

CITY OF PORT ALBERNI
PUBLIC HEARING AGENDA

Monday, February 4, 2019 at 6:00 pm in the City Hall Council Chambers

This Public Hearing is held pursuant to Sections 464, 465 and 466 of the *Local Government Act*.

Introductory Remarks by the Chair: The Chair of the Public Hearing will describe the Public Hearing procedures.

1. Description of the Application *(To be read by the Clerk)*

Applicant: City of Port Alberni, 4850 Argyle Street

The applicant is applying to amend the Zoning Bylaw to remove references to Medical Marijuana Dispensaries and to include Cannabis Retail Store regulations. The proposed changes will include 'Cannabis Retail Stores' as a permitted use in four (4) commercial zones.

The proposed bylaw is:

"Zoning Text Amendment No. T17 (Cannabis Retail Stores), Bylaw No. 4979"

- 2. Background Information from the Consulting City Planner report dated January 29, 2019.**
- 3. Correspondence**
- 4. Late Correspondence Regarding the Matter** (To be read by the City Clerk)
- 5. Input from the Public regarding the Bylaw**
- 6. Questions from Council:** (Members of Council may ask questions, through the Chair, of the Consulting City Planner or of the members of the public who may have spoken.)

7. Calling for any Further Input: (To be asked three times by the Chair.)

Calling for any further input a first time:

Calling for any further input a second time:

Calling for any further input a third time:

8. Closing Remarks by the Chair:

After this Public Hearing has concluded, Council may, without further notice, give whatever effect Council believes proper to the representations made at this Hearing. In most cases, the Report of this Hearing will be presented to the next Regular Meeting of Council, where Council will decide whether or not to proceed with approving the application by way of passing further readings of the Bylaw.

Once this Public Hearing has terminated, members of Council may not, as a group or as individuals, receive any further oral or written presentations on this matter, including what might be perceived of as informal discussions immediately after the termination of this meeting. I ask all parties to comply with this.

9. Termination of the Public Hearing:

It was moved and seconded:

That this Public Hearing terminate at _____ pm.



CITY OF PORT ALBERNI NOTICE OF PUBLIC HEARING

Pursuant to Sections 464, 465, and 466 of the Local Government Act, Notice is hereby given that a Public Hearing will be held in the Council Chambers at City Hall, 4850 Argyle Street, Port Alberni, BC on **Monday, February 4, 2019 at 6:00 pm** to hear representation about the following proposed bylaw.

A. "Zoning Text Amendment No. T17 (Cannabis Retail Stores), Bylaw No. 4979"

APPLICANT: City of Port Alberni - The applicant is applying to amend the Zoning Bylaw to remove references to Medical Marijuana Dispensaries and to include Cannabis Retail Store regulations. The proposed changes will include 'Cannabis Retail Stores' as a permitted use in four (4) commercial zones. The amendment being considered is as follows:

A. Zoning Bylaw Text Amendment:

1. Applying to amend the text of Port Alberni Zoning Bylaw 2014, No. 4832 as follows:

- a) By **deleting** the following text in Section 4 Definitions:
"Medical Marijuana Dispensary means a building or part thereof in which marijuana for medical purposes may be obtained directly by the public."
- b) By **deleting** the following text in Section 5.19.1 the list of Permitted Uses in the C2 - General Commercial zone:
"Medical Marijuana Dispensary, subject to Section 6.26"
- c) By **deleting** the following text in Section 5.20.1 the list of Permitted Uses in the C3 - Service Commercial zone:
"Medical Marijuana Dispensary, subject to Section 6.26"
- d) By **deleting** the following text in Section 5.21.1 the list of Permitted Uses in the C4 - Highway Commercial zone:
"Medical Marijuana Dispensary, subject to Section 6.26"
- e) By **deleting** the following text in Section 5.24.1 the list of Permitted Uses in the C7 – Core Business zone:
"Medical Marijuana Dispensary, subject to Section 6.26"
- f) By **deleting** the entire Section 6.26 Medical Marijuana Dispensary operations that includes the following text:
*"All Medical Marijuana Dispensaries shall conform to the following:
6.26.1 A Medical Marijuana Dispensary is not permitted within 300 metres of nearest property line of a site containing a school.
6.26.1 A Medical Marijuana Dispensary is not permitted within 1000 metres of the nearest property line of a site containing another Medical Marijuana Dispensary.
6.26.3 A Medical Marijuana Dispensary is not permitted in conjunction with any other use.
6.26.4 A Medical Marijuana Dispensary is not permitted in conjunction with an Automated Teller Machine (ATM) use."*
- g) By **adding** the following text to Section 4 Definitions:
"Cannabis Retail Store means a retail business in a building, or part thereof, in which cannabis and cannabis accessories, in all its forms and as licensed by the Province of British Columbia, are sold to individuals who attend the premises. This use does not include cannabis production, cultivation and distribution."
- h) By **adding** the following text to Section 5.19.1 the list of Permitted Uses in the C2 - General Commercial zone:
"Cannabis Retail Store, subject to Section 6.26"
- i) By **adding** the following text to Section 5.20.1 the list of Permitted Uses in the C3 - Service Commercial zone:
"Cannabis Retail Store, subject to Section 6.26"
- j) By **adding** the following text to Section 5.21.1 the list of Permitted Uses in the C4 - Highway Commercial zone:
"Cannabis Retail Store, subject to Section 6.26"
- k) By **adding** the following text to Section 5.24.1 the list of Permitted Uses in the C7 – Core Business zone:
"Cannabis Retail Store, subject to Section 6.26"
- l) By **adding** the following Section 6.26 Cannabis Retail Store operations :
*"All Cannabis Retail Stores shall conform to the following:
6.26.1 A Cannabis Retail Store is not permitted within 300 metres of the nearest property line of a site containing a school.
6.26.2 A Cannabis Retail Store is not permitted in conjunction with any other use."*

