


AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>November 18, 2019</u>
<input type="checkbox"/> Other:	Date: _____

_____ Dept. Manager	_____ GM/ Director	 _____ CAO
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The District of North Vancouver REPORT TO COUNCIL

November 6, 2019
File: 13.6440.50/000.000

AUTHOR: James Gordon, Municipal Clerk

SUBJECT: **Bylaw 8340 and 8341: Non-medical Retail Cannabis (Rezoning)**

RECOMMENDATION:

THAT "District of North Vancouver Rezoning Bylaw 1379 (Bylaw 8340)" is given Second and Third Readings;

AND THAT "Business Licence Bylaw 4567, 1974, Amendment Bylaw 8341, 2019 (Amendment 50)" is given SECOND and THIRD Readings.

BACKGROUND:

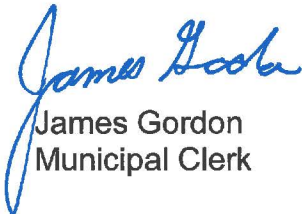
Bylaws 8340 and 8341 received First Reading on October 7, 2019. Public input on Bylaw 8341 was received on November 5, 2019 in accordance with Section 59 of the *Community Charter* and a Public Hearing for Bylaw 8340 was held and closed on November 5, 2019.

The bylaws are now ready to be considered for Second and Third Readings by Council.

OPTIONS:

1. Give the bylaws Second and Third Readings;
2. Give no further Readings to the bylaws and abandon the bylaws at First Reading; or,
3. Debate possible amendments to the bylaws at Second Reading and return Bylaw 8340 to a new Public Hearing and Bylaw 8341 to a public input process if required.

Respectfully submitted,


James Gordon
Municipal Clerk

Attachments:

- Bylaw 8340
- Bylaw 8341
- Public Meeting and Public Hearing report – November 5, 2019
- Staff report dated September 25, 2019

REVIEWED WITH:		
<input type="checkbox"/> Community Planning _____	<input type="checkbox"/> Clerk's Office _____	External Agencies:
<input type="checkbox"/> Development Planning _____	<input type="checkbox"/> Communications _____	<input type="checkbox"/> Library Board _____
<input type="checkbox"/> Development Engineering _____	<input type="checkbox"/> Finance _____	<input type="checkbox"/> NS Health _____
<input type="checkbox"/> Utilities _____	<input type="checkbox"/> Fire Services _____	<input type="checkbox"/> RCMP _____
<input type="checkbox"/> Engineering Operations _____	<input type="checkbox"/> ITS _____	<input type="checkbox"/> NVRC _____
<input type="checkbox"/> Parks _____	<input type="checkbox"/> Solicitor _____	<input type="checkbox"/> Museum & Arch. _____
<input type="checkbox"/> Environment _____	<input type="checkbox"/> GIS _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Facilities _____	<input type="checkbox"/> Real Estate _____	
<input type="checkbox"/> Human Resources _____	<input type="checkbox"/> Bylaw Services _____	

The Corporation of the District of North Vancouver

Bylaw 8340

A bylaw to amend District of North Vancouver Bylaw 3210, 1965

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "District of North Vancouver Rezoning Bylaw 1379 (Bylaw 8340)".

Amendments

2. District of North Vancouver Zoning Bylaw 3210, 1965 is amended by:

- a) inserting the following definitions in alphabetical order in Part 2:

"Cannabis" has the meaning given to it in the *Cannabis Act*, as amended or replaced;

"Cannabis Accessory" has the meaning given to it in the *Cannabis Act*, as amended or replaced;

"Cannabis Retail Store" means a business for the retail sale of non-medical cannabis for off-site consumption and cannabis accessories and does not permit a warehouse use.

"Cannabis Warehouse" means a warehouse for the storage and distribution of cannabis and cannabis accessories established in accordance with the *Cannabis Distribution Act*, as amended or replaced, and does not permit the retail sale of non-medical cannabis;

"Non-Medical Cannabis" means cannabis for which no medical document has been issued;

- b) substituting the definition of "warehousing" with the following:

"warehousing" means the storage of goods or products for distribution but does not include wholesaling. This use includes cannabis warehouse.

- c) inserting the following definitions in Part 2A as a subsection to "warehouse use":

“Cannabis Warehouse” means a warehouse for the storage and distribution of cannabis and cannabis accessories established in accordance with the Cannabis Distribution Act, as amended or replaced, and does not permit the retail sale or wholesale of non-medical cannabis;

d) deleting section 403A(1)(j) and substituting the following:

(j) the commercial growing or harvesting of cannabis;

e) inserting the following as section **405B Cannabis Retail Store**

(1) One cannabis retail store will be permitted on each the following properties:

Legal Description (PID)	Address	Town or Village Centre	Bylaw No.

f) inserting the following in alphabetical order in Section 4B89 “Uses” of the Comprehensive Development Zone 21 (CD21):

(i) Cannabis Retail Store (where included on the table in Section 405B(1))

g) inserting the following in alphabetical order in Section 4B239 “2) Principal Uses” of the Comprehensive Development Zone 45 (CD 45):

(viii) Cannabis Retail Store (where included on the table in Section 405B(1))

h) inserting the following in alphabetical order in Section 4B412 “2) Principal Uses” of the Comprehensive Development Zone 68 (CD 68):

(i) Cannabis Retail Store (where included on the table in Section 405B(1))

i) Inserting the following in alphabetical order in Section 4B80-2 “b) Conditional Uses” of the Comprehensive Development Zone 80 (CD80):

(iv) Cannabis Retail Store (where included on the table in Section 405B(1))

j) Inserting the following in Section 4B90-2 “b) Conditional Uses Defined in Part 2” of the Comprehensive Development Zone (CD90):

(i) Cannabis Retail Store (where included on the table in Section 405B(1))

- k) Inserting the following in section 4B94-2 “b) Conditional Uses Defined in Part 2” of the Comprehensive Development Zone 94 (CD94):
 - (i) Cannabis Retail Store (where included on the table in Section 405B(1))
- l) inserting the following in alphabetical order in Section 608 ‘Uses’ of the General Commercial Zone 1L (C1L):
 - (c) Cannabis Retail Store (where included on the table in Section 405B(1))
- m) Inserting the following in alphabetical order in Section 621.2 “Principal Uses” of the General Commercial Zone (C2):
 - (d) Cannabis Retail Store (where included on the table in Section 405B(1))
- n) Inserting the following in alphabetical order in Section 688.1 “Principal Uses” of the Marine Drive Commercial Zone (C9):
 - c) Cannabis Retail Store (where included on the table in Section 405B(1))
- o) Inserting the following in alphabetical order in Section 695.1 “Principal Uses” of the Main Street Commercial Zone (C10):
 - e) Cannabis Retail Store (where included on the table in Section 405B(1))

READ a first time October 7th, 2019

PUBLIC HEARING held November 5th, 2019

READ a second time

READ a third time

Certified a true copy of “Bylaw 8340” as at Third Reading

Municipal Clerk

APPROVED by the Ministry of Transportation and Infrastructure on

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

The Corporation of the District of North Vancouver

Bylaw 8341

A bylaw to amend Business Licence Bylaw 4567, 1974

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "Business Licence Bylaw 4567, 1974 Amendment Bylaw 8341, 2019 (Amendment 50)".

