



**Town of Amherst
Planning Advisory Committee Meeting**

Agenda

Date: **Tuesday, November 13, 2018**
Time: **12:15 pm**
Location: **Council Chambers, Town Hall**

	Pages
1. Call to Order (12:15p.m.)	
1.1 Approval of Agenda	
1.2 Approval of Minutes	1 - 4
2. Motion - Amendments to the Land Use Bylaw for Cannabis-related Land Uses (12:20p.m.)	5 - 7
3. Motion - 196 East Victoria Street Demolition (12:30p.m.)	8 - 8
4. Adjournment (12:45p.m.)	

Town of Amherst Planning Advisory Committee Minutes

Date of Meeting: Monday, November 5, 2018
Location: Council Chambers, Town Hall

Members Present: Deputy Mayor Sheila Christie
Councillor Terry Rhindress (Vice Chair)
Citizen Appointee Gordon Goodwin
Citizen Appointee Ronald Wilson

Staff Present: Manager of Planning and Strategic
Priorities, Andrew Fisher
Unsightly Premises Administrator, Marc
Buske
Municipal Clerk Kimberlee Jones
Admin Assistant Emily Wainwright

1. Call to Order

Vice-Chair called the meeting to order at 5:00 p.m.

1.1. Approval of Agenda

Moved By: Deputy Mayor Christie
Seconded By: Citizen Appointee Goodwin
That the agenda be approved.

Motion Carried

1.2. Approval of Minutes

Moved By: Deputy Mayor Christie
Seconded By: Citizen Appointee Goodwin
That the minutes of the October 1, 2018 PAC meeting be approved.

Motion Carried

2. Public Participation Opportunity – Amendments to the Land Use Bylaw for Cannabis-related Land Uses

2.1 Staff Report Presentation

Mr. Fisher reviewed his report as included as part of the agenda package.

2.2 Committee Questions

Deputy Mayor Christie asked if there could be set backs for school zones. Even though highway commercial and retail zones have been identified, is there anything further in other land use bylaws that would provide setbacks from school zones. Mr. Fisher responded that for the most part regulations in other municipalities have either not been adopted yet, or they are in the process of being adopted. Currently the use is not permitted so there is no need to establish minimum setbacks at this point in time. When, and if, the provincial regulations allow private retail, the town would have an opportunity to consider setbacks before they are permitted at the municipal level.

Citizen Appointee Goodwin asked if individuals can buy cannabis and stand in tobacco regulated areas. Mr. Fisher responded saying that that is correct, but public consumption is being dealt with by Council's consideration of a nuisance bylaw.

Citizen Appointee Wilson asked where the other forms of the consumption of cannabis fall into this regulation. Mr. Fisher replied that currently legislation does not permit the retail sale of edibles, but within a cannabis lounge I believe that means any type of consumption.

Citizen Appointee Goodwin asked if the Town of Amherst will be following the same rules as HRM. Mr. Fisher responded that the general policy approach that Amherst is considering follows the HRM approach.

Deputy Mayor Christie asked how our bylaws would differ between medical marijuana and this. Mr. Fisher replied that the regulations for medical marijuana facilities are replaced by the Cannabis Act. Deputy Mayor Christie then stated that Truro recently had something open, so they must have made an application well in advance, and asked if other municipalities are going through this at the same time. Mr. Fisher responded that those facilities would have been regulated under the medical marijuana regulations [Access to Cannabis for Medical Purposes Regulations], so Health Canada would have issued licences for those facilities.

Citizen Appointee Goodwin asked if the town has had any applications for production facilities. Mr. Fisher replied no.

Being no further speakers, the Public Participation Opportunity closed.

3. Motion to Conclude the Public Participation Opportunity and Return to the Regular Planning Advisory Committee Meeting

Moved By: Citizen Appointee Wilson

Seconded By: Citizen Appointee Goodwin

That the Committee conclude the Public Participation Opportunity and return to the regular meeting.

Motion Carried

4. 196 East Victoria Street - Demolition

4.1 Mr. Macdonald reviewed his report as included as part of the agenda package

4.2 Committee Questions

Citizen Appointee Wilson asked if just the residence would be demolished, or if there will be out buildings as well. Mr. MacDonald replied that yes, there are structural failures to the garage as well so that is recommended to be demolished as well.

Citizen Appointee Goodwin asked if there was anyone living at the residence. Mr. MacDonald replied that yes, it is believed that Mr. Wells resides in the house.

Deputy Mayor Christie asked if there has been any non-compliance fines or penalties placed on the property owner. Mr. MacDonald replied that in the past, up until a couple of weeks ago, no one could issue a fine, but now Mr. Buske has received his Special Officer certificate. He said that the Town has issued many fines, but the courts have a history of not upholding multiple fines.