TAKE NOTICE THAT persons who deem their interest in property affected by the above noted bylaw amendment shall be afforded an opportunity to be heard before Council on matters related thereto. Written submissions should be addressed to City Council, 4850 Argyle Street, Port Alberni, BC, V9Y 1V8. The above noted bylaw amendment, together with Port Alberni Zoning Bylaw 2014, No. 4832, may be inspected at the offices of the Development Services Department, City Hall, 4850 Argyle St., between Monday and Friday (exclusive of statutory holidays) from January 23, 2019 to February 4, 2019 during regular business hours (8:30 a.m. to 4:30 p.m.).

To see the relevant report to the Advisory Planning Commission see:

https://www.portalberni.ca/sites/default/files/council_mtg/APC-Agenda-December20-2018.pdf

To see recommendations to Council from the Advisory Planning Commission see:

https://www.portalberni.ca/sites/default/files/council_mtg/APC-SummaryMinutes-December20-2018.pdf

DATED AT PORT ALBERNI, B.C. this 23rd day of January, 2019.

Katelyn McDougall, M. Urb., Manager of Planning



CITY OF PORT ALBERNI

PLANNING DEPARTMENT PUBLIC HEARING REPORT

TO: Tim Pley, CAO

FROM: Joseph A. Calenda, MCIP, RPP (Rtd.), DTM
Consulting City Planner to the City of Port Alberni

DATE: January 29, 2019

SUBJECT: Text Amendment to Zoning Bylaw 4382 to provide for Cannabis Retail Stores in the C2, C3, C4 and C7 Commercial Zones – Port Alberni

Issue and Request For Decision

At issue is the consideration of an amendment to the Zoning Bylaw to transition from medical marijuana dispensaries to Cannabis Retail Stores as permitted uses in four Commercial Zones in the City of Port Alberni.

Background

Cannabis retail stores are now legal in Canada subject to provincial permits, local zoning and business licenses. Staff has prepared an amending bylaw which provides for the elimination of medical marijuana dispensaries which are redundant in view of the legislation passed in Canada on October 17, 2018. The amending bylaw provides for Cannabis Retail Stores, a defined use, to be located in four commercial zones subject to certain regulations, processes and conditions; C2 – General Commercial Zone, C3 – Service Commercial Zone, C4 – Highway Commercial Zone and C7 – Core Business Zone. These zones can be found within the city's main commercial clusters including Johnston Commercial Area, Northport Commercial Area, Redford Commercial Area and Southport Commercial Area.

The amending bylaw will be the focus of a public hearing scheduled for February 4, 2019 at City Hall.

Official Community Plan and Zoning Bylaw

The proposed zoning bylaw amendment is consistent with the OCP.

Discussion

The proposed zoning amendment has been reviewed by school board staff, the APC and Council. It is now subject to public hearing. After which Council will have the opportunity to adopt, modify and adopt or reject the proposed zoning amendment.

