

Staff Report

Report To: Community Services Committee
Report From: Amy Cann, Community Planner
Meeting Date: July 17, 2019
Report Code: CS-19-104
Subject: Housekeeping Zoning By-law Amendment No. 25 for Cannabis and Food/Beverage Production Facilities and Review of the City's Site Plan Control By-law

Recommendation:

THAT in consideration of Report CS-19-104 respecting Housekeeping Zoning By-law Amendment No. 25 for Cannabis and Food/Beverage Production Facilities and Review of the City's Site Plan Control By-law, the Community Services Committee recommends that Council endorse:

- 1) A City-initiated Housekeeping Zoning By-law Amendment No. 25 to consider permitting Cannabis and Food/Beverage Production Facilities in Zoning By-law 2010-078, which includes preparation of a technical report and the giving of Notice of Public Meeting under the Planning Act; and
- 2) The process to review and amend the Site Plan Control By-law 2011-034, being City-initiated Amendment No. 1 to the By-law, to assess those classes of development subject to Site Plan Approval and the technical details of the By-law.

Strategic Initiative:

Action 1.1: Work with businesses, industry, institutions and other organizations to generate new employment opportunities.

Action 2.3: Facilitate a streamlined development approvals process.

Background & Proposal:

The following outlines those items that Staff anticipates addressing through the proposed review and amendments to the City's Zoning By-law and Site Plan Control By-law.

Site Plan Control By-law Review

The Planning Act regulates a municipality's ability to establish land use controls, which includes Site Plan Control. With regard to site planning under the Planning Act, 'development' generally means:

The construction, erection or placing of one or more buildings or structures on land, or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot, and does not include the placement of a portable classroom on a school site.

The City's Site Plan Control By-law (SPCB) was brought into force in 2011. Use of the By-law since this time has given Staff the opportunity to get an understanding of its effectiveness and practicality with regard to development projects in the City. The concurrently proposed Housekeeping Zoning By-law Amendment (No. 25) also merits update of the Site Plan Control By-law, as discussed below.

The SPCB establishes the areas within the City subject to control, which are not proposed to change through this review and amendment. Through the proposed amendment process, Staff are requesting the endorsement of Committee and Council to review the following:

- 1) General housekeeping matters and the viability of instilling application completeness requirements in the By-law.
- 2) The classes of development subject to Site Plan Control and approval by Council, and the classes of development that may be considered by Council's delegate. Specifics may include:
 - a) The number of dwelling units that trigger Site Plan Approval.
 - b) The size of building additions that trigger Site Plan Approval.
 - c) Clarification on the definition of 'development' respecting changes of use and minor site works/building alterations.
 - d) Specification of types of uses that mandate Site Plan Approval, such as:
 - i) Cannabis Production Facilities
 - ii) Food/Beverage Production Facilities

Zoning By-law Review

In 2017 the City initiated a housekeeping Zoning By-law Amendment to remove a Food Processing Plant as a use prohibited in all zones (Sec. 5.2 vii) and to allow for the use in one or more of the Industrial Zone categories. This proposed change was known as Amendment No. 25 to Zoning By-law 2010-078. A Public Meeting was held, however, for various reasons, the amendment didn't see completion.

In summer 2019, Staff intended to resume and complete Amendment No. 25 to finalize consideration of Food Processing Facilities in Industrial Zones; however, new information has come to light that merits re-evaluating the nature of the amendment and starting the process anew. The reasons are as follows:

- The previous iteration of the amendment didn't overtly account for Beverage Production Facilities. Staff believe there is merit in considering pre-zoning lands to allow for uses such as breweries, distilleries, wineries and other beverage production.
- Staff have had a number of inquiries for establishment of Cannabis Production Facilities under the new Cannabis Act, which came into effect in October 2018. The City's Zoning By-law presently permits Medical Marijuana Production Facilities, subject to specific regulations. The Zoning By-law is specific in its definition and doesn't presently allow for federally licensed non-medical production of cannabis. Staff would like to undertake review and consider expanding the Zoning By-law's contemplation of cannabis production as an Industrial Use, in light of new federal legalization.
- Food/Beverage Production Facilities and Cannabis Production Facilities share many commonalities in terms of land-use compatibility and the need to appropriately separate industrial uses from more sensitive land uses (e.g., residential). Construction of new buildings or conversion of existing buildings to house these uses would trigger Site Plan Approval.

