

REQUEST FOR DECISION

SUBJECT

This is a supplementary report with respect to an application to amend the Land Use By-Law, as applied to 26 Burton Avenue (the subject property), to permit "Cultivating and Processing" and "Manufacturing/Industrial assembly operations...". The previous report recommended that the request be deferred and a comprehensive development planning process be initiated for the area zoned Commercial Holding (C-H) south of Starrs Road including the subject property and some other adjacent properties. The Planning Advisory Committee (PAC) recommended that the comprehensive planning process be initiated, without the subject property included, and a supplementary report be prepared dealing specifically with the request.

RECOMMENDATION

The recommendation is the uses currently permitted in the General Commercial (C-2) Zone be amended to permit cultivating and processing including value added production for the wholesale and retail market use with limitations.

KEY ISSUES

As Defined: "Cultivating and Processing means a use enclosed within a building or greenhouse used to grow, and process a plant product, including but not limited to marijuana. This use shall operate in a manner appropriate for the zone it is permitted, so as to minimize and prevent any negative impact on surrounding properties by sound, odor, dust, fumes or smoke". The applicant has indicated that the proposed use of the building is to grow marijuana and to process the plants so as to produce and sell edible products. The operational aspects of the use will be highly controlled and regulated by Federal Regulations so another layer of municipal control is not warranted. The municipal concern is mainly with respect to the impact on adjacent uses and the surrounding area. The recommendation is the uses currently permitted in the General Commercial (C-2) Zone be amended to permit the use with limitations.

RELEVANT POLICIES, BY-LAWS, AND LEGISLATION

The Municipal Planning Strategy and the Land Use By-Law.

FINANCIAL

There is no cost to the Town. Tax revenue and job creation would increase.

FOLLOW-UP ACTION

For the Planning Advisory Committee to proceed to a Public Participation Meeting

APPLICANT: 3223791 Nova Scotia Limited (Glenn Dunn)
118 East Coast Old Post Road
Smith's Cove, NS, BOS 1A0

APPLICATION

This is a supplementary report to an application to amend the Land Use By-Law, as applied to 26 Burton Avenue (the subject property), to permit "Cultivating and Processing" and "Manufacturing/Industrial assembly operations...". The previous report recommended that the request be deferred and a comprehensive development planning process be initiated for the area zoned Commercial Holding (C-H) south of Starrs Road including the subject property and some other adjacent properties. The Planning Advisory Committee (PAC) recommended that the comprehensive planning process be initiated, without the subject property included, and a supplementary report be prepared dealing specifically with the request with respect to the subject property.

GENERAL REVIEW

By Definition in the Land Use By-Law "Cultivating and Processing means a use enclosed within a building or greenhouse used to grow, and process a plant product, including but not limited to marijuana. This use shall operate in a manner appropriate for the zone it is permitted, so as to minimize and prevent any negative impact on surrounding properties by sound, odor, dust, fumes or smoke".

The applicant has indicated that the proposed use of the building is to grow marijuana and to process the plants so as to produce and sell edible products. The operational aspects of the use will be highly controlled and regulated by Federal Regulations so another layer of municipal control is not warranted. Given this, the municipal focus is mainly with respect to the impact on adjacent uses and the surrounding area.

The recommendation is the uses currently permitted in the General Commercial (C-2) Zone be amended to permit the use with limitations. Specifically:

Add to section 19.1 C-2 Zone Uses Permitted:

- * Cultivating and processing including value added production for the wholesale and retail market provided operations are conducted and contained within a

wholly enclosed building; are not obnoxious by reason of sound, dust, fumes, smoke or other emissions, refuse matters or water carried wastes; and the property does not front on Starrs Road and is located more than one hundred meters (100m) from a residential zone.

This change will also require a change in policy by the addition of the same words to Policy 5.29 as follows:

Policy 5.29 It shall be the intention of Council to include in the Land Use By-law a General Commercial (C-2) zone. This zone shall include the following and other similar types of uses permitted as of-right: retail shops; community markets; convenience and grocery stores; light service industry within wholly enclosed buildings; light service shops; personal service shops; internet web site development; heavy service shops; restaurants (eat-in, drive-in or drive- thru); taverns, lounges and cabarets; hotels, motels and hostels; wholesale, distribution and warehousing; automobile sales establishments; automobile service stations; car wash facilities; cable television studios; parking lots and parking structures; places of entertainment, recreation, fitness and assembly within wholly enclosed buildings; veterinarian clinics within wholly enclosed single-occupancy buildings; taxi and bus stations; emergency response centers; public utility offices and work yards; private utility offices and work yards; laundromats and banks and financial institutions with 18.58m² (200 ft²) or less in commercial floor area per lot; cultivating and processing including value added production for the wholesale and retail market provided operations are conducted and contained within a wholly enclosed building and are not obnoxious by reason of sound, dust, fumes, smoke or other emissions, refuse matters or water carried wastes and the property does not front on Starrs Road and is located more than one hundred meters (100m) from a residential zone.

CONCLUSION

The recommendation is the uses currently permitted in the General Commercial (C-2) Zone be amended to permit cultivating and processing including value added production for the wholesale and retail market use with limitations.