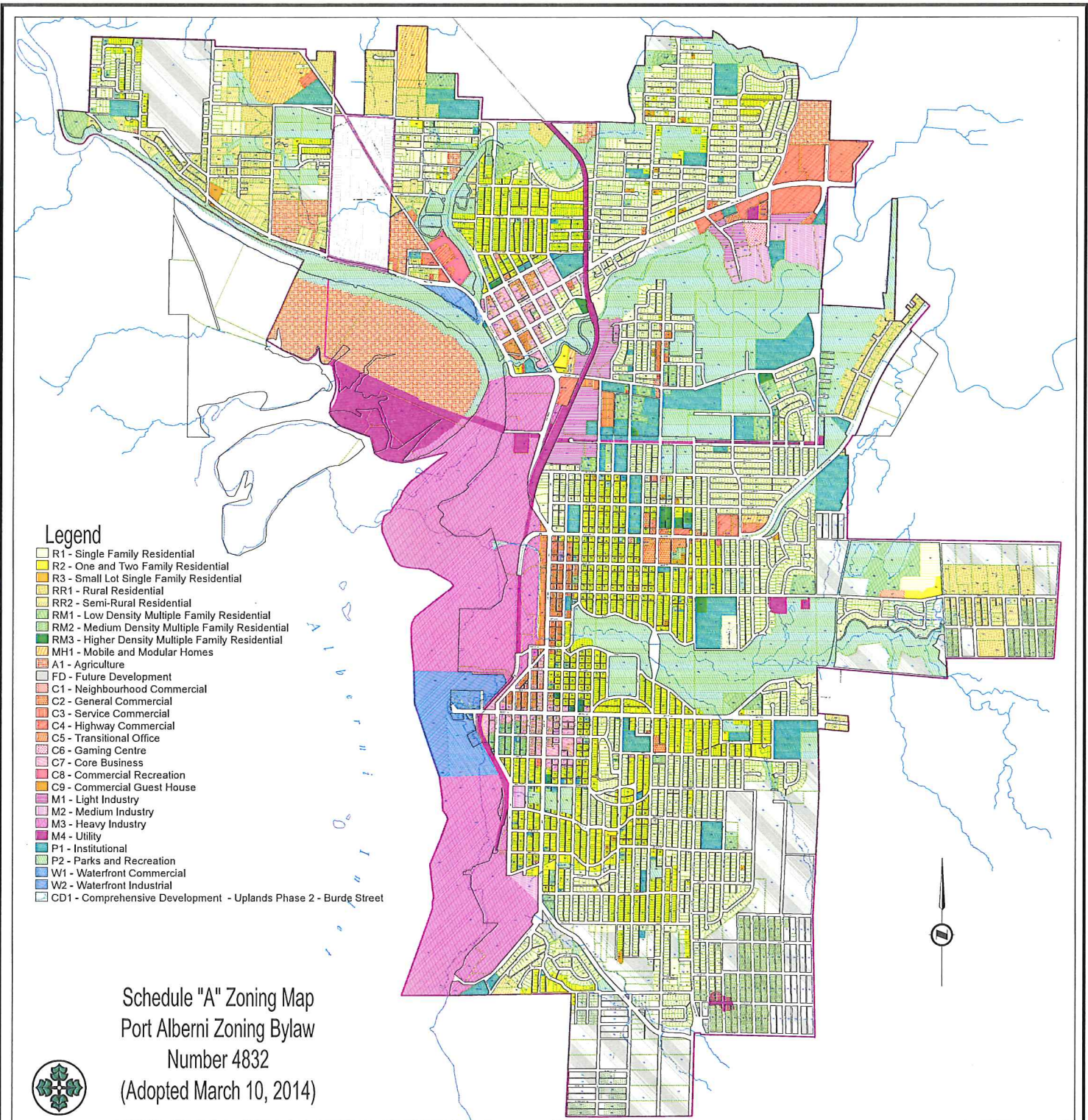
Conclusions

In reviewing the zoning amendment, Council should acknowledge that cannabis retail stores are now an age restricted legal use in Canada. They should govern themselves accordingly and consider whether the proposed amendment is appropriate for Port Alberni.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph A. Calenda". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Joseph A. Calenda, MCIP, RPP (Rtd.), DTM
Consulting City Planner to Port Alberni



