



## AGENDA

### SPC ON PLANNING AND URBAN DEVELOPMENT

February 21, 2018, 9:30 AM  
IN THE COUNCIL CHAMBER  
Members

Councillor J. Magliocca, Chair  
Councillor R. Jones, Vice-Chair  
Councillor G-C. Carra  
Councillor J. Davison  
Councillor P. Demong  
Councillor D. Farrell  
Councillor W. Sutherland  
Mayor N. Nenshi, Ex-Officio

1. CALL TO ORDER
2. OPENING REMARKS
3. CONFIRMATION OF AGENDA
4. CONFIRMATION OF MINUTES
  - 4.1 Minutes of the Regular Meeting of the SPC on Planning and Urban Development, 2018 February 05
5. CONSENT AGENDA

None
6. POSTPONED REPORTS

*(including related/supplemental reports)*

None
7. ITEMS FROM OFFICERS, ADMINISTRATION AND COMMITTEES
  - 7.1 Enabling Cannabis Retail Stores and Facilities – Land Use Bylaw, PUD2018-0056
8. ITEMS DIRECTLY TO COMMITTEE
  - 8.1 REFERRED REPORTS  
None

8.2 NOTICE(S) OF MOTION  
None

9. URGENT BUSINESS

10. CONFIDENTIAL ITEMS

10.1 ITEMS FROM OFFICERS, ADMINISTRATION AND COMMITTEES  
None

10.2 URGENT BUSINESS  
None

11. ADJOURNMENT



## MINUTES

### SPC ON PLANNING AND URBAN DEVELOPMENT

**February 5, 2018, 9:30 AM  
IN THE COUNCIL CHAMBER**

PRESENT: Councillor J. Magliocca, Chair  
Councillor J. Davison  
Councillor P. Demong  
Councillor D. Farrell

ALSO PRESENT: General Manager S. Dalglish  
Acting City Clerk L. McDougall  
Legislative Assistant D. Williams

1. CALL TO ORDER

Councillor Magliocca called this meeting to order at 9:34 a.m.

2. OPENING REMARKS

No Opening Remarks were given for today's Meeting.

3. CONFIRMATION OF AGENDA

**Moved by** Councillor Demong

That the Agenda for the 2018 February 05 Regular Meeting of the SPC on Planning and Urban Development, be confirmed.

**MOTION CARRIED**

4. CONFIRMATION OF MINUTES

4.1 Minutes of the Regular Meeting of the SPC on Planning and Urban Development, 2018 January 15

**Moved by** Councillor Davison

That the Minutes of the SPC on Planning and Urban Development held on 2018 January 15, be confirmed.

**MOTION CARRIED**

5. CONSENT AGENDA

(None)

6. POSTPONED REPORTS

(None)

7. ITEMS FROM OFFICERS, ADMINISTRATION AND COMMITTEES

- 7.1 Designation of the Church of the Redeemer as a Municipal Historic Resource, PUD2018-0059

SPEAKER

1. Josh Traptow

CLERICAL CORRECTION

Attachment 1, by deleting the address "218 7 Avenue SE" and substituting with the address "218 7 Avenue SW", whether it occurs in the document.

**Moved by** Councillor Farrell

That the SPC on Planning and Urban Development recommends that Council give three readings to the proposed Bylaw to designate the Church of the Redeemer as a Municipal Historic Resource.

**MOTION CARRIED**

- 7.2 Designation of the Houlton House (Congress) Apartments as a Municipal Historic Resource, PUD2018-0057

SPEAKER

1. Josh Traptow

**Moved by** Councillor Farrell

That the SPC on Planning and Urban Development recommends that Council give three readings to the proposed Bylaw to designate the Houlton House (Congress) Apartments as a Municipal Historic Resource

**MOTION CARRIED**

- 7.3 Designation of the West End Telephone Exchange Building as a Municipal Historic Resource, PUD2018-0052

SPEAKER

1. Josh Traptow

**Moved by** Councillor Farrell

That the SPC on Planning and Urban Development recommends that Council give three readings to the proposed Bylaw to designate the West End Telephone Exchange Building as a Municipal Historic Resource.

**MOTION CARRIED**

- 7.4 Non-Growth Management Overlay Area Combined Outline Plan and Land Use Application Fees, PUD2018-0103

A PowerPoint presentation, entitled "Non-GMO Combined Outline Plan and Land Use", dated 2018 February 05, with respect to Report PUD2018-0103, was distributed.

SPEAKER:

1. Grace Lui

**Moved by** Councillor Demong

That the SPC on Planning and Urban Development recommends that Council direct Administration to maintain the current fee structure for combined Outline Plan and Land Use applications for Non-Growth Management Overlay areas, until such time as a broader fee review is initiated.

**MOTION CARRIED**

8. ITEMS DIRECTLY TO COMMITTEE

8.1 REFERRED REPORTS

(None)

8.2 NOTICE(S) OF MOTION

(None)

9. URGENT BUSINESS

(None)

10. CONFIDENTIAL ITEMS

10.1 ITEMS FROM OFFICERS, ADMINISTRATION AND COMMITTEES

(None)

10.2 URGENT BUSINESS

(None)

11. ADJOURNMENT

**Moved by** Councillor Demong

That the SPC on Planning and Development adjourn at 10:07 a.m.

**MOTION CARRIED**

The following items have been forwarded to the 2018 February 20 Regular Public Hearing Meeting of Council:

CONSENT:

7.4 Non-Growth Management Overlay Area Combined Outline Plan and Land Use Application Fees, PUD2018-0103

OTHER REPORTS AND POSTPONEMENTS NOT REQUIRING PUBLIC HEARING:

7.1 Designation of the Church of the Redeemer as a Municipal Historic Resource, PUD2018-0059

7.2 Designation of the Houlton House (Congress) Apartments as a Municipal Historic Resource, PUD2018-0057

7.3 Designation of the West End Telephone Exchange Building as a Municipal Historic Resource, PUD2018-0052

The next Regular Meeting of the SPC on Planning and Urban Development has been scheduled for 2018 February 22.

CONFIRMED BY COMMITTEE 2018

---

CHAIR

---

ACTING CITY CLERK

## **Enabling Cannabis Retail Stores and Facilities – Land Use Bylaw**

### **EXECUTIVE SUMMARY**

This report proposes new rules to regulate the retail sale of cannabis in the Land Use Bylaw (LUB). The goal is to provide broad opportunities for cannabis retailing, balanced by rules and guidelines to manage clustering and limit locations near sensitive uses. This will be done by:

- A new use to accommodate cannabis retailing, called a Cannabis Store;
- Guidelines to assist the Development Authority in approving Cannabis Stores in appropriate locations.
- Listing the districts where the cannabis related uses may occur;
- Changes to the names and rules of the existing uses of Medical Marihuana Counselling and Medical Marihuana Production Facility;
- Rules to transition existing Medical Marihuana Counselling and Medical Marihuana Production Facility uses to the new names and definitions;
- Notice Posting requirements; and
- Transition rules.