Amendments

2. Business Licence Bylaw 4567, 1974 is amended by:

(a) In Part 1, inserting the following new definitions in the correct numerical order:

364	Cannabis	"Cannabis" has the meaning given to it in the <i>Cannabis Act</i> , as amended or replaced.
365	Cannabis Accessory	"Cannabis accessory" has the meaning given to it in the <i>Cannabis Act</i> , as amended or replaced.
366	Cannabis Retail Store	"Cannabis Retail Store" means a business for the retail sale of non-medical cannabis for off-site consumption and cannabis accessories and does not permit a warehouse use.
367	Non-Medical Cannabis	"Non-medical cannabis" means cannabis for which no medical document has been issued;
368	Cannabis Warehouse	"Cannabis Warehouse" means a warehouse for the storage and distribution of cannabis and cannabis accessories established in accordance with the Cannabis Distribution Act, as amended or replaced, and does not permit the retail sale of non-medical cannabis;

(b) inserting the following as section 408A immediately after section 408:

408A LICENCE CONDITIONS

The Inspector may impose terms and conditions that must be met for obtaining, continuing to hold, or renewing a licence respecting the following matters:

- (1) prevention of nuisances, including but not limited to conditions intended to reduce noise, odours, and patron misconduct on or about the licensed premises;
- (2) Reducing, eliminating, preventing, or mitigating actual or potential negative impacts on the public, the neighbourhood or other businesses in the vicinity, that, in the opinion of the Inspector, may be associated with the licenced business, including, without limitation, conditions respecting:
 - i. employee and patron behaviour at the business premises;
 - ii. types of entertainment that may be provided in or on the business premises;
- (3) employee, patron and public health, safety and security at the business premises;
- (4) physical condition of the business premises;
- (5) hours of operation; and
- (6) effective period of any licence.

(c) inserting the following as sections 409A immediately after section 409:

409A Compliance

- (1) The applicant for and any holder of a licence under this bylaw must be in compliance with all applicable federal and provincial regulatory requirements and all applicable District bylaws.
- (2) The holder of a licence under this bylaw to which terms and conditions have been attached in accordance with section 408A must comply with such terms and conditions at all times.

(d) inserting the following as section 518A immediately after section 518:

518A Cannabis Retail Store

- (1) Only the registered owner of the land or lessee of premises on the land may hold a licence under this bylaw to operate a cannabis retail store on such land.

- (2) A licence to operate a cannabis retail store cannot be transferred.
- (3) A person must not:
 - (a) Operate any other business from the premises of a cannabis retail store;
 - (b) Open a cannabis retail store for business at any time other than between the hours of 9:00 a.m. and 9:00 p.m., seven days a week.

READ a first time October 7th, 2019

NOTICE given under Section 59 of the *Community Charter* on October 30th and November 1st, 2019

OPPORTUNITY for representations to Council provided in accordance with Section 59 of the *Community Charter* on November 5th, 2019

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

**DISTRICT OF NORTH VANCOUVER
PUBLIC HEARING**

**Retail Sale of Cannabis
Amendments to the Zoning Bylaw
Amendments to the Business Licence Bylaw**

REPORT of the Public Hearing and Public Meeting held in the Council Chambers of the Municipal Hall, 355 West Queens Road, North Vancouver, B.C. on Tuesday, November 5, 2019 commencing at 7:05 p.m.

Present: Mayor M. Little
Councillor J. Back
Councillor M. Bond (7:13 pm)
Councillor M. Curren
Councillor B. Forbes
Councillor J. Hanson
Councillor L. Muri

Staff: Ms. T. Atva, Manager – Community Planning
Mr. J. Gordon, Manager – Administrative Services
Ms. S. Dale, Confidential Council Clerk
Mr. S. Tejani, Planner

1. OPENING BY THE MAYOR

Mayor Mike Little welcomed everyone and advised that the purpose of the Public Hearing was to receive input from the community and staff on the proposed bylaw as outlined in the Notice of Public Hearing.

Mayor Mike Little stated that:

- All persons who believe that their interest in property is affected by the proposed bylaw will be afforded a reasonable opportunity to be heard and to present written submissions;
- Council will use the established speakers list. At the end of the speakers list, the Chair may call on speakers from the audience;
- Each speaker will have five minutes to address Council for a first time and should begin remarks to Council by stating their name;
- After everyone who wishes to speak has spoken once, speakers will then be allowed one additional five minute presentation;
- If a written submission has been submitted there is no need to read it as it will have already been seen by Council. It can be summarized, ensuring that the comments are pertaining to these bylaw under consideration at this hearing;
- All members of the audience are asked to be respectful of one another as diverse opinions are expressed. Council wishes to hear everyone's views in an open and impartial forum;
- Everyone at the Hearing will be provided an opportunity to speak. If necessary, the Hearing will continue on a second night;
- Any additional presentations will only be allowed at the discretion of the Chair;
- Council is here to listen to the public, not to debate the merits of the bylaw;

- At the conclusion of the public input Council may request further information from staff, which may or may not require an extension of the hearing, or Council may close the hearing, after which Council should not receive further new information from the public;
- The binder containing documents and submissions related to the bylaw is available on the side table to be viewed; and,
- The Public Hearing is being streamed live over the internet and recorded in accordance with the *Freedom of Information and Protection of Privacy Act*.

2. INTRODUCTION OF BYLAWS BY CLERK

Mr. James Gordon, Manager – Administrative Services, introduced the proposed bylaws, stating that Bylaw 8340 proposes to amend the District's Zoning Bylaw by:

- Adding definitions for cannabis, non-medical cannabis, cannabis accessory, cannabis retail store, and cannabis warehouse. Cannabis warehouses will be permitted in all zones that allow a warehouse use.
- Amending ten zones where the retail sale of non-medical cannabis may be permitted subject to a future rezoning application. In accordance with Council's Non-Medical Retail Cannabis Policy, a cannabis retail store will only be considered in those zones that currently permit a liquor store use and are located at least 200 metres from an elementary or high school. Specific properties would be added to a table proposed in Part 4: General Regulations of the Zoning Bylaw once successfully rezoned to permit a cannabis retail store.
- Continuing a prohibition of commercial growing and harvesting.

Mr. Gordon further stated that Bylaw 8341 proposes to amend the Business Licence Bylaw by:

- Adding definitions for cannabis, non-medical cannabis, cannabis accessory, cannabis retail store, and cannabis warehouse.
- Adding licence conditions for a retail store including prevention of nuisances, minimizing negative impacts on neighbours, and hours of operation.
- Outlining conditions of operating the cannabis retail store, including, but not limited to, not operating any other business from the cannabis retail store and only operating the store between the hours of 9:00 am to 9:00 pm, seven days a week.

3. PRESENTATION BY STAFF

Councillor BOND arrived at this point in the proceedings.

