

BYLAW 258-18

BEING A BYLAW OF THE VILLAGE OF ALBERTA BEACH IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF AMENDING LAND USE BYLAW 252-17

WHEREAS the Municipal Government Act 2000 requires a Council to adopt a land use bylaw;

AND WHEREAS a public hearing was held on July 20, 2017 for Bylaw 252-17 "The Land Use Bylaw" and The Land Use Bylaw was adopted by Council on September 19, 2017;

NOW THEREFORE it is deemed advisable to amend the Land Use Bylaw 252-17 as follows:

1. That this Bylaw 258-18 be cited as the "Cannabis Land Use Bylaw Amendment."

2. That in Part 1 (Section 1.9 – Definitions), that the following definitions be added:

"Cannabis - means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the *Cannabis Act* and its regulations, as amended from time to time and includes edible products that contain cannabis."

"Cannabis Consumption Facility - means a development, or any part thereof, licensed to sell cannabis to the public for consumption within the premises."

"Cannabis Retail Sales - means a retail store licensed by the Province of Alberta where Cannabis and Cannabis Accessories are sold to individuals who attend the premises."

"Cannabis Production and Distribution - means a development in a stand-alone building used principally for one or more of the following activities as it relates to cannabis:

- the production, cultivation and growing of cannabis;
- the processing of raw materials;
- the making, testing, manufacturing, assembling, destruction or in any way altering the chemical or physical properties of semi-finished or finished goods or products;
- the storage or trans-shipping of materials, goods and products; or
- the distribution and sale of materials, goods and products to Cannabis Retail stores.

Medical cannabis production and distribution facilities shall not include storefront retail sales."

"Education Service" - means the assembly for education, training, or instruction."

"Retail Store, Drug Paraphernalia - means a development used for the retail sale of any product, equipment, thing or material of any kind primarily used or intended to be primarily used to produce, process, package, store, inject, ingest, inhale or otherwise introduce into the human body a controlled substance as defined in the Controlled Drugs and Substances Act, R.S.C. This Land Use does not include: a licensed pharmacy under Section 5 of the Pharmacy and Drug Act, R.S.A. 2000, c. P-13; a medical practice, operated by a physician, dentist or pharmacist as defined in the Health Professions Act, R.S.A. 2000, c. H-7; or a veterinary practice, as defined in the Veterinary Profession Act, R.S.A. 2000, c. V-2."

3. That in Part 1 (Section 1.9 – Definitions), the following definitions be amended:

“**Agriculture** the rearing of livestock or the production of crops”;

Be amended to the following:

“**Agricultural and Natural Resource Development Uses**

- “1. **Rural Farms** - means development for the primary production of farm products such as: dairy products; poultry products; cattle, hogs, sheep and other animals; wheat or other grains; and vegetables or other field crops in rural and peri-urban areas. This does not include Cannabis Production and Distribution, unless operating pursuant to a registration certificate issued by the Federal Government for personal production or designated personal production for medical cannabis.”
- “2. **Urban Indoor Farms** - means the cultivation and harvesting of plant and/or animal products primarily within enclosed buildings for the primary purpose of wholesale or retail sales. Accessory activities may include on-site sales, composting of plants grown on-site, outdoor storage, and food packaging and processing. Typical activities include vertical farms, hydroponic systems and aquaponics systems. This use does not include Livestock Operations, Rural Farms, Recreational Acreage Farms, Urban Outdoor Agriculture, Urban Gardens, or Cannabis Production and Distribution, unless operating pursuant to a registration certificate issued by the Federal Government for personal production or designated personal production for medical cannabis.”
- “3. **Urban Outdoor Farms** - means the cultivation and harvesting of plant and/or animal products in urban areas, primarily as an interim use on idle or under-used land for the primary purpose of wholesale or retail sales. Cultivation and harvesting may occur within unenclosed structures primarily lit by natural light and used for the extension of the growing season, such as cold frames and greenhouses. Accessory structures may include those used for the operation of the site. Accessory activities may include on-site sales, composting of plans grown on site, or outdoor storage. This use does not include Livestock Operations, Rural Farms, Urban Gardens, or Cannabis Production and Distribution, unless operating pursuant to a registration certificate issued by the Federal government for personal production or designated personal production for medical cannabis.”
- “4. **Urban Gardens** - means the cultivation and harvesting of plant and/or animal products in urban areas for the primary purpose of beautification, education, recreation, or social or community programming. Accessory buildings or structures may include those used for the operation of the site and the extension of the growing season, such as cold frames and greenhouses. On-site sales and processing of plants or animal products are prohibited. Accessory activities may include outdoor storage or composting of plants grown on-site. Typical activities include community gardens. This use does not include Livestock Operations, Rural Farms, Recreational Acreage Farms, Urban Indoor Farms, Urban Outdoor Farms, or Cannabis Production and Distribution, unless operating pursuant to a registration certificate issued by the Federal Government for personal production or designated personal production for medical cannabis.”

“Greenhouse the growing, storage and basic processing of fruits, vegetables, household and ornamental plants, and may include the sales of their products or by-products;

Be amended to the following:

“Greenhouse the growing, storage and basic processing of fruits, vegetables, household and ornamental plants, and may include the sales of their products or by-products. This use does not include cannabis grown for medical or recreational purposes.”

“Outdoor Eating Establishment – means an establishment where a combination of food and non-alcoholic drink are normally consumed either outside or inside the confines of the establishment;”

Be amended to the following:

“Outdoor Eating Establishment - means a commercial development where food and beverages are prepared and served for consumption on-site by the public either outside or inside the confines of the establishment. This use does not include a Cannabis Consumption Facility.”