The rules respond to, and align with, recent federal and provincial legislation once in force will legalize and regulate cannabis retailing. Although the provincial framework on cannabis has been developed, the detailed rules have not yet been issued. Accordingly, the rules and guidelines in this report may need to be amended to conform to the pending provincial regulations. The timing of this report will ensure LUB amendments are in place to enable Cannabis Stores to open coinciding with the Federal Government's stated implementation date in July 2018.

Two amending bylaws are proposed, which manage the uncertainty of the pending provincial and federal rules and which position the City to be able to respond to business requests for permits when allowed by federal and provincial rules. The first puts in place the new uses and rules, the second lists them in the appropriate districts. Administration recommends the first bylaw be given three readings while the second be given only first reading. This approach gives business an understanding of where Cannabis Stores can be located and enables them to make development permit applications. It also enables the City to be able to review applications and get ready for the date of legalization. When the federal and provincial legislation and regulations become effective and a legalization date announced, Council could give the second bylaw second and third readings and an effective date to coincide with the date of legalization.

Other aspects on the regulation of legalized cannabis, including business licensing and locations where it may be consumed, will be brought forward to Council on 2018 April 5, to be heard in conjunction with this report.

## **Enabling Cannabis Retail Stores and Facilities – Land Use Bylaw**

### **ADMINISTRATION RECOMMENDATION:**

That the Standing Policy Committee on Planning and Urban Development:

1. Direct Administration to:
  - a. prepare amending bylaws to the Land Use Bylaw 1P2007 as outlined in the proposed text in Attachments 1 and 2; and
  - b. forward the proposed bylaws, to accommodate the required advertising, and this report, directly to the 2018 April 5 Combined Meeting of Council.
2. Recommend that Council hold a Public Hearing for the proposed Land Use Bylaw Amending bylaws at the Meeting on 2018 April 05, and:
  - a. give three readings to the proposed Land Use Bylaw Amendment in Attachment 1;
  - b. give first reading to the proposed Land Use Bylaw Amendment in Attachment 2 and withhold second and third reading until the date of legalization is known; and
  - c. adopt, by resolution, the proposed Cannabis Store Guidelines.

### **PREVIOUS COUNCIL DIRECTION / POLICY**

On 2017 December 7, the Intergovernmental Affairs Committee received IGA2017-1209 (Update on Cannabis Legalization) and approved a motion, Moved by Councillor Magliocca, as follows:

"That with respect to Report IGA2017-1209, the following be approved:  
That the Intergovernmental Affairs Committee receive this Report for Information."

On 2017 July 24 Council approved a motion to ADOPT, Moved by Councillor Stevenson, Seconded by Councillor Pootmans that the Intergovernmental Affairs Committee Recommendation contained in Report IGA2017-0586 be adopted, as follows:

"That the Intergovernmental Affairs Committee recommends that Council approve Administration's recommended response to the provincial government's engagement as contained in Revised Attached 1, as distributed."

On 2017, May 4, the Intergovernmental Affairs Committee approved a motion, Moved by Councillor Stevenson, that with respect to Verbal Report IGA2017-0427, the following be approved:

"That the Intergovernmental Affairs Committee:

1. Approves the continued use of the advocacy positions on cannabis legalization and regulation as outlined in the Attachment for continued discussions with the federal and provincial governments;



### **Enabling Cannabis Retail Stores and Facilities – Land Use Bylaw**

2. Directs Administration to report back to Council through this Committee on the progress of discussions with the Government of Alberta; and
3. Directs Administration to report back to Council through the appropriate committee with Administration's recommendations on the necessary amendments to municipal bylaws and other policy changes required to implement the legalization of cannabis."

On 2016 November 3, the Intergovernmental Affairs Committee approved a motion, Moved by Councillor Carra, that the Administration Recommendation contained in Report IGA2016-0737 be approved, as amended, as follows:

"That the Intergovernmental Affairs Committee approve the Revised proposed advocacy position on marijuana legalization and regulation (Attachment 1) as follows:

- On Page 2 of 2 in Attachment 1, on the first column, by deleting the words "Prohibit or" prior to the words "restrict residential growing"
- On Page 2 of 2 in Attachment 1, on the second column, by deleting the first bullet "Administration recommends that growing marijuana in the home be prohibited." in its entirety
- On Page 2 of 2 in Attachment 1, on the second column, fourth bullet, by deleting the words "If residential growth is allowed," prior to the words "administration recommends restricting the scale of residential growing for health and safety reasons."
- **On Page 2 of 2 in Attachment 1, on the second column, by adding a fourth bullet with the words "The City also advocates similar tax revenue proposals for other sin taxes."**

### **BACKGROUND**

#### **Federal and Provincial Law**

The Federal and Provincial Governments both intend to legislate on cannabis through the *Cannabis Act* and *An Act to Control and Regulate Cannabis* respectively. Generally, the Federal Government will regulate all aspects of cannabis production as well as medical cannabis sales, while the Provincial Government will regulate non-medical sales, licensing, public consumption, safety and enforcement related to cannabis. Attachment 3 (Federal and Provincial Regulatory Approach) summarizes what may be addressed in upcoming Federal and Provincial Regulations.

The Government of Alberta has indicated its draft regulations on cannabis will be released in the early spring of 2018. They will include details on the licensing requirements for cannabis retailers and details on the various aspects of cannabis regulation stated above. Should they contain rules that conflict with the approach in this report, Administration will have to change the proposed rules to align with provincial regulations. If Regulations change further when legalization occurs, further amendments will need to be considered.

## **Enabling Cannabis Retail Stores and Facilities – Land Use Bylaw**

### **Existing Regulation of Cannabis Sales**

Currently, cannabis can only be sold to a person who has a medical document (i.e. a prescription). Retail sales and non-medical use of cannabis are illegal. Federal regulations manage cannabis similar to other prescription drugs, using a system of licensed commercial producers and allowing some persons to produce their own cannabis for medical use. However, commercially-grown cannabis must be shipped directly to persons with a medical document rather than being sold in a pharmacy.