Ms. Shazeen Tejani, Planner, provided an overview of the proposal, elaborating on the introduction by the Manager – Administrative Services. Ms. Tejani advised that:

- These proposed bylaw amendments set up a framework to allow Council to consider zoning for future retail stores on a case-by-case basis;
- Tonight's meeting is focused specifically on receiving input on the retail framework, and does not focus on individual applications for cannabis retail stores;
- On October 17, 2018, non-medical cannabis was legalized across Canada;
- In order to better regulate cannabis production, distribution and retail sales, each level of government was assigned specific responsibilities;
- The federal government is responsible for cannabis legalization and cannabis production;

- The provincial government is responsible for wholesale and retail distribution of cannabis and issuance of cannabis licences;
- Municipal governments in BC are responsible for zoning and land use, determining retail locations, enforcement of municipal bylaws and business licencing;
- In 2018, Council directed staff to proceed with public engagement to obtain feedback on this proposed process and a suite of bylaw amendments are now required to implement this framework;
- The public provided input in a variety of ways between July and September of 2018;
- There was an online survey available on the District's website that received a total of 363 responses;
- A working session was also held with people interested in opening cannabis retail stores in the District;
- This was followed by a stakeholder meeting with representatives from the City of North Vancouver, District of West Vancouver, Vancouver Coastal Health, RCMP, School District #44, Squamish First Nation and North Vancouver Chamber of Commerce;
- In July of 2019 at a Council Workshop, members of the public were also provided with an opportunity to comment on the draft Non-Medical Retail Cannabis Policy;
- The public input received at these sessions has informed a set of recommendations to Council on a new Non-medical Retail Cannabis Policy;
- In the summer of 2019, Council adopted a policy to guide the number and location of retail cannabis stores in the District of North Vancouver;
- The policy states that new cannabis retail stores must be considered by Council through individual rezoning applications;
- The policy sets key locational guidelines, including a 200-metre buffer between the property line of any elementary or high school and a cannabis retail store;
- It further states that retail stores should be limited to one per Town and Village Centre in zones that currently permit the retail sale of liquor;
- The policy envisions one retail cannabis in the following Town and Village Centres:
 - Lion's Gate Village Centre and Marine Drive;
 - Lynn Valley Town Centre;
 - Lynn Creek Town Centre; and,
 - Maplewood Village Centre;
- The policy states that Council may consider additional businesses on a case-by-case basis;
- Key amendments to the Business Licence Bylaw and includes the following:
 - Adds and changes definitions for cannabis, non-medical cannabis, cannabis accessory, cannabis retail store and cannabis warehouse;
 - Adds conditions that aim to reduce nuisances and potential negative impacts on neighbours;
 - It prevents operating other businesses from a cannabis retail store; and,
 - It requires the operating hours to be within the hours of 9:00 am to 9:00 pm, seven days a week;
- The key amendments to the Zoning Bylaw includes the following:
 - It adds and changes definitions for: cannabis, non-medical cannabis, cannabis accessory, cannabis retail store and cannabis warehouse;
 - It amends ten zones where the retail sale of cannabis may be considered and these zones currently permit the retail sale of liquor, as guided by the Non-medical Retail cannabis Policy; and,
 - It continues a prohibition of commercial growing and harvesting.

4. REPRESENTATIONS FROM THE PUBLIC

4.1. Mr. John McNally, 700 Block East 4th Street:

- Spoke in support of the proposed bylaws;
- Suggested the hours of operation be regulated in the same way as liquor stores; and,
- Commented on the importance of reviewing applications on a case-by-case basis.

4.2. Mr. Corrie Kost, 2800 Block Colwood Drive:

- Spoke regarding the authority of the regulating body;
- Spoke in favour of the proposed bylaws, but commented that more flexibility may be needed;
- Commented on the regulations being imposed in other communities;
- Questioned what items may be sold at a retail cannabis store; and,
- Questioned under what conditions could a business licence be revoked.

In response to a question from Council, staff advised that local governments do not regulate the type of cannabis products being sold and rely on Federal legislation to dictate which products are considered legal. There are very strict regulations around the production, sale and packaging of edibles. It is anticipated that a few items will be available for sale, eventually transitioning to the full list of legal products such as edible cannabis, cannabis extracts and cannabis topicals. It was further noted that liquor and cannabis stores may not be sold in the same store, as per Federal regulations.

In response to a question from Council, staff advised that local municipal bylaw inspectors and Liquor and Cannabis Regulation Branch (LCRB) inspectors, and/or police officers will adhere to security measures being enforced.

5. COUNCIL RESOLUTION

MOVED by Councillor MURI

SECONDED by Councillor HANSON

THAT the November 5, 2019 Public Hearing is closed;

AND THAT "District of North Vancouver Rezoning Bylaw 1379(Bylaw 8340)" be returned to Council for further consideration;

AND THAT "Business Licence Bylaw 4567, 1974 Amendment Bylaw 8341, 2019 (Amendment 50)" be returned to Council for further consideration.

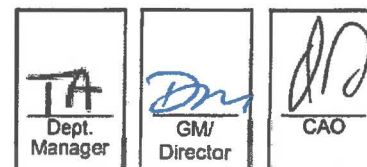
CARRIED
(7:28 pm)

CERTIFIED CORRECT:



Confidential Council Clerk

AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>Oct 7, 2019</u>
<input type="checkbox"/> Other:	Date: _____



The District of North Vancouver REPORT TO COUNCIL

September 25, 2019
File: 13.6440.50/000.000

AUTHOR: Shazeen Tejani, Community Planner

SUBJECT: Non-Medical Retail Cannabis Bylaw and Policy Amendments

RECOMMENDATION:

THAT "District of North Vancouver Rezoning Bylaw 1379, (Bylaw 8340)" is given FIRST Reading;

AND THAT "Business Licence Bylaw 4567, 1974 Amendment Bylaw 8341, 2019 (Amendment 50)" is given FIRST Reading;

AND THAT "District of North Vancouver Fees and Charges Bylaw 6481, 1992, Amendment Bylaw 8343, 2019 (Amendment 59)" is given FIRST, SECOND, and THIRD Readings;

AND THAT "Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8346, 2019 (Amendment 40)" is given FIRST, SECOND, and THIRD Readings;

AND THAT "District of North Vancouver Rezoning Bylaw, 1379 (Bylaw 8340)" is referred to a Public Hearing;

AND THAT pursuant to Section 59 (2)(b) of the *Community Charter*, "Business Licence Bylaw 8341, 2019 (Amendment 50)" is referred to a Public Meeting to provide an opportunity for persons who consider they are affected by the bylaw to make representations to Council;

AND THAT pursuant to Sections 59 (2)(a) and (3) of the *Community Charter*, Council direct staff to give notice of its intention to hold a Public Meeting as follows:

1. The notice shall state the following:
 - a. the time and date of the Public Meeting;
 - b. the place of the Public Meeting;
 - c. in general terms the purpose of the bylaw; and
 - d. the place and the times and dates when copies of bylaw may be inspected.

2. The notice shall be published in at least 2 consecutive issues of a newspaper, the last publication to appear not less than 3 days and not more than 10 days before the Public Meeting.

AND THAT the revised Non-Medical Retail Cannabis Policy as attached to the September 25, 2019 report of the Community Planner entitled Non-Medical Retail Cannabis Bylaw and Policy Amendments is approved;

AND THAT the revised Non-Statutory Public Consultation Policy for Development Applications as attached to the September 25, 2019 report of the Community Planner entitled Non-Medical Retail Cannabis Bylaw and Policy Amendments is approved.

REASON FOR REPORT:

At the July 22, 2019, Regular Meeting of Council, Council approved the Non-Medical Retail Cannabis Policy and directed staff to draft amendments to the Zoning Bylaw 3210, Business Licence Bylaw 4567, Fees and Charges Bylaw 6481, and, the Bylaw Notice Enforcement Bylaw 7458 to create the ability for approval of cannabis retailing, manufacturing, and warehousing.

Minor amendments to the Non-Medical Retail Cannabis Policy are proposed to clarify the application process. An amendment to the Non-Statutory Public Consultation for Development Applications Policy is also proposed to add a notification delivery area for Cannabis Retail Licence applications.