“Retail Store - means where goods are offered for sale to customers, and includes artisan shops;”

Be amended to the following:

“Retail Store - means where goods are offered for sale to customers, and includes artisan shops. This use does not include Cannabis Retail Sales.”

4. That in Part 3 – Section 3.7(1) – “Decision on Development Permit Applications” that the following be added:

“g) The Development Authority shall determine the process for submitting, receiving, determining completeness, and reviewing development permit applications for Cannabis Retail Sales and Cannabis Production and Distribution Facility.”

5. That in Part 5 Land Use Districts and Regulations, that the following uses be added:

Cannabis Retail Sales in the C1 – Commercial District as a Discretionary Use;
Cannabis Retail Sales in the C2 – Commercial Mixed Use District as a Discretionary Use;
Cannabis Retail Sales in the C3 – Commercial Highway District as a Discretionary Use;
Cannabis Retail Sales in the M – Light Industrial District as a Discretionary Use;
Cannabis Production and Distribution Facility in the M – Light Industrial District as a Discretionary Use;
Cannabis Production and Distribution Facility in the UR – Urban Reserve District as a Discretionary Use;

6. That in Part 5 Land Use Districts and Regulations, Section 5.9.2 “C1 - Commercial District” that “Education Service” be deleted from 5.9.2 Permitted Uses and be added to 5.9.2 Discretionary Uses.

7. That in Part 5 Land Use Districts and Regulations, Section 5.10.2 “C2 - Commercial Mixed Use District” that “Education Service” be deleted from 5.10.2 Permitted Uses and be added to 5.10.2 Discretionary Uses.

8. That in Part 5 Land Use Districts and Regulations, Section 5.11.2 "C3 - Commercial - Highway District" that "Education Service" be deleted from 5.11.2 Permitted Uses and be added to 5.12.2 Discretionary Uses.
9. That in Part 4 General Development Regulations, Section 4.19.3 "Home Occupations Regulations", be amended by adding:
"3.19.1(q) This use does not include either a Cannabis Retail Store or a Cannabis Production and Distribution Facility."
10. That in Part 4 General Development Regulations, the following section and regulations be added:

Section 4.28.0 "Cannabis Retail Sales"

1. Any site containing a Cannabis Retail Sales shall not be located less than 100 m from any site being used as a public or private education services or a provincial health care facility at the time of the application for the Development Permit for the Cannabis Retail Sales. For the purposes of this subsection only:
 - a) the 100 m separation distance shall be measured from the closest point of the subject site boundary to the closest point of another site boundary, and shall not be measured from the district boundaries or from the edges of the structures;
 - b) the term "public or private education services" is limited to early childhood education, elementary through to high schools inclusively only, and does not include dance schools, driving schools or other commercial schools.
2. Notwithstanding Section 3.7.2 "Decision on Development Permit Applications" of this Bylaw, a Development Authority shall not grant a variance to subsection Section 4.28.1 or 4.28.2.
3. The Development Authority may require lighting, signage, landscaping or screening measures that ensure the proposed development is compatible with adjacent or nearby residential, commercial, industrial or community services uses.
4. Prior to the issuance of a development permit, the Development Authority may conduct a site assessment, taking into account land use impacts including, but not limited to, exterior illumination, landscaping, screen, signs and access.
5. The Development Authority shall impose a condition on any development issued for Cannabis Retail Sales requiring that the development:
 - a) shall not commence until authorized by and compliant with all federal or provincial legislation; and
 - b) must commence within six (6) months of the date of approval of the development permit.
6. For the purpose of 4.28.6(b), development commences when the Cannabis Retail Sales Use is established and/or begins operation."

11. That in Part 4 General Development Regulations, the following section and regulations be added:

Section 4.29.0 "Cannabis Production and Distribution Facility"

- "1. For the purposes of this subsection only the owner or applicant shall provide as a condition of development permit a copy of the current license and all subsequent license renewals for all activities associated with medical cannabis production issued by Health Canada.
 2. The owner or applicant shall obtain any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or municipal legislation.
 3. All processes and functions of the development shall be fully enclosed within a stand-alone building, including but not limited to all loading spaces and docks, garbage containers, storage and waste material.
 4. The development shall be a singular use and shall not be operated in conjunction with any other uses.
 5. The development shall include equipment designed and intended to remove odours from the air where it is discharged from the building as part of a ventilation system.
 6. The development shall be located a minimum of 100 metres away from any residential district.
 7. The Development Authority may require, as a condition of development permit, a waste management plan, completed by a qualified professional that details:
 - a) the incineration of waste products and airborne emissions, including odours;
 - b) the quantity and characteristics of liquid and waste material discharged by the facility; and
 - c) the method and location of collection and disposal of liquid and waste material.
 8. The minimum number of parking stalls shall be based on the requirements for a single industrial use as per Section 4.16.
 9. Fencing of the site shall be required, subject to the provisions of Section 4.18. Cannabis Production Facilities shall not be constructed with a zero lot line.
 10. Notwithstanding the provisions of Section 4.22 "General Sign Regulations", no sign shall be displayed on the site that identifies the use.
 11. The development may be subject to periodic inspections to ensure compliance with the Land Use Bylaw and the approved development permit and all other applicable Bylaws of Alberta Beach."
12. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the Bylaw is deemed to remain valid.

13. That this Bylaw shall come into force and take effect upon the date of third reading and signing in accordance with the Municipal Government Act.

Read a first time this the 17th day of April, 2018.

Mayor Jim Benedict

Kathy Skwarchuk – CAO

Public Hearing held on the 19th day of June, 2018.

Read a second time this ____ day of _____, 2018.

Read a third time this ____ day of _____, 2018.

Mayor Jim Benedict

Kathy Skwarchuk – CAO