Calgary's current rules reflect federal regulations, with the Medical Marihuana Production Facility use accommodating licensed commercial production and the Medical Marihuana Counselling use accommodating businesses that provide counselling on all aspects of cannabis. No uses in the Land Use Bylaw currently allow cannabis retailing because it is still illegal.

### **The City's Response**

Administration has established a cross department working group to coordinate and integrate the City's response to the legalization of cannabis, including amendments to other City bylaws that may be necessary.

## **INVESTIGATION: ALTERNATIVES AND ANALYSIS**

### **Recommended Approach to Regulating Cannabis Sales**

The legalization of cannabis and its retail sale necessitates a new approach to regulation. There are a number of ways to regulate cannabis retailing in the Land Use Bylaw (LUB), but the three basic approaches are:

1. Add cannabis retailing to the existing Retail and Consumer Service use;
2. Require cannabis retailing to be a Direct Control District use; and
3. Create a new definition for cannabis retailing separate from other forms of retail, similar to Liquor Stores.

The first approach, adding cannabis retailing to the Retail and Consumer Service use, would mean it could occur broadly through a change in tenancy. This means that cannabis retailing would be managed the same as any other retail store and not regulated as a separate category with its own rules. This approach would also eliminate the ability for adjacent or impacted land owners to comment or appeal applications for cannabis sales.

The second approach, requiring cannabis retailing to be managed through Direct Control Districts, means a land use redesignation and public hearing would be required for each cannabis retail store. This approach means the highest level of Council control.

The third approach, creating a new definition to manage cannabis retailing, separate from other forms of retail, would be similar to the approach used for Liquor Stores. Defining cannabis retailing separately and instituting unique rules and guidelines allows them to be managed through the development permit process, including provisions for notice posting and opportunity for appeals. This approach is recommended by Administration.

## **Enabling Cannabis Retail Stores and Facilities – Land Use Bylaw**

Cannabis retailing may have an impact on sensitive uses, such as schools. For example, some studies have suggested that cannabis use affects learning. Limiting retailing locations near schools limits access and use. Limiting retailing near elementary schools reduces visibility and influence – similar to the effects of limiting the opportunities for tobacco advertising.

It may also be appropriate to prevent clustering of cannabis retailing to manage potential cumulative environmental, social and aesthetic impacts, and ensure opportunities for other types of businesses to provide goods and services to communities. Adding cannabis retailing to the existing Retail and Consumer Service use would mean it could not be uniquely managed. A Direct Control District approach means higher costs, complexity and Council resources. Ultimately, such an approach may limit opportunities for cannabis retailing.

In order to provide broad opportunities for cannabis stores, balanced by rules to manage proximity to sensitive uses and potential clustering, Administration recommends cannabis retailing should be managed as a discretionary use in most commercial districts.

### **Proposed Cannabis Store Use**

The LUB amendments in Attachment 1 (Proposed Amendments to Land Use Bylaw 1P2007 – Part 1) propose a new use called Cannabis Store. The definition allows the sale of cannabis produced by a licensed producer. The rules do not allow consumption of cannabis in the store, but allow counselling and the ancillary sale or rental of cannabis-related merchandise.

The LUB amendments in Attachment 2 (Proposed Amendments to Land Use Bylaw 1P2007 – Part 2) lists Cannabis Stores as a discretionary use in all districts where Liquor Stores are listed. The chart in Attachment 4 (Cannabis Store Districts, Rules and Guidelines) summarizes the districts where Cannabis Stores are being added as discretionary uses.

A Cannabis Store is required to be a stand-alone use, which means it cannot be combined with another use, such as a convenience store. However, Cannabis Stores can occur in a multi-tenant building or as part of a mixed-use development.

### **Proposed Cannabis Facility Use**

The amendments in Attachment 1 propose the existing Medical Marihuana Production Facility use be renamed Cannabis Facility. The amendments clarify that a broad range of activities can occur in these facilities, either singly or in combination with each other, and include growing, processing, and warehousing cannabis. This also clarifies that recreational and medical production can occur on the same site.

Administration also recommends that the requirement for a stand-alone building for this use be deleted. This rule was implemented in the context of cannabis being produced only for medical uses, when it was expected there would be a few large production facilities. Removing this rule will provide more opportunities in the Industrial – General (I-G) District for the emerging cannabis industry for growing, processing and warehousing.

## **Enabling Cannabis Retail Stores and Facilities – Land Use Bylaw**

Deleting this rule allows Health Canada, the building owner and prospective tenants to decide whether a stand-alone building is necessary. The rules for Cannabis Facility will continue to require a separation distance of 75.0 metres from a residential district.

Finally, it is recommended that Cannabis Store be allowed in the Industrial General (I-G) District in conjunction with a Cannabis Facility. This is consistent with the City's historical approach to allowing a manufacturer the opportunity to sell its products.

### **Proposed Cannabis Counselling Use**

The amendments propose the existing Medical Marihuana Counselling use be renamed Cannabis Counselling to use consistent terminology for all cannabis related uses in the Land Use Bylaw and to align with the new federal and provincial legislation that use the word 'cannabis' instead of 'marihuana'. The amendments also clarify that cannabis cannot be sold or consumed as part of a Cannabis Counselling use.

### **Cannabis Store Guidelines**

The purpose of the proposed Cannabis Store Guidelines (Attachment 5) is to ensure opportunities for Cannabis Stores are balanced with their cumulative impacts on traffic, parking, aesthetics, and complete communities, both when they occur as single uses or in combination with other uses.

The guidelines supplement separation distances that are proposed below to manage clustering on main streets and in communities and the impacts of Cannabis Stores on some sensitive uses. These may need amendments to ensure compliance with yet to be released Provincial regulations.

The guidelines also assist the Development Authority to make decisions on requests for relaxations on the separation distance between Cannabis Stores and from sensitive uses, as well as to guide the Development Authority to locate Cannabis Stores appropriately from sensitive uses for which there are no separation distance rules.

### **Separation Distances**

Separation distance rules prevent clustering of similar uses in a specific area. Clustering can result in cumulative environmental, social and aesthetic impacts. Separation distances also separate uses that may have compatibility issues or conflicts. The City currently uses separation distances in the LUB to limit clustering of Pawn Shops and Payday Loans, and to limit clustering of Liquor Stores and their locations near schools.