SUMMARY:

Under the Non-Medical Retail Cannabis Policy, retail cannabis stores are subject to the following regulations:

- Site must be zoned to permit a liquor store;
- Must be located at least 200 m from the property line of any elementary or high school;
- Does not exceed a maximum of one (1) business in each in the following growth centres: Maplewood Village Centre, Lions Gate Village Centre and Marine Drive, Lynn Valley Town Centre, and Lynn Creek Town Centre;
- Requires an individual rezoning of the property; and
- Complies with all the requirements of the Provincial *Cannabis Licensing Regulation*.

Implementation of the District's cannabis framework requires amendments to four bylaws and two related policies. Each is summarized below and described in more detail further in this report.

These amendments are intended to precede any rezoning applications being considered by Council for a retail cannabis store.

1. **Zoning Bylaw 3210:** to define cannabis related uses and add relevant zones for future site-specific rezoning.
2. **Fees and Charges Bylaw 6481:** to include a cannabis retail store business licence fee and application fee.

3. **Business Licence Bylaw 4567:** to include a cannabis retail store as an allowable licenced business and to regulate nuisances.
4. **Bylaw Notice Enforcement Bylaw 7458:** to add ticketable offences for breach of bylaws or operating outside of permitted hours.
5. **Non-Medical Retail Cannabis Policy:** to make minor amendments to the policy to align definitions between bylaws and policies and clarify the review process for Provincial store applications.
6. **Non-Statutory Public Consultation For Development Applications Policy:** to include a public notification area for a Cannabis Retail Store.

BACKGROUND:

Public and stakeholder consultation in 2018 informed the locational and operational guidelines to regulate cannabis retail stores in the District. While the policy approved by Council on July 22, 2019 sets out the framework for where cannabis retail stores may be considered, retail cannabis as a use is still prohibited in the District's Zoning Bylaw 3210. Council directed staff to amend the Zoning Bylaw 3210, the Business Licence Bylaw 4567, the Fees and Charges Bylaw 6481, and the Bylaw Notice Enforcement Bylaw 7458 to define cannabis and put in place the mechanisms through which retail stores could be regulated. A consequential amendment to the Non-Statutory Public Consultation for Development Applications Policy is needed to provide staff with direction on consultation associated with application review. Specifically, staff propose to amend the policy to include a minimum notification delivery area for all Cannabis Retail Licences.

EXISTING POLICY:

On October 29, 2018 Council adopted an amendment to the Smoking Regulation Bylaw 7792 in light of cannabis legalization, to ensure that smoking of cannabis would be regulated in the same way as cigarettes, cigars, or other lighted smoking equipment. These regulations prohibit smoking inside buildings (except where privately owned and not publicly accessible), in vehicles for hire, on public transit, or within close proximity to doors and windows. These regulations further prohibit smoking tobacco or cannabis within 6 metres of a park or other municipal property.

The Non-Medical Retail Cannabis Policy provides the framework to consider applications to amend the Zoning Bylaw to permit a cannabis retail stores.

ANALYSIS:

The proposed amendments to the individual bylaws and policies are described in detail below.

Zoning Bylaw 3210 Amendments (Attachment 1):

1. Adds definitions for cannabis, non-medical cannabis, cannabis accessory, cannabis retail store, and cannabis warehouse. Cannabis warehouses will be permitted in all zones that allow a warehouse use.
2. Amends ten zones where the retail sale of cannabis is specifically permitted on properties listed in a table located in Part 4: General Regulations. Specific properties may be added to this table once successfully rezoned to permit a cannabis retail store.

In accordance with Council's Non-Medical Retail Cannabis Policy, a cannabis retail store will only be considered in those zones which currently permit a liquor store use.

3. Continues a prohibition of commercial growing and harvesting.

Fees and Charges Bylaw 6481 (Attachment 2):

1. Adds a cannabis licence application fee of \$2,040. The proposed fee is the same as liquor licence applications, as it has similar costs associated with the administration, processing, and public engagement.
2. Adds an annual business licence fee of \$5,000. This fee is similar to liquor licence applications and reflects the administrative and policing costs anticipated with this new retail business, which was formerly a controlled substance prior to legalization.

Business Licence Bylaw 4567 (Attachment 3):

1. Adds definitions for cannabis, non-medical cannabis, cannabis accessory, cannabis retail store, and cannabis warehouse.
2. Adds licence conditions for a retail store including prevention of nuisances, minimizing negative impacts on neighbours, and hours of operation.
3. Outlines conditions of operating the cannabis retail store, including but not limited to not operating any other business from the cannabis retail store and only operating the store between the hours of 9:00 am to 9:00 pm, seven days a week.

Bylaw Notice Enforcement Bylaw 7458 (Attachment 4):

1. Adds offences for non-compliance with the applicable regulations in the Business Licence Bylaw 4567, the terms of conditions of the cannabis licence, operating another business from the store, or operating outside of the designated store hours.

Non-Medical Retail Cannabis Policy (Attachment 5):

1. Changes 'Retail Cannabis Business' under 'Definitions' to 'Cannabis Retail Store' to align with the Zoning Bylaw 3210 definition.
2. Adds a 15-day window, from the date a referral is received from the Provincial Liquor and Cannabis Regulation Branch (LCRB), for an applicant to submit an application to the District.
3. Adds greater clarity on the processing of Provincial applications. Provincial stores are not required to have a referral from the LCRB, as stated by the Attorney General of British Columbia. As such, the date that an application for a Provincial cannabis retail store is submitted to the District will be considered the date of the referral.

Non-Statutory Public Consultation for Development Applications Policy (Attachment 7):

1. Adds a line in the 'Procedures' table in the 'Other Permit and Approvals' category that includes 'Cannabis Retail Licence' with a notification delivery area of 100m and the

requirement to add a sign on the site, to be consistent with the notice requirements for liquor licence applications.

Timing/Approval Process:

Non-medical cannabis became legal in Canada on October 17, 2018. The District of North Vancouver began the process of reviewing non-medical cannabis regulations in June 2018, as indicated in the timeline below.

DATE	DECISION POINT	OUTCOME
JUNE 2018	START OF PROCESS	<ul style="list-style-type: none"> • Cannabis use prohibited • Report to Council outlining proposed approaches to regulate businesses & land uses following legalization
JULY - SEPT 2018	COMMUNITY CONSULTATION	<ul style="list-style-type: none"> • Online survey • Stakeholder consultations
OCTOBER 2018	COUNCIL APPROVAL	<ul style="list-style-type: none"> • Council approved amendments to the smoking bylaw to regulate smoking of cannabis like tobacco
MARCH 2019	COUNCIL CONSIDERATION	<ul style="list-style-type: none"> • Report to Council recommending an approach to regulating retail stores based on feedback received
JULY 2019	COUNCIL APPROVAL	<ul style="list-style-type: none"> • Council approved Non-Medical Retail Cannabis Policy
OCTOBER 2019	COUNCIL CONSIDERATION	<ul style="list-style-type: none"> • Introduction of bylaw amendments and policy amendments

WE ARE HERE

Figure 1: Planning Process for Non-Medical Retail Cannabis Regulation

On July 22nd, 2019, Council approved the Non-Medical Retail Cannabis Policy and as of July 23rd, 2019, the District began accepting referrals for cannabis retail stores from the LCRB.

