

**Subject: Bylaw No. 18/026 - Land Use Bylaw Amendment -  
Cannabis Separation Distances**

**APPROVALS:**

**Annette Antoniak**

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Director

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Chief Administrative Officer

**Recommended Motion:**

1. THAT Bylaw No. 18/026, being a Land Use Bylaw amendment specific to Cannabis separation distances, be read a first time.
2. THAT a public hearing for Bylaw No. 18/026 be scheduled to occur on Tuesday, November 27, 2018.

**Summary:**

On October 23, 2018, Council passed the following motion:

*That Administration bring back to Council, at the next scheduled Council Meeting, a bylaw for 1<sup>st</sup> reading, to change the minimal separation distance for cannabis retail stores from 150 meters in the urban service area, to 100 meters, additionally, to update the definition of separation distance so that it is measured through a door to door system.*

This report introduces Bylaw No. 18/026 for first reading, which proposes to change the minimum separation distance and its associated definitions. This report also outlines several alternatives that Council may consider.

**Background:**

**Municipal Regulations:**

On July 9, 2018, Council approved bylaws for regulating cannabis sales, production and consumption in the region. One of the bylaw amendments that was approved was an amendment to the Land Use Bylaw that identified zones (Mixed Use, Commercial and Industrial) where cannabis retail stores could be approved. The Land Use Bylaw amendment also set out a separation distances of 150 meters in the Urban Service Area between Cannabis Retail Stores and other sensitive/incompatible uses such as Schools, Hospitals, Child Care Facilities and Alcohol and Drug Rehabilitation Centers.

In the Rural Service Area and Hamlets, a separation distance of 100 meters from Schools and Parks was approved.

The definition of “separation distance” was also approved, which stated: *“the minimum distance between the property lines of two properties as defined on the plan of subdivision registered with land titles office of Alberta.”*

### **Provincial Regulations:**

Section 105 (3) under Part 4, Division 1, of the Gaming, Liquor and Cannabis Regulations, approved by the Province of Alberta, is reproduced below:

*“(3) For the purposes of sections 640(7), 642(5) and 687(3) of the Municipal Government Act, a premises described in a cannabis license **may not have any part of an exterior wall** that is located within 100 meters of:*

- (a) a provincial health care facility or **a boundary of the parcel of land** on which the facility is located,*
- (b) a building containing a school or **a boundary of a parcel of land** on which the building is located, or*
- (c) **a boundary of a parcel of land** that is designated as school reserve or municipal and school reserve under the Municipal Government Act.”*

### **Cannabis Regulations: A Comparison with Other Cities & Alberta Health Services**

The method of measuring the setback using a door-to-door system is different from all other cities in Alberta and reducing the separation distance to 100 meters is relaxed compared to other jurisdictions (Attachment 1). The proposed amendments are also contrary to the setbacks suggested by Alberta Health Services (Attachment 2).

### **Bylaw Under Consideration: Separation distance of 100 meters with a definition for Door to Door**

Under the proposed bylaw, the separation distance for the Urban Service Area would be defined as *“the minimum distance between door to door of the sites that contains an Elementary School, a Junior High School, a High School, a College, a Hospital, a Child Care Facility or an Alcohol and Drug Rehabilitation Center and a Cannabis Retail Store”*.

In Rural Areas and Hamlets, ‘separation distance’ would be defined as *“the minimum distance between door to door of the sites that contain an Elementary School, a Junior High School, a High School and a Cannabis Retail Store*. In case of a park, this distance shall be *measured from the parcel boundary of the park to the door of Cannabis Retail Store*.

Using the definitions above, a separation distance of 100 meters can be applied. The

effect of this approach, if adopted, is illustrated by the solid black circle on the maps in Attachment 3.

**Other Alternatives for Consideration:**

Outlined below are several alternatives for amending the 150 meter separation distance and the definition of separation distance. These alternatives may be considered by way of amendments at second reading of the bylaw following the public hearing, should Council pass first reading.

**Alternative 1: Separation distance of 150 meters with a definition for Door to Door**

In this alternative, the definitions from the motion above could be used and a separation distance of 150 meters can be applied. The effect of this approach is illustrated by the dashed black circle on the maps in Attachment 3.

**Implication:** By choosing this alternative, Cannabis Retail Stores could be allowed across the street from the sensitive use.

