



## AMHERST TOWN COUNCIL

RFD# 2018153

Date: November 26, 2018

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**TO:** Mayor Kogon and Members of Amherst Town Council

**SUBMITTED BY:** Andrew Fisher, Manager of Planning & Strategic Initiatives

**DATE:** November 26, 2018

**SUBJECT:** LUB amendments for cannabis-related uses

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**ORIGIN:** September 2018 Committee of the Whole referred this issue to the Planning Advisory Committee. The PAC recommended that Council adopt the amendments.

**LEGISLATIVE AUTHORITY:** Municipal Government Act, Part VIII Planning and Development.

**RECOMMENDATION:** That Council give First Reading to the Bylaw P-2-24 to amend the Land Use Bylaw to regulate cannabis-related uses as shown in the attachment, and schedule a Public Hearing for December 17, 2018.

**BACKGROUND:** As a new land use, cannabis production facilities, retail sales and consumption venues are not addressed in the Town's planning documents. Licensed production facilities are strictly regulated by the Federal Government by requiring notice to local authorities, physical and personnel security, and good production practices. The Federal regulations do the following:

- prohibit any licensed activity in a dwelling;
- permit both indoor and outdoor cultivation, but permit only indoor storage and processing;
- require reasonable measures to prevent the escape of odours and pollen from indoor areas; and
- require physical and personnel security requirements, such as securing the perimeter to prevent unauthorized access with physical barriers and restricting who can access areas where cannabis is present.

Cannabis retail sales are only permitted through Nova Scotia Liquor Corporation outlets and online. Consumption venues and private retail sales are prohibited under the current provincial regulations. However, if provincial regulations were to change, under the current planning documents cannabis retail and consumption venues would be permitted in the Town's commercial zones. The attached amendment would do the following:

- define licensed production facilities and allow them in industrial zones with minimum setback requirements from residential properties, parks, daycares, and religious institutions;
- Define cannabis retail sales and cannabis lounges so they are clearly prohibited uses in any zone, except where operated by the NSLC.



**FINANCIAL IMPLICATIONS:** No direct financial implications have been identified.

**COMMUNITY ENGAGEMENT:** The PAC held a Public Participation Opportunity where no input from the public was received. Assuming Council passes First Reading of the amendment a Public Hearing will be required.

**ENVIRONMENTAL IMPLICATIONS:** The potential environmental impact relates to possible odours released from a licensed production facility. The minimum 70 metre setback to residential land and other sensitive uses is partly intended to mitigate this potential impact.

**SOCIAL JUSTICE IMPLICATIONS:** The proposed amendments are intended to mitigate the potential negative impacts of cannabis-related uses by establishing minimum separation distances, and limiting the risk of youth exposure. Conversely, the amendments will not place undue limitations on those wanting to consume or produce cannabis for a medical and/or recreation purpose.

**ALTERNATIVES:**

- 1) Do not adopt the amendment.
- 2) Adopt the amendment with changes.
- 3) Refer this matter back to the PAC for further review.

**ATTACHMENTS:** Proposed Land Use Bylaw Amendment.