As of September 25th, 2019, staff have received seven referrals for cannabis retail stores, four of which have active rezoning applications with the District. The bylaw and policy amendments proposed in this report seek to implement the administrative elements of the cannabis framework in advance of the individual rezoning applications proceeding to first reading. Each rezoning application will be forwarded to Council for consideration of Bylaw Introduction and referral to a Public Hearing.

Concurrence:

The proposed bylaw amendments have been reviewed by Legal, Development Planning, Bylaw Services and the Clerks Department. The District of North Vancouver Rezoning Bylaw 8340 affects land lying within 800m of a controlled access intersection and therefore has a signature block for the required approval by the Provincial Ministry of Transportation and

Infrastructure, which will be attained following third reading of the bylaw and prior to bylaw adoption.

Public Input:

Between July and September of 2018, District staff conducted public and stakeholder consultation on non-medical cannabis, including locational and operational requirements for cannabis retail stores. The policy adopted by Council in July 2019 reflects the public's interest in locating cannabis retail stores with appropriate buffers from schools. The public will have an opportunity to comment on the Zoning Bylaw amendments proposed in this report at the required Public Hearing and on the proposed amendment to the Business License Bylaw at a Public Information Meeting.

Each application for a new cannabis retail store will require a separate rezoning application, including notice in accordance with the Non-Statutory Public Consultation for Development Applications Process, the Development Procedures Bylaw 8144, and the *Local Government Act*.

Conclusion:

The bylaw and policy amendments proposed in this report establish a regulatory framework for non-medical cannabis retail stores and warehouses in the District of North Vancouver. These amendments are based on the Non-Medical Retail Cannabis Policy adopted by Council on July 22, 2019. The proposed amendments establish the zoning, licensing, enforcement, and notification requirements related to cannabis uses in the District. If approved, the framework will facilitate Council's review and consideration of individual cannabis retail stores through separate rezoning applications.

Respectfully submitted,



Shazeen Tejani
Community Planner

- Attachment 1:** District of North Vancouver Rezoning Bylaw 1379, (Bylaw 8340).
- Attachment 2:** District of North Vancouver Fees and Charges Bylaw 6481, 1992, Amendment Bylaw 8343, 2018 (Amendment 59)
- Attachment 3:** Business Licence Bylaw 4567, 1974 Amendment Bylaw 8341, 2018 (Amendment 50)
- Attachment 4:** Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8346, 2018 (Amendment 40)
- Attachment 5:** Proposed Non-Medical Retail Cannabis Policy
- Attachment 6:** Red-lined Non-Medical Retail Cannabis Policy
- Attachment 7:** Proposed Non-Statutory Public Consultation for Development Applications Policy
- Attachment 8:** Red-lined Non-Statutory Public Consultation for Development Applications Policy

REVIEWED WITH:		
<input type="checkbox"/> Community Planning	_____	<input type="checkbox"/> Clerk's Office <i>RB</i>
<input type="checkbox"/> Development Planning <i>CP.</i>	_____	<input type="checkbox"/> Communications _____
<input type="checkbox"/> Development Engineering	_____	<input type="checkbox"/> Finance _____
<input type="checkbox"/> Utilities	_____	<input type="checkbox"/> Fire Services _____
<input type="checkbox"/> Engineering Operations	_____	<input type="checkbox"/> ITS _____
<input type="checkbox"/> Parks	_____	<input checked="" type="checkbox"/> Solicitor <i>RS</i>
<input type="checkbox"/> Environment	_____	<input type="checkbox"/> GIS _____
<input type="checkbox"/> Facilities	_____	<input type="checkbox"/> Real Estate _____
<input type="checkbox"/> Human Resources	_____	<input checked="" type="checkbox"/> Bylaw Services <i>CW</i>
		External Agencies:
		<input type="checkbox"/> Library Board _____
		<input type="checkbox"/> NS Health _____
		<input type="checkbox"/> RCMP _____
		<input type="checkbox"/> NVRC _____
		<input type="checkbox"/> Museum & Arch. _____
		<input type="checkbox"/> Other: _____

The Corporation of the District of North Vancouver**Bylaw 8340**

A bylaw to amend District of North Vancouver Bylaw 3210, 1965

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "District of North Vancouver Rezoning Bylaw 1379 (Bylaw 8340)".

Amendments

2. District of North Vancouver Zoning Bylaw 3210, 1965 is amended by:
 - a) inserting the following definitions in alphabetical order in Part 2:
 - "Cannabis" has the meaning given to it in the *Cannabis Act*, as amended or replaced;
 - "Cannabis Accessory" has the meaning given to it in the *Cannabis Act*, as amended or replaced;
 - "Cannabis Retail Store" means a business for the retail sale of non-medical cannabis for off-site consumption and cannabis accessories and does not permit a warehouse use.
 - "Cannabis Warehouse" means a warehouse for the storage and distribution of cannabis and cannabis accessories established in accordance with the *Cannabis Distribution Act*, as amended or replaced, and does not permit the retail sale of non-medical cannabis;
 - "Non-Medical Cannabis" means cannabis for which no medical document has been issued;
 - b) substituting the definition of "warehousing" with the following:
 - "warehousing" means the storage of goods or products for distribution but does not include wholesaling. This use includes cannabis warehouse.
 - c) inserting the following definitions in Part 2A as a subsection to "warehouse use":

“Cannabis Warehouse” means a warehouse for the storage and distribution of cannabis and cannabis accessories established in accordance with the Cannabis Distribution Act, as amended or replaced, and does not permit the retail sale or wholesale of non-medical cannabis;

d) deleting section 403A(1)(j) and substituting the following:

(j) the commercial growing or harvesting of cannabis;

e) inserting the following as section **405B Cannabis Retail Store**

(1) One cannabis retail store will be permitted on each the following properties:

Legal Description (PID)	Address	Town or Village Centre	Bylaw No.

f) inserting the following in alphabetical order in Section 4B89 “Uses” of the Comprehensive Development Zone 21 (CD21):

(i) Cannabis Retail Store (where included on the table in Section 405B(1))

g) inserting the following in alphabetical order in Section 4B239 “2) Principal Uses” of the Comprehensive Development Zone 45 (CD 45):

(viii) Cannabis Retail Store (where included on the table in Section 405B(1))

h) inserting the following in alphabetical order in Section 4B412 “2) Principal Uses” of the Comprehensive Development Zone 68 (CD 68):

(i) Cannabis Retail Store (where included on the table in Section 405B(1))

i) Inserting the following in alphabetical order in Section 4B80-2 “b) Conditional Uses” of the Comprehensive Development Zone 80 (CD80):

(iv) Cannabis Retail Store (where included on the table in Section 405B(1))

j) Inserting the following in Section 4B90-2 “b) Conditional Uses Defined in Part 2” of the Comprehensive Development Zone (CD90):

(i) Cannabis Retail Store (where included on the table in Section 405B(1))

- k) Inserting the following in section 4B94-2 "b) Conditional Uses Defined in Part 2" of the Comprehensive Development Zone 94 (CD94):
 - (i) Cannabis Retail Store (where included on the table in Section 405B(1))
- l) inserting the following in alphabetical order in Section 608 'Uses' of the General Commercial Zone 1L (C1L):
 - (c) Cannabis Retail Store (where included on the table in Section 405B(1))
- m) Inserting the following in alphabetical order in Section 621.2 "Principal Uses" of the General Commercial Zone (C2):
 - (d) Cannabis Retail Store (where included on the table in Section 405B(1))
- n) Inserting the following in alphabetical order in Section 688.1 "Principal Uses" of the Marine Drive Commercial Zone (C9):
 - c) Cannabis Retail Store (where included on the table in Section 405B(1))
- o) Inserting the following in alphabetical order in Section 695.1 "Principal Uses" of the Main Street Commercial Zone (C10):
 - e) Cannabis Retail Store (where included on the table in Section 405B(1))

READ a first time

PUBLIC HEARING held

READ a second time

READ a third time

Certified a true copy of "Bylaw 8340" as at Third Reading

Municipal Clerk

APPROVED by the Ministry of Transportation and Infrastructure on

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

The Corporation of the District of North Vancouver

Bylaw 8343

A bylaw to amend Fees and Charges Bylaw 6481, 1992

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "Fees and Charges Bylaw 6481, 1992, Amendment Bylaw 8343, 2019 (Amendment 59)".