Citizen Appointee Goodwin asked in the last inspection was done in January of 2018, then why is someone still living there. Mr. MacDonald responded that they have to give every opportunity for the house to be fixed.

4.3 Owner Questions & Comments

Karmen Wells spoke on behalf of his father, Walter Wells. I didn't know anything about this until today, but this is already done deal isn't it. That's what it seems like, he has 30 days to leave. Mr. Macdonald responded that the staff recommendation is to order the property owner to demolish the building. If this Committee passes the motion, he would have 30 days from that date to do it. Now if he didn't agree with it, he could appeal the decision within 7 days, then it would go to Town Council. So, it is not a done deal. Karmen Wells asked, if he were to go to an engineer, like a structural engineer, and they came in and made a list of things that needed to be done, and he started working on them, would that suffice. Mr. MacDonald replied that that would be up to the Committee, but we have given him lists many of times though many years, and they have never been completed. Karmen replied that yes, he understands that, and that he just called today about it and this has all come on him, and I am telling him he needs

to see a structural engineer and he will tell you what you need to do, and that he has to follow through. I just talked to him for an hour here. Citizen Appointee Goodwin stated that there seems to be lists of things that need to be done to improve the property to make it habitable and safe, and these lists have been going on since 2013. Karmen stated that he didn't know, because he does not stay in contact with him, he calls if he gets into trouble with something. I do contract work, and he calls me, and I see what I can do to help him out, but it is always on the final hour. You can't just go and get all of this stuff done, it takes time, and then are you serious enough to go and do it, and we've run into this on another house he owns. So, I just got the call today, and I've been talking to him about it and that the first one sets a precedence, then the rest get easier. But I don't know what to do with it. So, that is why I was asking if it is too late. I haven't been in the house since the day he bought it, other than an auction, and I haven't been in the house since. But, I already know what's in there. Citizen Goodwin stated that the last thing this Committee wants, is to find out that someone has passed away in there, because of the heating, plumbing, and wiring. That is our biggest concern. Karmen Wells stated that he agrees. Personally, he does not believe that is the place for his father to be. But I'm not able to tell him that.

Walter Wells, property owner, stated that he does not know what to tell the Committee. Personally, I think it's a nice old home that should be fixed up. I don't know what to do. There is an old furnace, but one radiator is broken. There's a gas line that is put into it, but I don't want to have the gas hooked up because there have been too many break-and-enters. The pillars are bad, but they can be fixed or removed. I could have an engineer go up and have their opinion. I used to be the biggest landlord in Amherst, and we haven't had any fires. I owned the Windsor building on Hickman. We have never had a fire. I am willing to fix up the house. I was sick this summer but am willing to fix the house up.

Citizen Appointee Goodwin asked when the date of the last notification would be, that the 30 day period starts. Mr. MacDonald said it would be the day after the motion is made to demolish by the Committee.

5. Adjournment

Deputy Mayor Christie motioned to adjourn the meeting at 5:52p.m

Motion Carried

Kimberlee Jones, Municipal Clerk

Vice Chairman Terry Rhindress

SYNOPSIS

Amendments to the Land Use Bylaw for Cannabis-related Land Uses.

At its Committee of the Whole meeting September 17th, Council passed the following motion:

That staff be directed to refer to the Planning Advisory Committee potential planning document amendments that would define licensed production facilities, permit such facilities in industrial zones with minimum setbacks from residential and other sensitive land uses, and define cannabis retail sales and cannabis lounges.

The purpose of this motion is to recommend amendments to the Town's planning documents to address the Federal Government's *Cannabis Act*, that took effect October 17, 2018. The *Act* provides a legal framework for the production, distribution, sale, and possession of cannabis for medical and recreational purposes. At the same time, the Provincial Government's *Cannabis Control Act* regulates cannabis distribution and retail sales, and amends the *Smoke-Free Places Act* to control smoking cannabis in public places. Part of the role for Municipal Governments is to regulate where cannabis-related uses are appropriate.

The proposed Land Use Bylaw amendments provide definitions for licensed production facilities, cannabis retail sales, and cannabis consumption venues. The amendments also provide for where licensed production facilities may be located and restrict retail sales to those controlled by the NSLC.

MOTION OPTIONS:

Option One: I move that the Planning Advisory Committee recommend that Council amend the Land Use Bylaw to regulate cannabis-related uses as shown in the Attachment.

Option Two: I move that the Planning Advisory Committee defer a recommendation to Council and request that staff provide more information or changes to the draft amendments.

Option Three: I move that the Planning Advisory Committee recommend that Council not amend the Land Use Bylaw to regulate cannabis-related uses.

STAFF RECOMMENDATION: Option One.