**Alternative 2: Separation distance of 100 meters with a definition for Building Boundary to Door**

In this alternative, the separation distance for the Urban Service Area can be defined as *“the minimum distance between the exterior wall of the building that contains an Elementary School, a Junior High School, a High School, a College, a Hospital, a Child Care Facility or an Alcohol and Drug Rehabilitation Center and the closest door providing access to the site that is proposed to have a Cannabis Retail Store.”*

In Rural Areas and Hamlets, ‘separation distance’ can be defined as *“the minimum distance between the exterior wall of the building that contains an Elementary School, a Junior High School, a High School or parcel boundary of a Park and the closest door providing access to the site that is proposed to have a Cannabis Retail Store.”*

Using the definitions above, a separation distance of 100 meters can be applied. The effect of this approach is illustrated by the solid blue circle on the maps in Attachment 3.

**Implication:** By choosing this alternative, Cannabis Retail Stores could be allowed across the street from the sensitive use.

**Alternative 3: Separation distance of 150 meters and with a definition for Building Boundary to Door**

In this alternative, the definitions from Alternative 2 above could be used and a separation distance of 150 meters can be applied. The effect of this approach is illustrated by the dashed blue circle on the maps in Attachment 3.

**Implication:** By choosing this alternative, Cannabis Retail Stores could be allowed across the street from the sensitive use.

**Alternative 4: Separation distance of 100 meters with a definition for Parcel Boundary to Door**

In this alternative, the separation distance for the Urban Service Area can be defined as *“the minimum distance between the parcel boundary of the site that contains an Elementary School, a Junior High School, a High School, a College, a Hospital, a Child Care Facility or an Alcohol and Drug Rehabilitation Center and the closest door providing access to the site that is proposed to have a Cannabis Retail Store.”*

In Rural Areas and Hamlets, ‘separation distance’ can be defined as *“the minimum distance between the parcel boundary of the site that contains an Elementary School, a Junior High School, a High School or a Park and the closest door providing access to the site that is proposed to have a Cannabis Retail Store.”*

Using the definitions above, a separation distance of 100 meters can be applied. The effect of this approach is illustrated by the solid yellow circle on the maps in Attachment 3.

**Implication:** By choosing this alternative, Cannabis Retail Stores could be allowed across the street from the sensitive use.

**Alternative 5: Separation distance of 150 meters with a definition for Parcel Boundary to Door**

In this alternative, the definitions from Alternative 4 above could be used and a separation distance of 150 meters can be applied. The effect of this approach is illustrated by the dashed yellow circle on the maps in Attachment 3.

**Implication:** By choosing this alternative, Cannabis Retail Stores could be allowed across the street from the sensitive use.

**Alternative 6: Separation distance of 100 meters with a definition for Parcel Boundary to Parcel Boundary**

In this alternative, the definition for ‘separation distance’ is not required to be changed. However, the current separation distance of 150 meters can be reduced to 100 meters.

This alternative will prohibit Cannabis Retail Stores on parcels that fall partially or wholly within the 100-meter separation distance of the parcel boundary of the sensitive use (represented by the solid yellow circle on maps in Attachment 3).

**Implication:** By choosing this alternative, Cannabis Retail Stores will not be allowed on lots near the sensitive use.

Attachment 4 shows separation distances of 100 meters and 150 meters from building and parcel boundary for sensitive uses in the Fort McMurray Urban Service Area. Attachment 5 shows separation distances of 100 meters from building and parcel boundary for sensitive uses in affected hamlets.

**Budget/Financial Implications:**

It is not anticipated that costs associated with processing new permits would result in increased expenses for the department as the process to assess applications is already established. Conversely, the revenues associated with the processing of permits is also not expected to be significant. The current staff compliment will be able to manage the compliance and enforcement aspect as it relates to cannabis uses and cannabis consumption.

**Rationale for Recommendation:**

The proposed Land Use Bylaw amendment is intended to address Council's motion of October 23, 2018 that directed Administration to bring forward a bylaw for first reading, to change the minimal separation distance for cannabis retail stores from 150 meters in the urban service area, to 100 meters. The proposed amendment also updates the definition of separation distance so that it is measured through a door-to-door system.

**Strategic Priorities:**

Responsible Government  
Downtown Revitalization  
Regional Economic Development

**Attachments:**

- 1. List of Regulations for Different Cities**
- 2. Recommendations from Alberta Health Services**
- 3. Separation Distance Maps for Schools in the Region**
- 4. Maps showing 100 meter and 150 meter Separation Distance from Building and Property Line in Urban Service Area**
- 5. Maps showing 100 meter and 150 meter Separation Distance from Building and Property Line in Hamlets**
- 6. Bylaw No.18/026 - Land Use Bylaw Amendment - Cannabis Separation Distances**