Amendments

2. The Fees and Charges Bylaw 6481, 1992 is amended by:
 - a) Adding the following to the table in Schedule B – Development and Permitting Fees – Liquor Related Applications:

Liquor and Cannabis Related Applications		
Permanent Liquor and Cannabis Licences:		
Applications for a new liquor or cannabis licence or an amendment to an existing licence	\$2,040.00	
Public Notification Fee	\$1,785.00	

- b) Adding the following to the table in Schedule E – Licencing and Film Fees – Fees for Business Licences – Schedule of Licence Fees A:

Group 6 Cannabis Retail Store		
Licence Fee	\$5,000.00	

READ a first time

READ a second time

READ a third time

ADOPTED

Mayor

Certified a true copy

Municipal Clerk

Municipal Clerk

The Corporation of the District of North Vancouver

Bylaw 8341

A bylaw to amend Business Licence Bylaw 4567, 1974

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "Business Licence Bylaw 4567, 1974 Amendment Bylaw 8341, 2019 (Amendment 50)".

Amendments

2. Business Licence Bylaw 4567, 1974 is amended by:

(a) In Part 1, inserting the following new definitions in the correct numerical order:

- | | | |
|-----|------------------------------|---|
| 364 | Cannabis | "Cannabis" has the meaning given to it in the <i>Cannabis Act</i> , as amended or replaced. |
| 365 | Cannabis Accessory | "Cannabis accessory" has the meaning given to it in the <i>Cannabis Act</i> , as amended or replaced. |
| 366 | Cannabis Retail Store | "Cannabis Retail Store" means a business for the retail sale of non-medical cannabis for off-site consumption and cannabis accessories and does not permit a warehouse use. |
| 367 | Non-Medical Cannabis | "Non-medical cannabis" means cannabis for which no medical document has been issued; |
| 368 | Cannabis Warehouse | "Cannabis Warehouse" means a warehouse for the storage and distribution of cannabis and cannabis accessories established in accordance with the <i>Cannabis Distribution Act</i> , as amended or replaced, and does not permit the retail sale of non-medical cannabis; |

(b) inserting the following as section 408A immediately after section 408:

408A LICENCE CONDITIONS

The Inspector may impose terms and conditions that must be met for obtaining, continuing to hold, or renewing a licence respecting the following matters:

- (1) prevention of nuisances, including but not limited to conditions intended to reduce noise, odours, and patron misconduct on or about the licensed premises;
- (2) Reducing, eliminating, preventing, or mitigating actual or potential negative impacts on the public, the neighbourhood or other businesses in the vicinity, that, in the opinion of the Inspector, may be associated with the licenced business, including, without limitation, conditions respecting:
 - i. employee and patron behaviour at the business premises;
 - ii. types of entertainment that may be provided in or on the business premises;
- (3) employee, patron and public health, safety and security at the business premises;
- (4) physical condition of the business premises;
- (5) hours of operation; and
- (6) effective period of any licence.

(c) inserting the following as sections 409A immediately after section 409:

409A Compliance

- (1) The applicant for and any holder of a licence under this bylaw must be in compliance with all applicable federal and provincial regulatory requirements and all applicable District bylaws.
- (2) The holder of a licence under this bylaw to which terms and conditions have been attached in accordance with section 408A must comply with such terms and conditions at all times.

(d) inserting the following as section 518A immediately after section 518:

518A Cannabis Retail Store

- (1) Only the registered owner of the land or lessee of premises on the land may hold a licence under this bylaw to operate a cannabis retail store on such land.

- (2) A licence to operate a cannabis retail store cannot be transferred.
- (3) A person must not:
 - (a) Operate any other business from the premises of a cannabis retail store;
 - (b) Open a cannabis retail store for business at any time other than between the hours of 9:00 a.m. and 9:00 p.m., seven days a week.

READ a first time

NOTICE given under Section 59 of the *Community Charter* on _____ and _____

OPPORTUNITY for representations to Council provided in accordance with Section 59 of the *Community Charter* on _____

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

The Corporation of the District of North Vancouver

Bylaw 8346

A bylaw to amend the Bylaw Notice Enforcement Bylaw 7458, 2004

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8346, 2019 (Amendment 40)".

Amendments

2. Schedule A to Bylaw 7458 is amended by adding the following offences to the Business Licence Bylaw No. 4567, 1974 section, inserted in the appropriate numerical order in the table:

Bylaw Section	Description	A1	A2	A3	A4	A5
		Penalty Amount (\$)	Discounted Penalty (within 14 days) (\$)	Late Payment (after 28 days) (\$)	Compliance Agreement Available	Compliance Agreement Discount (\$)
Business Licence Bylaw 4567, 1974						
409A(1)	Failure to comply with applicable regulations	200	150	300	NO	N/A
409A(2)	Failure to comply with terms and conditions of licence	300	225	450	NO	N/A
518A(3)(a)	Operate any other business from the premises of a cannabis retail store	300	225	450	NO	N/A
518A(3)(b)	Open cannabis retail store outside permitted hours	400	300	600	NO	N/A

READ a first time

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk



The Corporation of the District of North Vancouver

CORPORATE POLICY

Title	Non-medical Retail Cannabis Policy
Section	Development and Social Planning

POLICY

It is the policy of Council that the approval of a retail cannabis business in the District of North Vancouver may only be considered through a rezoning application that meets the guidelines, criteria and processing requirements set out in this policy.

Policy approved on: July 22, 2019

Policy amended on:

PROCEDURE

The following procedure is used to implement this policy but does not form part of the policy. This procedure may be amended from time to time at the discretion of the Chief Administrative Officer.

DEFINITIONS

“Council” means the Council for the District of North Vancouver.

“District” means the District of North Vancouver.

“Liquor & Cannabis Regulation Branch” means the Provincial branch which regulates British Columbia’s liquor industries and private retail non-medical cannabis industries (formerly Liquor Control and Licensing Branch).

“Cannabis Retail Store” means a business for the retail sale of non-medical cannabis for off-site consumption and cannabis accessories and does not permit a warehouse use.

REASON FOR POLICY

To provide locational and evaluation criteria to guide decisions on permitting the retail sale of non-medical cannabis in the District.

PREAMBLE

The District has taken the approach of considering retail cannabis businesses through an individual rezoning process considered on a case-by-case basis. Applications for a retail cannabis business should comply with the locational guidelines and other criteria contained in this policy and will be subject to public consultation requirements of the District's Development Procedures Bylaw and the statutory provisions of the *Local Government Act*.