## **Enabling Cannabis Retail Stores and Facilities – Land Use Bylaw**

Separation distances for Cannabis Stores are proposed as follows:

<b>Separation distance</b>	<b>Use</b>
30 metres	<ul style="list-style-type: none"> <li>• Liquor Store<sup>1</sup></li> </ul>
150 metres	<ul style="list-style-type: none"> <li>• Emergency Shelter<sup>2</sup></li> <li>• Post-secondary Learning Institution<sup>2</sup></li> <li>• School – Private<sup>2</sup></li> <li>• School Authority – School<sup>2</sup></li> </ul>
300 metres	<ul style="list-style-type: none"> <li>• Cannabis Store<sup>1</sup></li> </ul>
Guideline Requirement - not within 10 metres	<ul style="list-style-type: none"> <li>• Payday Loan</li> <li>• Pawn Shop</li> <li>• Child Care Service</li> </ul>

### Notes to Table

<sup>1</sup> Separation distance is measured from one use to the closest portion of the other use.

<sup>2</sup> Separation distance is measured from a Cannabis Store to the closest property line of the other use.

A survey of Calgarians' attitudes towards cannabis legalization and regulation undertaken by Environics Research, shows the percentage of Calgarians who either strongly support or somewhat support separation distances for the following uses:

<b>Separation Distance</b>	<b>Per Cent</b>
Separation from all types of schools	81
Separation from Emergency Shelters	76
Separation between Cannabis Stores	61
Separation from Liquor Stores	47

The map in Attachment 6 (Map of Uses Affecting Possible Cannabis Store Locations) shows the locations of public and private schools, the primary campuses of Post-Secondary Learning Institutions, Emergency Shelters and the associated 150 metre buffers. It also shows the locations of existing Liquor Stores and commercial and industrial districts where Cannabis Stores might be located. The map illustrates that as separation distances from sensitive uses increase, opportunities to locate Cannabis Stores diminish.

### *Separation Distance between Cannabis Stores*

The purpose of the separation distance between Cannabis Stores is to prevent clustering. The proposed distance is 300 metres, which is the same separation distance used in the LUB to prevent clustering between liquor stores.

### *Separation Distance from Liquor Stores*

The distance from Liquor Stores is to limit the potential cumulative impacts of collocated uses, and to ensure that small commercial developments include opportunities to provide other commercial uses to neighbourhoods. For example, with this rule many small

## **Enabling Cannabis Retail Stores and Facilities – Land Use Bylaw**

neighbourhood commercial developments could accommodate either a Cannabis Store or a Liquor Store, but not both.

### *Separation Distance from Schools and Post-secondary Learning Institutions*

The purpose of the separation distance to schools and Post-Secondary Learning Institutions is to limit immediate access and visibility from places where young persons are learning. A review of other municipal jurisdictions where cannabis retailing has been legalized shows separation distances to schools ranged from 150 metres to 300 metres. Although the proposed separation distance to schools is 150 metres, it is consistent with the existing separation distance from a Liquor Store to a school. The separation distance is also measured from the Cannabis Store to the closest school property line, as opposed to the school building itself. This often results in a greater separation distance between buildings. It also ensures that the Cannabis Stores would be located at least 150 metres from playgrounds and playing fields associated with schools.

### *Separation Distance from Emergency Shelters*

The purpose of the distance to Emergency Shelters is to limit immediate access and visibility to a use where some residents may have substance abuse issues.

### *Potential Separation Distances from other uses*

Most municipalities where cannabis retailing is legal include a separation distance to a school, while some also require a separation distance to places of worship and other places where children congregate, such as playgrounds, child care facilities and recreation centres. In addition to the 499 public and private schools shown on the map in Attachment 4, there are approximately 650 licensed child care facilities in Calgary. Like schools, Child care facilities can be accommodated in various buildings, and do not solely occur in purpose-built buildings. Incorporating separation distances from these uses would additionally limit potential locations for Cannabis Stores; however, the Cannabis Store Guidelines proposed above require that the Development Authority should not approve a Cannabis Store adjacent to a Child Care Facility.

### *Variations to Separation Distances*

Council could consider variations to the proposed separation distances, such as a greater distance from Cannabis Stores to schools or eliminating the proposed separation distance to Liquor Stores and instead providing separation guidance through the proposed Cannabis Stores Guidelines. The City's rules must be consistent with the yet to be released provincial regulations.

For reference, the table below summarises the separation distances between uses in the Land Use Bylaw.

## Enabling Cannabis Retail Stores and Facilities – Land Use Bylaw

### Summary of Use separation distances in the Land Use Bylaw

FROM	TO (Separation distance in metres)							
	Schools	Liquor Store	Emergency Shelter	Payday Loan	Pawn Shop	Child Care	Post Secondary	Cannabis Store
Liquor Store	150	300	150 <sup>2</sup>	-	-	-	-	30 <sup>1</sup>
Payday Loan	-	-	-	400	-	-	-	-
Pawn Shop	-	-	-	-	400	-	-	-
Cannabis Store	150 <sup>1</sup>	30 <sup>1</sup>	150 <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	150 <sup>1</sup>	300 <sup>1</sup>

#### Notes to Table

P = Cannabis Guidelines Applicable

<sup>1</sup> = Proposed

<sup>2</sup> = East Village Districts and all parcels north of 5<sup>th</sup> Ave. SE and west of 4 St. SE.

#### Relaxations of Separation Distances

A maximum 10 per cent relaxation in the 150-metre separation distance (i.e. reduction from 150 metres to 135 metres) from a Cannabis to a School, Emergency Shelter and Post-secondary Learning Institution is proposed. The Cannabis Store Guidelines assist the Development Authority to make decisions on relaxation requests to the 30, 150 and 300 metre separation distances.

#### Notice Posting Requirements

The Land Use Bylaw amendments require notice posting for a Cannabis Store to help communicate an application to nearby businesses and residents.

#### Transition Rules

The amendments in Attachment 1 include a rule that transitions existing approved Medical Marihuana Counselling uses to the new Cannabis Counselling use, and Medical Marihuana Production Facility uses to Cannabis Facility. This rule ensures that existing approved uses must conform to the new rules.

#### Implementation of Proposed Cannabis Uses

Two amending bylaws are proposed because the exact date of cannabis legalization has not yet been confirmed by the federal government. This approach means the City is ready to respond when businesses request permits to open once allowed by federal and provincial law.

The advantage of using two bylaws to implement cannabis legalization is it allows the City to implement a regulatory framework that enables it to accept and process applications for Cannabis Stores in accordance with Council's rules, but to only approve them once the exact date of legalization and the requirements in the Regulations is known and the federal and provincial law is in force.

## **Enabling Cannabis Retail Stores and Facilities – Land Use Bylaw**

The first amending bylaw in Attachment 1 (Proposed Amendments to the Land Use Bylaw – Part 1) puts in place the definition of Cannabis Store and its associated rules. It also implements the renamed Cannabis Facility and Cannabis Counselling uses.

