



**-PUBLIC HEARING MEETING AGENDA-**

Agenda for a Public Hearing of the Village of Pemberton to be held **Tuesday, October 16, 2018 at 7:00 p.m.** at Council Chambers, 7400 Prospect Street.

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*“This meeting is being recorded on audio tape for minute-taking purposes as authorized by the Village of Pemberton Audio Recording of Meeting Policy, dated September 14, 2010.”*

**Village of Pemberton Zoning Bylaw  
Amendment (Cannabis, Retail)  
Bylaw No. 847, 2018**

**ORDER OF BUSINESS**

1. Opening Statements by Mayor Mike Richman.
2. Presentation of Village of Pemberton Zoning Bylaw Amendment (Cannabis, Retail) Bylaw No. 847, 2018
3. Correspondence and petitions received by the Village as of noon, Wednesday, October 10, 2018.

*No correspondence or petitions were received.*

4. Any other correspondence and petitions received

*Presentation of correspondence received after the deadline of noon on October 10, 2018.*

5. Meeting open for public comment.
6. Closing Statements by Mayor Richman.
7. Adjournment.

**PLEASE NOTE:**

- **After the Public Hearing is adjourned, the opportunity for public discussion is ended and Council members cannot accept any further information or submissions; this is to allow a fair process as established by provincial case law. The Bylaw will be considered for Third and Fourth Reading at the reconvened Regular Council Meeting to be held immediately following the Public Hearing.**

**Date:** October 16, 2018  
**To:** Nikki Gilmore, Chief Administrative Officer  
**From:** Lisa Pedrini, Senior Planner  
**Subject:** Zoning Amendment (Cannabis, Retail) Bylaw No. 847, 2018

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### **PURPOSE**

The purpose of this report is to present to Council for their consideration an amendment to Zoning Bylaw No. 832, 2018, Amendment (Cannabis, Retail) Bylaw No. 847, 2018 to clarify the Conditions of Use attached to permitting Retail Cannabis Sales establishments in the C-1 Zone.

### **BACKGROUND**

On October 2, 2018, at their Regular Meeting No. 1447, Council adopted a Policy to guide decision making on Non-Medical (Recreational) Cannabis Retail Sales use in the Village of Pemberton and gave First and Second Reading to Zoning Bylaw No. 832, 2018, Amendment Bylaw (Cannabis, Retail) No. 847, 2018. As such, the following resolutions were passed:

*Moved/Seconded*

**THAT** Council endorses the Village of Pemberton Non-Medical (Recreational) Cannabis Retail Policy.

**CARRIED**

**OPPOSED: Councillor Helmer**

*Moved/Seconded*

**THAT** Zoning Bylaw No. 832, 2018, Amendment (Cannabis, Retail) Bylaw No. 847, 2018 be given First and Second Reading as amended to adjust the setback noted in subsection 2 (b)(ii) from 100 metres to 150 metres;

**CARRIED**

*Moved/Seconded*

**THAT** Staff arrange for a Public Hearing for Zoning Bylaw No. 832, 2018, Amendment (Cannabis, Retail) Bylaw No. 847, 2018 for Tuesday, October 16 at 7:00pm.

**CARRIED**

### **DISCUSSION/COMMENTS**

Zoning Amendment (Cannabis, Retail) Bylaw No. 847, 2018 defines the difference between *Cannabis, Retail*, and *Cannabis, Dispensary*, and amends the Zoning Bylaw to permit '*Cannabis Retail*' in the Town Centre Commercial (C-1) zone under the following Condition of Use:

*Cannabis, Retail is not permitted:*

*(a) within one hundred and fifty (150) metres of the nearest property line of a site containing a School, Community Centre, Library, Daycare, Skate Park, BMX Track or other youth-oriented facility.*

While the Non-Medical (Recreational) Cannabis Retail Policy establishes a maximum of two (2) Cannabis Retail businesses at any one time; Zoning Amendment Bylaw No. 847, 2018 at Second Reading does not currently specify this as a Condition of Use (**Appendix A**). In order to provide this needed clarity to the Zoning Bylaw, Staff proposes a small amendment to the Zoning Amendment Bylaw to specifically include a *Condition of Use* that the total number of Cannabis Retail businesses permitted at any one time not exceed two (2) (**Appendix B**).