APPLICATION

1. This policy applies to applications for rezoning to operate a retail cannabis business in the District of North Vancouver.
2. Administration of this policy is handled through the processing of rezoning applications and preparation of bylaws for Council consideration. Compliance with this policy does not guarantee development approval from Council.
3. Applicants who apply to the Liquor and Cannabis Regulation Branch (LCRB) for any retail cannabis business licence must submit a rezoning application to the District after the application is referred to the municipality for input by the LCRB. Rezoning applications will only be considered after the date of approval of this policy.

LOCATIONAL GUIDELINES

The following locational guidelines will be used to assess the suitability of a site for a retail cannabis business when an application for rezoning for such a use has been submitted to the District:

A retail cannabis business may be located on a site that:

1. Is currently zoned to permit a liquor store use;
2. Is located at least 200 metres from any elementary or high school property;
3. Does not exceed a maximum of one (1) business per each of the following key growth centres identified in the Official Community Plan*:
 - a. Maplewood Village Centre;
 - b. Lions Gate Village Centre and Marine Drive Corridor;
 - c. Lynn Valley Town Centre;
 - d. Lynn Creek Town Centre.

*Additional businesses outside of Town and Village Centres may be given consideration on a case-by-case basis, subject to a review of the merits of the application.

4. Complies with all of the requirements of the Provincial *Cannabis Licensing Regulation*.

OTHER EVALUATION CRITERIA

In addition to the above locational guidelines, the following criteria will be considered in evaluating a rezoning application for a retail cannabis business use:

1. Access for vehicles, including potential traffic impacts and parking availability;
2. Access for pedestrians and cyclists, including proximity to public transit;
3. A proposed interior layout that does not accommodate product sampling;
4. A proposed exterior design that is sensitive to the design and character of the respective Town and Village Centre in which it is located and is consistent with all applicable guidelines that regulate the exterior appearance of all residential and commercial properties within that Centre to the extent possible that it complies with the Provincial *Cannabis Control and Licensing Act*;
5. Design of signage that is in accordance with the District of North Vancouver Sign Bylaw;
6. Operating hours that do not exceed 9am – 9pm;
7. Store security requirements that meet the Provincial Cannabis Retail Store Licence Terms and Conditions Handbook.

NON-MEDICAL CANNABIS APPROVAL PROCESS

All retail cannabis businesses must undergo a site-specific rezoning process before the retail sale of non-medical cannabis is permitted. This will include opportunities for public consultation.

All applicants interested in establishing a retail cannabis business shall submit the following applications:

1. An application to the Provincial Liquor & Cannabis Regulation Branch (LCRB) for a cannabis retail store license prior to submitting an application for rezoning to the District;
2. An application to the District for a rezoning of the parcel to permit a retail cannabis business, once the application has been referred from the Provincial Liquor &

Cannabis Regulation Branch to the District for input. Applications for rezoning will be processed using a first-come-first-served model based on the date and time the application was forwarded to the District from the LCRB. Applications should be submitted to the District within 15 days of a referral from the LCRB. If an application is submitted more than 15 days after the referral from the LCRB, then it will be processed on a first-come-first-served model based on the date that the complete application is accepted by the District.

3. In the case of a Provincial store, the date that an application is submitted to the District will be considered the date of referral.
4. An application to the District for a development permit as required by the District;
5. An application for a District business licence, upon successful adoption of a rezoning bylaw and a positive recommendation from the District to the LCRB; and
6. Additional permit applications as required by the District, including but not limited to a building permit and/or sign permit applications.

PUBLIC CONSULTATION

1. Rezoning to permit a retail cannabis business will require public consultation as specified in District bylaws and policies (e.g. Development Procedures Bylaw) and statutory procedures set out in the *Local Government Act* (e.g. Public Hearing).
2. A summary of the public consultation will be included in a Report to Council for the rezoning application.

CONDITIONS OF REZONING

Council may require that one or more of the following conditions must be met prior to the adoption of a rezoning bylaw for a retail cannabis business:

1. The applicant may be required to submit details regarding on-site signage.
2. The applicant may be required to submit details on how potential odour that may be emitted from the premises will be controlled. A Section 219 covenant, or other means, may be used to secure any required odour mitigation measures.
3. The warehousing of cannabis as an accessory use shall not be permitted.
4. Any other conditions as may be required by Council.

SMOKING REGULATIONS SIGNAGE

1. A minimum of two signs shall be posted within the interior of the building and a minimum of one sign on the exterior of the building, with all signs having dimensions of at least 12" x 18". The signage shall detail the restrictions for smoking within 6 metres of any openings to the building, including doors and windows that open and any air intake, as outlined in section 6(a) of the Smoking Regulation Bylaw.

COUNCIL DISCRETION

While this policy is intended to establish a framework which would apply to all rezoning applications for retail cannabis uses, Council maintains full discretion to allow or reject any application for a retail cannabis use and may, in its sole discretion, exempt applications from all or any part of this policy.

AUTHORITY TO ACT

Provincial legislation, including the *Community Charter*, *Local Government Act*, and the *Cannabis Control and Licensing Act*, authorizes the District to regulate locational aspects of retail cannabis businesses and to establish procedures to assess and approve such businesses.



The Corporation of the District of North Vancouver

CORPORATE POLICY

ATTACHMENT 6

Title	Non-medical Retail Cannabis Policy
Section	Development and Social Planning

POLICY

It is the policy of Council that the approval of a retail cannabis business in the District of North Vancouver may only be considered through a rezoning application that meets the guidelines, criteria and processing requirements set out in this policy.

Policy approved on: July 22, 2019

Policy amended on:

PROCEDURE

The following procedure is used to implement this policy but does not form part of the policy. This procedure may be amended from time to time at the discretion of the Chief Administrative Officer.

DEFINITIONS

“Council” means the Council for the District of North Vancouver.

“District” means the District of North Vancouver.

“Liquor & Cannabis Regulation Branch” means the Provincial branch which regulates British Columbia’s liquor industries and private retail non-medical cannabis industries (formerly Liquor Control and Licensing Branch).

“Retail Cannabis Business” “Cannabis Retail Store” means a business for the retail sale of non-medical cannabis for off-site consumption and cannabis accessories and does not permit a warehouse use.

REASON FOR POLICY

To provide locational and evaluation criteria to guide decisions on permitting the retail sale of non-medical cannabis in the District.

PREAMBLE

The District has taken the approach of considering retail cannabis businesses through an individual rezoning process considered on a case-by-case basis. Applications for a retail cannabis business should comply with the locational guidelines and other criteria contained in this policy and will be subject to public consultation requirements of the District's Development Procedures Bylaw and the statutory provisions of the *Local Government Act*.

APPLICATION

1. This policy applies to applications for rezoning to operate a retail cannabis business in the District of North Vancouver.
2. Administration of this policy is handled through the processing of rezoning applications and preparation of bylaws for Council consideration. Compliance with this policy does not guarantee development approval from Council.
3. Applicants who apply to the Liquor and Cannabis Regulation Branch (LCRB) for any retail cannabis business licence must submit a rezoning application to the District after the application is referred to the municipality for input by the LCRB. Rezoning applications will only be considered after the date of approval of this policy.