The amending bylaw in Attachment 2 (Proposed Amendments to the Land Use Bylaw – Part 2) lists Cannabis Stores in the districts shown in the chart in Attachment 3. It is recommended this bylaw be given first reading, with second and third reading of the bylaw occurring when the exact date of cannabis legalization is known and federal and provincial regulations are completed.

### **Coordination of all City bylaw amendments**

All City bylaw amendments related to cannabis, including LUB amendments, are planned to proceed to Council on 2018 April 5. The table below shows the bylaws that may need to be amended and the anticipated committee dates:

<b>Bylaw</b>	<b>Committee</b>	<b>Committee Date</b>	<b>Council Date</b>
Land Use Bylaw	SPC on PUD	2018 February 21	2018 April 5
Business License Bylaw	SPC on CPS	2018 April 3	2018 April 5
Smoking Bylaw	SPC on CPS	2018 April 3	2018 April 5
Community Standards Bylaw	SPC on CPS	2018 April 3	2018 April 5
Transit Bylaw	SPC on CPS	2018 April 3	2018 April 5

### **Notes to Table**

SPC on PUD = Standing Policy Committee on Planning and Urban Development

SPC on CPS = Standing Policy Committee on Community and Protective Services

## **Stakeholder Engagement, Research and Communication**

The City conducted a telephone survey of adult residents of Calgary from November 6 to November 19. The survey included opinions on the siting of cannabis retailers and producers. An online survey was held from November 20 to December 10, 2017 and received more than 13,000 responses. The City also held three stakeholder workshops November 22 and 23, 2017 to understand key themes from stakeholders, including opinions on retail and cannabis production locations and separation distances.

## **Strategic Alignment**

Two objectives of the Municipal Development Plan (MDP) are to create a city attractive to people and business. The Plan's policies include providing "... safe and healthy communities with a variety of housing choices, employment opportunities, local retail and services and mobility options" (MDP Policy 2.1.1 a.) and attracting and retaining "...suitable business and industry in Calgary by fostering economic diversification and providing a climate that supports and enhances economic activity" (MDP Policy 2.1.2 a.). The proposed Land Use Bylaw amendments are intended to accommodate broad opportunities for cannabis businesses balanced with providing safe and healthy communities. This is achieved through separation distances from sensitive uses and separation distances to prevent clustering.

The Federal Government has indicated that cannabis will be legalized and available for retail sale in July 2018. However, there is some uncertainty about the date the federal



## **Enabling Cannabis Retail Stores and Facilities – Land Use Bylaw**

legislation will be in force. The Provincial Government has approved but not yet proclaimed implementing legislation. Provincial regulations are pending. The proposed amendments align with federal and provincial legislation. The need for alignment with the yet to be released regulations will be assessed once the text is released.

### **Social, Environmental, Economic (External)**

#### **Social**

Cannabis Stores provide legal and safe opportunities for regulated cannabis sales versus sales that may otherwise occur in the unregulated black market. Government licenced stores will sell products that have been tested and approved (e.g. not grown with harmful pesticides or herbicides or laced with other unknown chemicals). The stores will provide safe and legal access to products that might otherwise be purchased on the black market. These businesses will provide legal jobs and their revenue will be taxed rather than being the non-taxed proceeds of criminal activity.

Separation distance requirements minimize the impact on sensitive uses and to prevent clustering in specific communities or on main streets.

#### **Environmental**

Broad opportunities for cannabis sales means the impacts of noise, lighting, traffic and parking that may have occurred with fewer, more limited numbers of stores, should not occur.

#### **Economic (External)**

Ensuring appropriate, safe and regulated opportunities for businesses to open Cannabis Stores and Facilities assists the local economy.

### **Financial Capacity**

#### ***Current and Future Operating Budget:***

Assuming other types of development permit applications remain constant, additional development permit applications may mean a need for greater resources to process Cannabis Store and Facility applications in the short to medium term.

Resources will also be required to monitor the success of Council's rules and make adjustments if necessary.

This additional work can be accommodated by existing resources.

#### ***Current and Future Capital Budget:***

No impacts have been identified.

### **Risk Assessment**

Potential delays in the federal parliamentary system (e.g. Senate approval) mean that the anticipated legalization date is not certain. Further, regulations may not be released by the Provincial Government until early spring of 2018, and may change when made law. This means that amendments to proposed rules and guidelines may need to occur should the rules and guidelines in this report conflict with the yet to be released provincial regulations.

### **Enabling Cannabis Retail Stores and Facilities – Land Use Bylaw**

Neither the provincial or federal levels of government have made their legislation effective. Federal and provincial regulations will contain important details that may require changes to the proposed LUB amendments. Administration's recommendations give the City flexibility to align with the yet to be released federal and provincial regulations and with the future legalization date.

No significant long-term planning risks have been identified. With the initial limited number of stores there may be short-term parking and traffic impacts. These impacts will dissipate as private industry builds out stores in response to public demand.

#### **REASONS FOR RECOMMENDATIONS:**

The proposed amendments align with federal and provincial legislation that legalize cannabis sales and production. Providing broad opportunities for retail cannabis sales minimizes impacts that could otherwise occur in a narrower range of locations while providing opportunities for local business and economic diversification. Separation distances can minimize impacts to sensitive uses and ensure that overall, cannabis sales are not concentrated in specific communities or main streets.

#### **ATTACHMENTS**

1. Attachment 1 - Proposed Amendments to Land Use Bylaw 1P2007 – Part 1.
2. Attachment 2 - Proposed Amendments to Land Use Bylaw 1P2007 – Part 2.
3. Attachment 3 - Federal and Provincial Regulatory Approach.
4. Attachment 4 - Cannabis Store Districts, Rules and Guidelines.
5. Attachment 5 - Cannabis Store Guidelines.
6. Attachment 6 - Map of Uses Affecting Possible Cannabis Store Locations.