Attachment

Town of Amherst

By-Law P-2-XX to amend the Land Use By-Law, P-2

1. This is a by-law to amend the Land Use By-Law of the Town of Amherst with respect to the matter of regulating cannabis-related uses.
2. In the Land Use By-law *Section 1.0 Definitions*, add section 17a that provides a definition for *Cannabis Production Facility*, add section 17b that provides a definition for *Cannabis Lounge*, and add section 17c that provides a definition for *Cannabis Retail Sales*.

17(a) **Cannabis Lounge** means premises where the primary purpose of the facility is the consumption of cannabis, cannabis products or any of its derivatives such as oils or edible products. A cannabis lounge may or may not include cannabis retail sales.

17(b) **Cannabis Production Facility** means premises used or occupied by a person or organization licensed by the Government of Canada for the production of cannabis or cannabis products,

(a) including

(i) where cannabis or any of its derivatives, such as resin or oils, is grown, cultivated, harvested, manufactured, processed, packaged, or labelled, and

(ii) associated activities permitted by the federal license, such as research and development, storage, and destruction, and

(b) excluding

(i) industrial hemp, and

(ii) premises used for personal production permitted by federal legislation.

17(c) **Cannabis Retail Sales** means premises used for the retail sale of cannabis, cannabis products or any of its derivatives, such as oils or edible products, to the general public.

3. In the Land Use By-law, Section 8.0 General Provisions for Commercial Zones add section 8.1.4 as follows:

8.1.4 Cannabis-Related Uses

Notwithstanding any other provision in this Bylaw, cannabis retail sales and cannabis lounges are only permitted if such facilities are operated by the Nova Scotia Liquor Commission (NSLC).

4. In the Land Use By-law, Section 8.2.1 Highway Commercial Zone Uses Permitted, add *Cannabis Lounges and Cannabis Retail Sales subject to section 8.1.4* to the list of permitted uses after the words '*Business and Professional Offices*', and before the words '*Commercial Recreation Centres*'.

5. In the Land Use By-law, Section 8.3.1 Downtown Zone Uses Permitted, add **Cannabis Lounges and Cannabis Retail Sales subject to section 8.1.4** to the list of permitted uses after the words '*Business and Professional Offices*', and before the words '*Commercial Recreation Centres*'.
6. In the Land Use By-law, Section 9.1 *Industrial Zone Uses Permitted*, add Cannabis Production Facility to the list of permitted uses

9.1 Industrial Zone Uses Permitted

The following uses shall be permitted in the Industrial Zone:

- Any manufacturing, industrial, assembly or warehousing operation
- Any activity connected with the automotive trade, excluding salvage yards
- Boat and Marine Supplies and Sales
- Building supply and equipment depots including the bulk storage of sand or gravel
- Railway uses
- Recycling Collection and Storage Facilities, excluding salvage yards
- Retail and office uses incidental to the main industrial use

Cannabis Production Facility, subject to section 9.6

7. In the Land Use By-law, add section 9.6 regarding Cannabis Production Facilities:

9.6 Cannabis Production Facilities

Where a lot containing a cannabis production facility abuts a lot

- (i) zoned or used for residential purposes, or
- (ii) that is used for a daycare, community centre, school, religious institution, public park or playground,

such facility, including any building or outdoor area used as a cannabis production facility, shall be set back a minimum 230 feet (70 metres) from the abutting lot line.

Clerk's Annotation for Official By-Law Book

Date of First Reading:
 Date of Notice of Intent to Consider:
 Date of Second Reading:
 Date of Advertisement/Notice of Publication (to be published following Ministerial approval)
 Date of mailing to Minister a certified copy:

I certify that this **By-Law P-X, a By-Law to Amend the Land Use By-Law**, was adopted by Council and published as indicated above.

 Gregory D. Herrett, CA
 Chief Administrative Officer

 Date

*Effective Date of the By-Law unless otherwise specified in the text of the By-Law.

SYNOPSIS

196 East Victoria Street

Various complaints have been received regarding the physical condition of the building located at 196 East Victoria Street. Town staff, as well as a contract Building Official from the Municipality of the County of Cumberland have investigated and determined that this structure poses an immediate and real threat to not only the inhabitants of the structure but also to the general public.

The owner was ordered by the Administrator to provide an engineering assessment of the building on the property, however to date this has not been received and the owner has made no attempt to correspond with the Town on this matter.

Given the historical lack of compliance from the owner of this property, the current state of the buildings, and the likely costs of renovation to bring the buildings into compliance with the Town's Minimum Standards for Residential Occupancies Bylaw, the Administrator is recommending that the buildings be demolished.

MOTION:

That the Planning Advisory Committee order the buildings at 196 East Victoria Street be demolished, and back fill the hole within 30 days from the date of this Committee meeting, with all work to be done by the property owner. Failure by the property owner to do the work will result in the Town completing the work and send all contents of the building to the Cumberland Joint Services Management Authority land fill with all costs charged to the property owner's tax account.