This amendment should be considered following the close of the Public Hearing.

### **COMMUNICATIONS**

Notification of a Public Hearing for Zoning Amendment (Cannabis, Retail) Bylaw No. 847, 2018 was posted in the Pique Newsmagazine on Thursday, October 4, 2018 and Thursday, October 11, 2018. The notification requirements as established pursuant to section 466 of the *Local Government Act* have been met.

### **LEGAL CONSIDERATIONS**

Consideration of Zoning Amendments meets with the legislation as set out in the *Local Government Act*.

### **IMPACT ON BUDGET & STAFFING**

Preparation of the zoning amendment has been facilitated in-house.

### **INTERDEPARTMENTAL IMPACT & APPROVAL**

The development of a policy and an amending bylaw has involved the departments of Operations & Development Services and Corporate and Legislative Services. The Office of the CAO has facilitated the communications elements associated with policy development and advertising of the Public Hearing.

### **IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS**

There are no impacts to the region or neighbouring jurisdictions.

### **OPTIONS FOR CONSIDERATION**

**Option 1 (recommended):** Support the amendment as presented by Staff and give the Bylaw Third and Fourth Reading, as amended.

**Option 2:** Do not support the amendment and give the Bylaw Third and Fourth Reading.

**Option 3:** Another option as directed by Council.

### **POTENTIAL GOVERNANCE CONSIDERATIONS**

The consideration of this matter is in alignment with Strategic Priority Two: Good Governance, whereby the Village is committed to citizen engagement and being an open and accountable government.

### **RECOMMENDATIONS**

#### **First Recommendation:**

**THAT** Council gives Third Reading to Zoning Bylaw No. 832, 2018, Amendment (Cannabis, Retail) Bylaw No. 847, 2018, as amended.

#### **Second Recommendation:**

**THAT** Council gives Fourth Reading to Zoning Bylaw No. 832, 2018, Amendment (Cannabis, Retail) Bylaw No. 847, 2018.

### **Attachments:**

**Appendix A:** Zoning Amendment (Cannabis, Retail) Bylaw No. 847, 2018 at Second Reading

**Appendix B:** Zoning Amendment (Cannabis, Retail) Bylaw No. 847, 2018 for Public Hearing, as Amended

Submitted by:	Lisa Pedrini, Senior Planner
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

## VILLAGE OF PEMBERTON

## BYLAW No. 847, 2018

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**Being a bylaw to amend the Village of Pemberton Zoning Bylaw No. 832, 2018**

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**WHEREAS** pursuant to Section 137 of the *Community Charter* a Council may amend its Zoning Bylaw from time to time;

**AND WHEREAS** the Council of the Village of Pemberton deems it desirable to permit Recreational Cannabis Retail Sales in its Town Centre Commercial (C-1) Zone;

**NOW THEREFORE** the Council of the Village of Pemberton in open meeting assembled **ENACTS AS FOLLOWS:**

**1.            CITATION**

This Bylaw may be cited as “Village of Pemberton Zoning Bylaw No. 832, 2018 Zoning Amendment (Cannabis, Retail) Amendment Bylaw No. 847, 2018”.

**2.    Village Zoning Bylaw No. 832, 2018 be amended as follows:**

a) Part 3: Definitions:

i.    by adding the following in correct alphabetical order:

“**Cannabis, Dispensary** means a use of buildings or structures, in which the use of cannabis for medicinal purposes is advocated, sold or consumed, and includes a Compassion Club.”