1. The City of Calgary Land use Bylaw, being Bylaw 1P2007 of the City of Calgary, as amended, is hereby further amended as follows:
  - (a) Delete subsection 13(90.1).
  - (b) Delete subsection 25.2(4)(a) and (c).
  - (b) Insert the following in subsection 25.2(4):
    - (a) **Cannabis Counselling;**
    - (a.2) **Custodial Care;**
  - (c) Delete subsections 27(2)(a.1), 27(2)(a.2) and 27(2)(e.1).
  - (d) Insert the following in subsection 27(2):
    - (a.1) **Cannabis Facility;**
    - (a.2) **Cannabis Store;**
    - (a.3) **Drinking Establishment – Large** in the CC-EIR or the CC-ET districts;
    - (a.4) **Drinking Establishment – Medium** in the C-C1, C-COR1, C-COR2, CC-X, CC-COR, CC-EMU, CC-ET, or CC-EIR Districts and in all ***mixed use districts***;
  - (e) Delete “; or” in subsection 40(i)(ii).
  - (f) Delete “254.1(c).” in subsection 40(j) and replace with 254.1(c); or
  - (g) Insert the following subsection in section 40:
    - (k) is for a **Cannabis Store** located within 90 per cent of a minimum separation distance specified in subsection 160.3(h).
  - (h) Insert the following subsection in section 133:
    - (6) The production, processing, storage or sale of cannabis can only occur where it has been approved through a ***development permit*** for a ***use*** where it is specifically allowed in the ***use*** definition or rules.
  - (i) Insert the following subsection in section 134.1:
    - (7) In any ***development permit*** or Direct Control District approved after the effective date of this Bylaw:
      - (a) **Medical Marihuana Counselling** is deemed to be the **Cannabis Counselling use**; and

- (b) **Medical Marihuana Production Facility** is deemed to be the **Cannabis Facility use**.
- (j) Delete sections 233.1 and 233.2.
- (k) Insert the following section 160.1:
  - 160.1 **“Cannabis Counselling”**
    - (a) means a **use**:
      - (i) where counselling on cannabis is provided by persons who are not medical professionals;
      - (ii) where consumption of cannabis must not occur;
      - (iii) where the sale of cannabis must not occur; and
      - (iv) that may include the ancillary retail sale or rental of merchandise;
    - (b) is a **use** within the Care and Health Group in Schedule A to this Bylaw;
    - (c) except in the C-R2 and C-R3 districts, must not be located within 300.0 metres of any other **Cannabis Counselling use**, when measured from the closest point of a **Cannabis Counselling use** to the closest point of another **Cannabis Counselling use**;
    - (d) except in the C-R2 and C-R3 districts, must not be located within 150.0 metres of a **parcel** that contains a **School - Private** or a **School Authority – School**, when measured from the closest point of a **Cannabis Counselling use** to the closest point of a **parcel** that contains a **School – Private** or **School Authority – School**;
    - (e) requires a minimum of 4.0 **motor vehicle parking stalls** per 100.0 square metres of **gross usable floor area**.
    - (f) does not require **bicycle parking stalls – class 1**; and
    - (g) requires a minimum of 1.0 **bicycle parking stalls – class 2** per 250 square metres of **gross usable floor area**.
- (l) Insert the following section 160.2:
  - 160.2 **“Cannabis Facility”**
    - (a) means a **use** where cannabis is grown, processed, packaged, tested, destroyed or stored;

- (b) is a **use** within the General Industrial Group in Schedule A to this Bylaw;
- (c) where a licence for all activities associated with cannabis growing, processing, packaging, testing, destruction or storage is issued by Health Canada;
- (d) where an ancillary **building** or structure used for security purposes may be located on the **parcel** containing the **use**;
- (e) must include equipment designed and intended to remove odours from the air where it is discharged from the facility as part of a ventilation system;
- (f) must not be within 75.0 metres of a **residential district** measured from the **building** containing the **use** to the nearest **property line** of a **parcel** designated as a **residential district**;
- (g) where the **development authority** may require, as a condition of a **development permit**, a Public Utility and Waste Management Plan, completed by a qualified professional, that includes details on:
  - (i) the incineration of waste products and air borne emission, including smell;
  - (ii) the quantity and characteristics of liquid and waste material discharged by the facility; and
  - (iii) the method and location of collection and disposal of liquid and waste material;
- (h) requires a minimum number of **motor vehicle parking stalls** that is the greater of:
  - (i) 1.0 stalls per 100.0 square metres of **gross usable floor area** for the first 2000.0 square metres, and then 1.0 stalls for each subsequent 500.0 square metres; or
  - (ii) 1.0 stalls per three (3) employees based on the maximum number of employees at the **use** at any given time;
- (i) does not require **bicycle parking stalls – class 1**; and
- (j) requires a minimum of 1.0 **bicycle parking stalls – class 2** per 250 metres of **gross usable floor area**.
- (m) Insert the following section 160.3:
 

160.3 “Cannabis Store”

- (a) means a **use**:
  - (i) where cannabis is sold for consumption off the premises;
  - (ii) where consumption of cannabis must not occur;
  - (iii) that may include the ancillary retail sale or rental of merchandise; and
  - (iv) where counselling on cannabis may be provided;
- (b) is a **use** within the Sales Group in Schedule A to this Bylaw;
- (c) where all cannabis that is offered for sale or sold must be from a federally approved and licenced facility;
- (d) that has been licensed by the Alberta Government;
- (e) in the C-N1 and C-N2 Districts, must only be located on a **parcel** with a **front property line** on a **major street** or a primary collector **street**;
- (f) in all Districts, not including the C-R2, C-R3 and CR20-C20/R20 Districts, must not be located within 300.0 metres of any other **Cannabis Store**, when measured from the closest point of a **Cannabis Store** to the closest point of another **Cannabis Store**;
- (g) in all Districts, not including the C-R2, C-R3 and CR20-C20/R20 Districts, must not be located within 30.0 metres of a **Liquor Store**, when measured from the closest point of a **Cannabis Store** to the closest point of a **Liquor Store**;
- (h) in all **commercial, industrial** and **mixed use districts**, not including the C-R2, C-R3 and CR20-C20/R20 Districts, must not be located with 150.0 metres of a **parcel** that contains any of the following **uses**, when measured from the closest point of a **Cannabis Store** to the closest point of a **parcel** that contains any of them:
  - (i) **Emergency Shelter**;
  - (ii) the main campus of a **Post-secondary Learning Institution**;
  - (ii) **School – Private**; and
  - (iii) **School Authority – School**;
- (i) requires a minimum of 4.0 **motor vehicle parking stalls** per 100.0 square metres of **gross usable floor area**.

