the time of application for the Development Permit for the Cannabis Retail Sales:</u></i></p> <p><i>i. <u>Subsection 70(2), and 70(4)(a) shall not apply; and</u></i></p> <p><i>ii. <u>the distances referred to in Subsection 105(3) of the Gaming, Liquor and Cannabis Regulation shall be expressly varied to 0 m.</u></i></p> | This is a new addition to Section 70. This regulation relaxes the separation distances contained within subsection 70 (2) and 70(4)(a) for large commercial sites that would otherwise be prohibited from allowing Cannabis Retail Sales from locating on these |

| | |
|---|--|
| | sites due to the required separation distances and the method for determining these distances. |
| <i>d. For the purposes of subsection 70(4)(a)(i), the term "public or private education" means a school as defined in subsection (1)(y)(i) and (1)(y)(ii) of the School Act (as amended from time to time).</i> | Administration is relying partially on the definition for public and private schools as defined in the School Act. |
| <i>5. Notwithstanding Section 11 of this Bylaw, a Development Officer shall not grant a variance to subsection 70(2), 70(3)(a) or 70(4).</i> | Intent of former subsection 70(4) has been captured under the new section 70(5). |
| <i>Design Requirements</i> | |
| 5 6. Cannabis Retail Sales shall include design elements that readily allow for natural surveillance to promote a safe urban environment, where applicable and to the satisfaction of the d Development e Officer, including the following requirements: | Intent of former subsection 70(5) has been captured under the new section 70(6) verbatim. |
| a. customer access to the store is limited to a store front storefront that is visible from the street other than a Lane, or a shopping centre parking lot, or a mall access that allows visibility from the interior of the mall into the store; | No change proposed. |
| b. the exterior of all stores shall have ample transparency from the street; | No change proposed. |
| c. Any outdoor lighting shall be designed to ensure a well-lit environment for pedestrians and illumination of the property; and | No change proposed. |
| d. Landscaping shall be low-growing shrubs or deciduous trees with a high canopy at maturity to maintain natural surveillance. | No change proposed. |
| 6. The Development Officer shall impose a condition on any Development Permit issued for Cannabis Retail Sales requiring that the development: | Former subsection 70(6) has been deleted. This regulation allowed the City to issue permits in advance of the |

| | |
|--|---|
| | <p>date of legalization that would expire within nine months, in the event the legislation was not enacted. Now that legalization has become effective and is on a path to normalization, the nine-month expiry provision has served its purpose and is no longer required.</p> |
| <p>a. shall not commence until authorized by and compliant with superior legislation; and</p> | <p>Deleted.</p> |
| <p>b. must commence within nine (9) months of the date of approval of the Development Permit.</p> | <p>Deleted.</p> |
| <p>7. For the purposes of Section 70(6), development commences when the Cannabis Retail Sales Use is established or begins operation.</p> | <p>Deleted. Administration is proposing to remove this requirement for determining if development has commenced in favour of the established method as outlined in Section 22 (2).</p> |