Legend

- R1 - Single Family Residential
- R2 - One and Two Family Residential
- R3 - Small Lot Single Family Residential
- RR1 - Rural Residential
- RR2 - Semi-Rural Residential
- RM1 - Low Density Multiple Family Residential
- RM2 - Medium Density Multiple Family Residential
- RM3 - Higher Density Multiple Family Residential
- MH1 - Mobile and Modular Homes
- A1 - Agriculture
- FD - Future Development
- C1 - Neighbourhood Commercial
- C2 - General Commercial
- C3 - Service Commercial
- C4 - Highway Commercial
- C5 - Transitional Office
- C6 - Gaming Centre
- C7 - Core Business
- C8 - Commercial Recreation
- C9 - Commercial Guest House
- M1 - Light Industry
- M2 - Medium Industry
- M3 - Heavy Industry
- M4 - Utility
- P1 - Institutional
- P2 - Parks and Recreation
- W1 - Waterfront Commercial
- W2 - Waterfront Industrial
- CD1 - Comprehensive Development - Uplands Phase 2 - Burde Street

Schedule "A" Zoning Map
 Port Alberni Zoning Bylaw
 Number 4832
 (Adopted March 10, 2014)



This map has been consolidated to November 13, 2018. All persons making use of this consolidated map are advised that it has no legislative sanction; that the amendments have been embodied for convenience of reference only and that the original bylaw and all amending bylaws must be consulted for all purposes of interpreting and applying the law. Any parts of the original bylaw or original bylaw as amended which have been repealed have not been included in this consolidation.

MAYOR Sharie Minions
 CITY CLERK Davina Hartwell

CITY OF PORT ALBERNI

BYLAW NO. 4979

A BYLAW TO AMEND PORT ALBERNI ZONING BYLAW 2014, NO. 4832

The Municipal Council of the City of Port Alberni in Open Meeting Assembled Enacts as follows:

1. Title

This Bylaw may be known and cited for all purposes as "**Zoning Text Amendment No. T17 (Cannabis Retail Stores Regulations), Bylaw No. 4979**".

2. Zoning Text Amendment

Port Alberni Zoning Bylaw 2014, No. 4832 is hereby amended as follows:

- a) By deleting the following text in Section 4 Definitions:
"Medical Marijuana Dispensary means a building or part thereof in which marijuana for medical purposes may be obtained directly by the public."
- b) By deleting the following text in Section 5.19.1 the list of Permitted Uses in the C2 - General Commercial zone:
"Medical Marijuana Dispensary, subject to Section 6.26".
- c) By deleting the following text in Section 5.20.1 the list of Permitted Uses in the C3 - Service Commercial zone:
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- d) By deleting the following text in Section 5.21.1 the list of Permitted Uses in the C4 - Highway Commercial zone:
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- e) By deleting the following text in Section 5.24.1 the list of Permitted Uses in the C7 – Core Business zone:
"Medical Marijuana Dispensary, subject to Section 6.26".
- f) By deleting the entire Section 6.26 Medical Marijuana Dispensary operations that includes the following text:
"All Medical Marijuana Dispensaries shall conform to the following:
 - 6.26.1 A Medical Marijuana Dispensary is not permitted within 300 metres of nearest property line of a site containing a school.
 - 6.26.1 A Medical Marijuana Dispensary is not permitted within 1000 metres of the nearest property line of a site containing another Medical Marijuana Dispensary.
 - 6.26.3 A Medical Marijuana Dispensary is not permitted in conjunction with any other use.
 - 6.26.4 A Medical Marijuana Dispensary is not permitted in conjunction with an Automated Teller Machine (ATM) use."

- g) By adding the following text to Section 4 Definitions:
“Cannabis Retail Store means a retail business in a building, or part thereof, in which cannabis and cannabis accessories, in all its forms and as licensed by the Province of British Columbia, are sold to individuals who attend the premises. This use does not include cannabis production, cultivation and distribution.”
- h) By adding the following text to Section 5.19.1 the list of Permitted Uses in the C2 - General Commercial zone:
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- k) By adding the following text to Section 5.24.1 the list of Permitted Uses in the C7 – Core Business zone:
“Cannabis Retail Store, subject to Section 6.26”.
- l) By adding the following Section 6.26 Cannabis Retail Store operations :
“All Cannabis Retail Stores shall conform to the following:
6.26.1 *A Cannabis Retail Store is not permitted within 300 metres of the nearest property line of a site containing a school.*
6.26.2 *A Cannabis Retail Store is not permitted in conjunction with any other use.”*

READ A FIRST TIME THIS 14TH DAY OF JANUARY, 2019.

READ A SECOND TIME THIS 14TH DAY OF JANUARY, 2019.

A PUBLIC HEARING WAS HELD THIS DAY OF , 2019.

READ A THIRD TIME THIS DAY OF ,2019.

FINALLY ADOPTED THIS DAY OF , 2019.

Mayor

Clerk