- (j) does not require **bicycle parking stalls – class 1**; and
- (k) requires a minimum of 1.0 **bicycle parking stalls – class 2** per 250 metres of **gross usable floor area**.
- (n) In the following in section 225:
  - (e.2) in all Districts, not including the C-R2, C-R3 and CR20-C20/R20 Districts, must not be located within 30.0 metres of a **Cannabis Store**, when measured from the closest point of a **Liquor Store** to the closest point of a **Cannabis Store**;
- (o) Delete subsections 703(3)(j.1), 723(3)(n.1), 740(3)(r.2), 759(3)(t.2), 778(3)(q.2), 798(3)(z.2), 815(3)(w.1), 830(4)(a), 830(4)(a.1), 830(4)(c.2), 863(3)(q.2), 882(3)(p.2), 908(2)(m.1), 924(2)(a), 924(2)(j.1), 939(2)a.4, 939(2)(j.1), 955(2)(q.1), 1134(3)(k.1), 1164(3)(t.2), 1181(3)(q.2), 1245(3)(cc), 1255(3)(aa), 1261(3)(r), 1267(3)(s), 1307(3)(u.1), 1367(3)(q), and 1377(3)(w).
- (p) Insert the following in subsection 703(3):
  - (b.3) **Cannabis Counselling**;
- (q) Insert the following in subsections 723(3) and 1367(3):
  - (d.1) **Cannabis Counselling**;
- (r) Insert the following in subsections 740(3) and 955(2):
  - (e.2) **Cannabis Counselling**;
- (s) Insert the following in subsections 759(3):
  - (d.2) **Cannabis Counselling**;
- (t) Insert the following in subsections 778(3), 882(3), 1164(3), 1181(3) and 1307(3):
  - (d.2) **Cannabis Counselling**;
- (u) Insert the following in subsections 798(3) and 815(3):
  - (f.2) **Cannabis Counselling**;
- (v) Insert the following in subsection 830(4):
  - (a) **Cannabis Counselling**;
  - (a.1) **Child Care Service**;
  - (a.2) **Conference and Event Facility**;
- (w) Insert the following in subsection 863(3):

- (c.2) **Cannabis Counselling;**
- (x) Insert the following in subsection 908(2)
  - (d.1) **Cannabis Facility;**
- (y) Insert the following in subsection 924(2):
  - (a) **Cannabis Counselling;**
  - (a.2) **Child Care Service;**
- (z) Insert the following in subsection 939(2)
  - (a.4) **Cannabis Counselling;**
  - (a.6) **Car Wash – Single Vehicle;**
- (aa) Insert the following in subsection 1134(3):
  - (b.1) **Cannabis Counselling;**
- (bb) Insert the following in subsections 1245(3) and 1255(3):
  - (e.1) **Cannabis Counselling;**
- (cc) Insert the following in subsections 1261(3) and 1267(3):
  - (c.1) **Cannabis Counselling;**
- (dd) Delete 1373(3) and 1384(3).
- (ee) Insert the following in section 1373:
  - (3) The length of the **building** façade that faces a **street** containing an individual **Cannabis Counselling, Office or Payday Loan use** on the floor closest to **grade** is a maximum of 9.0 metres.
- (ff) Insert the following in section 1384:
  - (3) The length of the **building** façade that faces a **street** containing an individual **Cannabis Counselling, Financial Institution, Medical Clinic, Office or Payday Loan use** on the floor closest to **grade** is a maximum of 9.0 metres.
- (gg) Insert the following in subsection 1377(3)
  - (f.1) **Cannabis Counselling;**
- (hh) Amend Schedule A by deleting "Medical Marihuana Counselling".



- (ii) Amend Schedule A by deleting "Medical Marihuana Production Facility".
  - (jj) Amend Schedule A, Care and Health Group, by adding "Cannabis Counselling" to the list after "Addiction Treatment".
  - (jj) Amend Schedule A, General Industrial Group, by adding "Cannabis Facility" to the list after "Asphalt, Aggregate and Concrete Plant".
  - (kk) Amend Schedule A, Sales Group, by adding "Cannabis Store" to the list after "Auction /market - Vehicles and Equipment".
2. The Bylaw comes into force on April 24, 2018.



1. The City of Calgary Land use Bylaw, being Bylaw 1P2007 of the City of Calgary, as amended, is hereby further amended as follows:
  - (a) Insert the following in subsection 25.2(4):
    - (a.1) **Cannabis Store**;
  - (b) Insert the following subsection in section 160.2:
    - (g) where a **Cannabis Store** may be approved as an ancillary **use**;
  - (c) Insert the following in subsection 703(3):
    - (b.4) **Cannabis Store**;
  - (d) Insert the following in subsections 723(3) and 1367(3):
    - (d.2) **Cannabis Store**;
  - (e) Insert the following in subsections 740(3) and 955(2):
    - (e.3) **Cannabis Store**;
  - (f) Insert the following in subsections 759(3):
    - (d.3) **Cannabis Store**;
  - (g) Insert the following in subsections 778(3), 882(3), 1164(3), 1181(3) and 1307(3):
    - (d.3) **Cannabis Store**;
  - (h) Insert the following in subsections 798(3) and 815(3):
    - (f.3) **Cannabis Store**;
  - (i) Insert the following in section 845:
    - (d.1) **Cannabis Store**;
  - (j) Insert the following in subsection 863(3):
    - (c.3) **Cannabis Store**;
  - (k) Insert the following subsection in section 908:
    - (3) The following **uses** are **discretionary uses** in the Industrial – General (I-G) District on a **parcel** with a **Cannabis Facility**:
      - (a) **Cannabis Store**.
  - (l) Insert the following in subsection 924(2):

- (a.1) **Cannabis Store;**
  - (m) Insert the following in subsection 939(2)
    - (a.5) **Cannabis Store;**
  - (n) Insert the following in subsections 1245(3) and 1255(3):
    - (e.2) **Cannabis Store;**
  - (o) Insert the following in subsections 1261(3) and 1267(3):
    - (c.2) **Cannabis Store;**
  - (p) Insert the following in subsection 1377(3)
    - (f.2) **Cannabis Store;**
2. The Bylaw comes into force immediately after approval of the Bylaw.

Federal Legislation

The Federal Government has stated its intention to legalize the sale of cannabis in 2018 July through the *Cannabis Act* (Bill C-45). This was approved by the House of Commons on 2017 November 27 and requires approval by the Senate and Proclamation before it is in force. It institutes a legal framework for all aspects of cannabis production and sales. The draft regulations have not yet been issued, but a framework for consultation on future regulations has been released and it includes:

1. Licence classes for cultivation, processing and sale;
  - Standard and micro production and processing;
  - Medical and non-medical sales;
2. Licensing and permits;
3. Security and tracking;
4. Classes of products;
5. Packaging and labelling;
6. Cannabis for medical purposes; and
- 7 Health products.