“**Cannabis, Retail** means a use of buildings or structures, licensed under provincial authority for the retail sale of non-medical (recreational) cannabis and/or non-medical (recreational) cannabis containing products for consumption off-premises.”

b) Section 15.1. Commercial, Town Centre (C-1)

i.    By adding ‘**Cannabis, Retail**’ to the list of Permitted Principal Uses in 15.1.1., as (c) and re-lettering all subsequent uses.

ii.   By adding the following Conditions of Use relevant to **Cannabis, Retail**:

- **Cannabis, Retail** is not permitted:
  - (a) within one hundred and fifty (150) metres of the nearest property line of a site containing a School,

Community Centre, Library, Daycare, Skate Park, BMX Track or other youth-oriented facility.

**READ A FIRST TIME** this 2nd day of October, 2018.

**READ A SECOND TIME** this 2nd day of October, 2018.

**NOTICE OF PUBLIC HEARING for Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment Bylaw (Cannabis, Retail) Amendment Bylaw No. 847, 2018 PUBLISHED IN THE Pique Newsmagazine** on this day of, 2018 and on this day of, 2018.

**PUBLIC HEARING HELD** this day of, 2018.

**READ A THIRD TIME** this day of, 2018.

**ADOPTED** this day of, 2018.

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Mayor  
Mike Richman

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Corporate Officer  
Sheena Fraser

VILLAGE OF PEMBERTON

BYLAW No. 847, 2018

Being a bylaw to amend the Village of Pemberton Zoning Bylaw No. 832, 2018

WHEREAS pursuant to Section 137 of the Community Charter a Council may amend its Zoning Bylaw from time to time;

AND WHEREAS the Council of the Village of Pemberton deems it desirable to permit Recreational Cannabis Retail Sales in its Town Centre Commercial (C-1) Zone;

NOW THEREFORE the Council of the Village of Pemberton in open meeting assembled ENACTS AS FOLLOWS:

1. CITATION

This Bylaw may be cited as "Village of Pemberton Zoning Bylaw No. 832, 2018 Zoning Amendment (Cannabis, Retail) Amendment Bylaw No. 847, 2018".

2. Village Zoning Bylaw No. 832, 2018 be amended as follows:

a) Part 3: Definitions:

i. by adding the following in correct alphabetical order:

"Cannabis, Dispensary means a use of buildings or structures, in which the use of cannabis for medicinal purposes is advocated, sold or consumed, and includes a Compassion Club."

"Cannabis, Retail means a use of buildings or structures, licensed under provincial authority for the retail sale of non-medical (recreational) cannabis and/or non-medical (recreational) cannabis containing products for consumption off-premises."

b) Section 15.1. Commercial, Town Centre (C-1)

i. By adding 'Cannabis, Retail' to the list of Permitted Principal Uses in 15.1.1., as (c) and re-lettering all subsequent uses.

ii. By adding the following Conditions of Use relevant to Cannabis, Retail:

(a) Cannabis, Retail is not permitted within one hundred and fifty (150) metres of the nearest property line of a site containing a School, Community Centre, Library,

Daycare, Skate Park, BMX Track or other youth-oriented facility.

(b) Not more than two (2) Cannabis, Retail uses will be permitted at any one time.

**READ A FIRST TIME** this 2nd day of October, 2018.

**READ A SECOND TIME** this 2nd day of October, 2018.

**NOTICE OF PUBLIC HEARING** for **Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment Bylaw (Cannabis, Retail) Amendment Bylaw No. 847, 2018 PUBLISHED IN THE Pique Newsmagazine** on this 4th day of October, 2018 and on this 11th day of October, 2018.

**PUBLIC HEARING HELD** this      day of      , 2018.

**READ A THIRD TIME** this      day of      , 2018.

**ADOPTED** this      day of      , 2018.

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Mayor  
Mike Richman

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Corporate Officer  
Sheena Fraser