Thus, it stands to reason that consideration of the food processing use should run concurrently to consideration of beverage and cannabis production uses. Staff are proposing to re-start the Planning Act process for consideration of Zoning By-law Amendment No. 25.

Staff are requesting the endorsement of Committee and Council to review the following through the Zoning By-law Amendment process:

- 1) To remove, in full or in part, a 'food and/or meat processing plant' from the uses prohibited in Sec. 5.2.
- 2) To alter the 'Definitions' section (4.0) By-law to consider inclusion of new or amended terms, such as:
 - a) Food/Beverage Production Facility: being a new term, meaning a building or structure used for the industrial manufacture, processing, packaging, storage, and shipping of food and beverages for human consumption. This use may include, but not be limited to breweries, wineries and distilleries, but shall not include non-human food production or uses otherwise defined or prohibited in this By-law.
 - b) Medical Marijuana Production Facility: being an existing term, proposed to be deleted and replaced with the new term 'Cannabis Production Facility.' Reference to specific federal legislation will also likely be deleted for the purposes of ensuring longevity of the provision. Regardless of Zoning and other City requirements,

provincial and federal requirements always continue to apply and supersede local requirements.

- c) Sensitive land use: potentially a new defined term for the purposes of establishing those use types that a setback from a 'sensitive land use' may apply. Sensitive land uses may include residential, institutional, natural heritage/hazard.
 - d) Storage, Outdoor: being an existing term amended to specifically exclude the outdoor storage of raw inputs or waste from Food/Beverage Production Facilities or Cannabis Production Facilities.
 - e) Uses, Industrial (Accessory): currently not defined in the Zoning By-law.
- 3) To alter 'General Provisions' (Sec. 5) to include general requirements pertaining to 'Food/Beverage Production Facilities' and 'Cannabis Production Facilities' if necessary.
- 4) To alter the 'Zones' (Sec. 6 through 14), including permitted uses and regulations to consider the following:
- a) To add 'Food/Beverage Production Facilities' and 'Cannabis Production Facilities' as permitted uses to one or more of the Industrial Zones.
 - i) General Industrial (M1)*
 - ii) Heavy Industrial (M2)*
 - iii) Mixed Use Industrial (MU)
 - b) To establish separation distances from defined sensitive land uses where appropriate.
 - c) To specify the proportion of a commercial use that may be dedicated to 'Uses, Industrial (Accessory)' and what types industrial uses may be included as accessory uses. 'Uses, Industrial (Accessory)' are permitted in several Commercial Zones (C1, C2, MC), but it is not currently clear what this permission means.

* Currently permit ' Medical Marihuana Production Facilities'.

Financial/Budget Implications:

The budgetary implications of the proposed housekeeping Zoning By-law Amendment is minimal. The process will incur administrative fees from providing Public Notice by mail and in the Sun Times Newspaper as legislated by the Planning Act. Also, an amendment initiated by the City does not collect application fees, as it would from an external applicant.

Review of the Site Plan Control By-law does not have any notable budgetary implications for the City.

It is anticipated that the proposed updates will create new economic development opportunities for businesses looking to establish in the City. Establishing clear regulations and 'pre-zoning' lands for these new uses will be beneficial to the residents, visitors and investors of the City.

Communication Strategy:

If endorsed, proposed amendments to the City's Zoning By-law and Site Plan Control By-law would be circulated for review and comment to internal Staff and external commenting agencies. Notice would be given in accordance with the Planning Act.

If endorsed, Council will be asked to receive a technical report and host a statutory Public Meeting in the coming weeks.

Conclusion:

It is Staff's hope that undertaking a review of the Site Plan Control By-law and the Zoning By-law will yield positive outcomes for the City, its Staff, and the development community. The City must ensure that its policy documents are functional, timely and yield efficiencies in their use. Planning Staff believe that this review exercise will have this result. It is recommended that Committee and Council endorse this undertaking.

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