Provincial Legislation

*An Act To Control And Regulate Cannabis* was passed by the Alberta Legislature on 2017 November 30 and is waiting on Proclamation. This act primarily amends the *Albert Gaming and Liquor Act* and the *Municipal Government Act*. Key aspects of the act include:

1. Giving responsibility to the Alberta Gaming and Liquor Commission (AGLC) to regulate all aspects of cannabis including issuing licenses to private retailers;
2. Prohibiting cannabis sales to minors;
3. Prohibiting minors from the premises of a cannabis retailer;
4. Requiring private cannabis retailers to be stand-alone uses;
5. Prohibiting the consumption of cannabis in a cannabis retailer through provincial regulations (yet to be issued) or municipal bylaw;
6. Prohibiting vaping or smoking of cannabis in places where smoking is now prohibited in the *Tobacco and Smoking Reduction Act* or in a municipal bylaw, as well many outdoor public places;
7. Authorizing municipalities to pass bylaws respecting cannabis retailers; and
8. Authorizing the Government of Alberta to issue regulations that may include:
  - Separation distances for cannabis retailers from other types of uses;
  - Hours and days of operation for cannabis retailers;
  - The maximum amount of cannabis that can be sold at a time;
  - The retail prices of cannabis;
  - Display, distribution, purchase, sale, transport, giving, growing, possession, storage and use of cannabis;
  - Advertising, packaging, promotion and labelling of cannabis;
  - Prohibition on selling certain types of cannabis; and
  - Rules on the public use of cannabis.

The Act also includes an amendment to the *Municipal Government Act* (MGA) that requires:

- a Land Use Bylaw to be consistent with the yet to be released regulations; and

- the Development Authority to not approve a permit that is inconsistent with the yet to be released regulations.

Consultation has been ongoing with the Province on what the Regulations will include. Although it is anticipated the City will have a preview of the Regulations, there could be changes when the Regulations are released after the Act is proclaimed.

# **Cannabis Store Districts, Rules and Guidelines**

Item # 7.1  
PUD2018-0056  
ATTACHMENT 4

	150 Metre Separation Distance from property line of Schools	150 Metre Separation Distance From property line of Post Secondary Learning Institutions	150 Metre Separation Distance From property line of Emergency Shelters	300 Metre Separation Distance Between Cannabis Stores	30 Metre Separation Distance From Liquor Stores	Separation Distance Guidelines
C-N1	✓	✓	✓	✗		☑
C-N2	✓	✓	✓	✗	✗	☑
C-C1	✓	✓	✓	✗	✗	☑
C-C2	✓	✓	✓	✗	✗	☑
C-COR1	✓	✓	✓	✗	✗	☑
C-COR2	✓	✓	✓	✗	✗	☑
C-COR3	✓	✓	✓	✗	✗	☑
C-R1	✓	✓	✓	✗	✗	☑
C-R2	✓	✓	✓			☑
C-R3	✓	✓	✓			☑
I-G*	✓	✓	✓	✗	✗	☑
I-E	✓	✓	✓	✗	✗	☑
I-C	✓	✓	✓	✗	✗	☑
CC-X	✓	✓	✓	✗	✗	☑
CC-COR	✓	✓	✓	✗	✗	☑
CR20- C20/R20	✓	✓	✓			☑
CC-ET	✓	✓	✓	✗	✗	☑
CC-EIR	✓	✓	✓	✗	✗	☑
CC-EMU	✓	✓	✓	✗	✗	☑
CC-EPR	✓	✓	✓	✗	✗	☑
MU-1	✓	✓	✓	✗	✗	☑
MU-2	✓	✓	✓	✗	✗	☑

## Table Notes

✓ = Maximum relaxation of 10 per cent or 15 metres to the 150 metre separation distance.

✗ = Relaxation guided by the Cannabis Store Guidelines.

☑ = Cannabis Store Guidelines Applicable

\* = A discretionary use only in conjunction with a Cannabis Facility.





**Objectives**

1. To ensure opportunities for Cannabis Stores on main streets and in communities are balanced with opportunities for other types of commercial uses. A variety of commercial uses provide communities with options, supports economic diversification and helps build a complete retail street.
2. To promote a full range and a mix of commercial uses and opportunities along main streets and in communities.
3. To avoid the potential for negative perceptions that may be created about a community when there is an over concentration or clustering of Cannabis Stores along a main street or in a community.
4. To ensure Cannabis Stores are not located too close to Liquor Stores, Pawn Shops and Payday Loans to prevent a negative aesthetic impact on the streetscape and the potential for negative perceptions to be created about a community.
5. To ensure Cannabis Stores are not located too close to public and private schools and post-secondary learning institutions in order to limit convenient access and lower the profile and visibility of cannabis to young persons.
6. To manage the potential socio-economic impacts of the clustering and concentration of Cannabis Stores, Liquor Stores, Payday Loans and Pawn Shops, either singly or in conjunction with each other.

**Guidelines****Separation Distance Between Cannabis Stores**

The Development Authority must consider the overall number and density of Cannabis Stores on a main street, community or other area in comparison to other main streets, communities or areas in Calgary when considering a request for a reduction to the minimum separation distance between Cannabis Stores.

There should not be a significant long-term difference in the concentration of Cannabis Stores between different main streets, communities or other areas. Recognizing that every location has unique characteristics (e.g. schools and other factors that affect a Cannabis Store location), generally a significant long-term difference would be characterized by more than a 25 per cent difference in the concentration of Cannabis Stores per unit population.

Additionally, the development authority may consider a reduction in the separation distance between Cannabis Stores when:

1. There is only one other Cannabis Store within the minimum separation distance;
2. A proposed Cannabis Store is located on a different street or on the opposite side of the same street as the existing Cannabis Store;

3. A major road, expressway or river separates the proposed Cannabis Store from the existing Cannabis Store;
4. The proposed Cannabis Store is located in an enclosed shopping centre; or
5. An existing approved Cannabis Store proposes to relocate to a new location within 300 metres of its original location, provided that it does not move within the separation distance of a different Cannabis Store.

Separation distance to an Emergency Shelter, school or post-secondary learning institution

The Development Authority may consider a minor reduction in the separation distance between a proposed Cannabis Store and a parcel that contains an Emergency Shelter, public or private school or post-secondary learning institution. If the depth of the average setback area from the property line of a parcel containing the Emergency Shelter, school or post-secondary learning institution building is more than or equal to the proposed relaxation it may be reduced that amount up to a maximum of 15 metres.

Separation distance to a Liquor Store

The Development Authority may consider a relaxation in the separation distance between a proposed Cannabis Store and an existing or approved Liquor Store. Relaxations should not be considered in neighbourhood commercial districts. Cannabis Stores and Liquor Stores should not be located side by side on a main street or in community commercial district.

Location near a Payday Loan, Pawn Shop or Child Care Service

The development authority should not approve a Cannabis Store within 10 metres of a Payday Loan, Pawn Shop or Child Care Service.