LOCATIONAL GUIDELINES

The following locational guidelines will be used to assess the suitability of a site for a retail cannabis business when an application for rezoning for such a use has been submitted to the District:

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1. Is currently zoned to permit a liquor store use;
2. Is located at least 200 metres from any elementary or high school property;
3. Does not exceed a maximum of one (1) business per each of the following key growth centres identified in the Official Community Plan*:
 - a. Maplewood Village Centre;
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 - c. Lynn Valley Town Centre;
 - d. Lynn Creek Town Centre.

*Additional businesses outside of Town and Village Centres may be given consideration on a case-by-case basis, subject to a review of the merits of the application.

4. Complies with all of the requirements of the *Provincial Cannabis Licensing Regulation*.

OTHER EVALUATION CRITERIA

In addition to the above locational guidelines, the following criteria will be considered in evaluating a rezoning application for a retail cannabis business use:

1. Access for vehicles, including potential traffic impacts and parking availability;
2. Access for pedestrians and cyclists, including proximity to public transit;
3. A proposed interior layout that does not accommodate product sampling;
4. A proposed exterior design that is sensitive to the design and character of the respective Town and Village Centre in which it is located and is consistent with all applicable guidelines that regulate the exterior appearance of all residential and commercial properties within that Centre to the extent possible that it complies with the *Provincial Cannabis Control and Licensing Act*;
5. Design of signage that is in accordance with the District of North Vancouver Sign Bylaw;
6. Operating hours that do not exceed 9am – 9pm;
7. Store security requirements that meet the *Provincial Cannabis Retail Store Licence Terms and Conditions Handbook*.

NON-MEDICAL CANNABIS APPROVAL PROCESS

All retail cannabis businesses must undergo a site-specific rezoning process before the retail sale of non-medical cannabis is permitted. This will include opportunities for public consultation.

All applicants interested in establishing a retail cannabis business shall submit the following applications:

1. An application to the Provincial Liquor & Cannabis Regulation Branch (LCRB) for a cannabis retail store license prior to submitting an application for rezoning to the District;
2. An application to the District for a rezoning of the parcel to permit a retail cannabis business, once the application has been referred from the Provincial Liquor &

Cannabis Regulation Branch to the District for input. Applications for rezoning will be processed using a first-come-first-served model based on the date and time the application was forwarded to the District from the LCRB. Applications should be submitted to the District within 15 days of a referral from the LCRB. If an application is submitted more than 15 days after the referral from the LCRB, then it will be processed on a first-come-first-served model based on the date that the complete application is accepted by the District.

3. In the case of a Provincial store, the date that an application is submitted to the District will be considered the date of referral.
4. An application to the District for a development permit as required by the District;
5. An application for a District business licence, upon successful adoption of a rezoning bylaw and a positive recommendation from the District to the LCRB; and
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PUBLIC CONSULTATION

1. Rezoning to permit a retail cannabis business will require public consultation as specified in District bylaws and policies (e.g. Development Procedures Bylaw) and statutory procedures set out in the *Local Government Act* (e.g. Public Hearing).
2. A summary of the public consultation will be included in a Report to Council for the rezoning application.

CONDITIONS OF REZONING

Council may require that one or more of the following conditions must be met prior to the adoption of a rezoning bylaw for a retail cannabis business:

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2. The applicant may be required to submit details on how potential odour that may be emitted from the premises will be controlled. A Section 219 covenant, or other means, may be used to secure any required odour mitigation measures.
3. The warehousing of cannabis as an accessory use shall not be permitted.
4. Any other conditions as may be required by Council.

SMOKING REGULATIONS SIGNAGE

1. A minimum of two signs shall be posted within the interior of the building and a minimum of one sign on the exterior of the building, with all signs having dimensions of at least 12" x 18". The signage shall detail the restrictions for smoking within 6 metres of any openings to the building, including doors and windows that open and any air intake, as outlined in section 6(a) of the Smoking Regulation Bylaw.

COUNCIL DISCRETION

While this policy is intended to establish a framework which would apply to all rezoning applications for retail cannabis uses, Council maintains full discretion to allow or reject any application for a retail cannabis use and may, in its sole discretion, exempt applications from all or any part of this policy.

AUTHORITY TO ACT

Provincial legislation, including the *Community Charter*, *Local Government Act*, and the *Cannabis Control and Licensing Act*, authorizes the District to regulate locational aspects of retail cannabis businesses and to establish procedures to assess and approve such businesses.



CORPORATE POLICY MANUAL

Section:	Land Administration	8
Sub-Section:	Development - Applications	3060
Title:	NON-STATUTORY PUBLIC CONSULTATION FOR DEVELOPMENT APPLICATIONS	2

POLICY

It is the policy of the District to:

- encourage applicants for Official Community Plan amendments, Zoning Bylaw amendments, development permits, development variance permits, and liquor license applications to notify the public of development applications and solicit feedback prior to the proposal being considered by Council,
- encourage applicants for Official Community Plan amendments, Zoning Bylaw amendments, and certain development permits to hold one or more public information meetings prior to the proposal being considered by Council,
- provide notice of public information meetings in accordance with this policy, and
- provide Council with an information report prior to the holding of a public information meeting.

REASON FOR POLICY

1. To establish early dialogue with the community and identify specific issues of concern.
2. To expand the opportunities for public consultation.
3. To ensure that factual information is conveyed to the community.
4. To enable staff and Council to gauge public opinion on a particular application.
5. To inform Council of development applications in process.

PROCEDURE

The following table summarizes the recommended public notification:

Development Proposal	¹ Notification Delivery Area	Sign
Official Community Plan & Zoning Bylaw Amendment		
Preliminary application	100 m	No
Public Information Meeting	100 m	Yes
Major Development Permit for Commercial, Industrial & Multi-Family Form and Character		
Preliminary application	100 m	No
Public Information Meeting	100 m	Yes
Other Permit and Approvals		
Development Variance Permit	Abutting land	No
Liquor Licence (requiring a resolution)	100 m	Yes
Cannabis Retail Licence	100 m	Yes

¹ The notification delivery area includes the lands subject to the bylaw alteration, permit or approval.

The above table does not apply if 10 or more parcels owned by 10 or more persons are the subject of the bylaw alteration, permit or approval. In such cases, newspaper notice will be sufficient.

AUTHORITY TO ACT

Delegated to Staff

Approval Date:	July 10, 2017	Approved by:	Regular Council
1. Amendment Date:		Approved by:	
2. Amendment Date:		Approved by:	



Section:	Land Administration	8
Sub-Section:	Development - Applications	3060
Title:	NON-STATUTORY PUBLIC CONSULTATION FOR DEVELOPMENT APPLICATIONS	2

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Development Proposal	Notification Delivery Area	Sign
Official Community Plan & Zoning Bylaw Amendment		
Preliminary application	100 m	No
Public Information Meeting	100 m	Yes
Major Development Permit for Commercial, Industrial & Multi-Family Form and Character		
Preliminary application	100 m	No
Public Information Meeting	100 m	Yes
Other Permit and Approvals		
Development Variance Permit	Abutting land	No
Liquor Licence (requiring a resolution)	100 m	Yes
Cannabis Retail Licence	100 m	Yes

¹ The notification delivery area includes the lands subject to the bylaw alteration, permit or approval.

The above table does not apply if 10 or more parcels owned by 10 or more persons are the subject of the bylaw alteration, permit or approval. In such cases, newspaper notice will be sufficient.

AUTHORITY TO ACT

Delegated to Staff

Approval Date:	July 10, 2017	Approved by:	Regular Council
1. Amendment Date:		Approved by:	
2. Amendment Date:		Approved by:	

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