

BYLAW NO. 2018-006
VILLAGE OF CAROLINE

A BYLAW IN THE VILLAGE OF CAROLINE TO AMEND LAND USE BYLAW NO. 450

WHEREAS Section 639 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, provides that every municipality must pass a land use bylaw; and

WHEREAS the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, permits a Council to pass a bylaw to amend the Land Use Bylaw; and

WHEREAS the Council of the Village of Caroline deems it necessary and expedient to amend Land Use Bylaw Number 450;

NOW THERE COUNCIL OF THE VILLAGE OF CAROLINE DULY ASSEMBLED
ENACTS AS FOLLOWS:

1. THAT Part One: General Section 1.3 Definitions be amended to include the following definitions, in alphabetical order:

***“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 (Canada) and its regulations, as amended from time to time, and includes edible products that contain cannabis.”*

***“cannabis accessory”** means a thing, including but not limited to, rolling paper or wraps, holders, pipes, water pipes, bongs and vaporizers, or any other thing described in the Cannabis Act (Canada) that is used in the consumption or production of cannabis.”*

***“cannabis production and distribution”** means an establishment used principally for one or more of the following activities as it relates to Cannabis:*

- (a) The production, cultivation, and growth of Cannabis;*
- (b) The processing of raw materials;*
- (c) The making, testing, manufacturing, assembling or in any way altering the chemical or physical properties of semi-finished or finished goods and products;*
- (d) The storage or transshipping of materials, goods and products; or*
- (e) The distribution and sale of materials, goods and products to Cannabis Retail Sales stores or to individual customers.”*

***“cannabis lounges”** means an establishment where the primary purpose of the facility is the sale of cannabis and cannabis accessories to the public, for consumption of cannabis within the premises that is authorized by provincial or federal legislation. This use does not include Cannabis Production and Distribution.”*

“cannabis retail sales” means an establishment used for the retail sale of cannabis and cannabis accessories that is authorized by provincial or federal legislation. This use does not include Cannabis Production and Distribution.”

“medical cannabis” means a substance used for medical purpose authorized by a licence issued under the federal government’s Access to Cannabis for Medical Purposes Regulations, or any subsequent legislation which may be enacted in substitution.”

“medical cannabis counselling” means a use where counselling on medical cannabis is provided by persons who are not medical professionals, and that may include the ancillary retail sale or rental of cannabis accessories.”

“medical cannabis production facility” means any building in which an activity authorized by the Access to Cannabis for Medical Purposes Regulations, or any successor or replacement legislation or regulation, is or may be conducted including such activities as growing, processing, labeling and packaging, storing and transporting of cannabis.”

2. THAT Part One: General Section 1.3 Definitions be amended by replacing the definitions listed below with the following:

“cartage and freight terminal” means a facility accommodating the storage and distribution of freight shipped by air, rail or highway transportation. This does not include cannabis production and distribution, or medical cannabis production facility;”

“drive-in business” means an establishment with facilities for on-site service to customers who remain in their motor vehicles, but does not include a drive-in theatre, cannabis retail sales or cannabis production and distribution;”

“heavy manufacturing” means the manufacture of products, the process of which generates fumes, gases, smoke, vapours, vibrations, noise or glare, or similar nuisances that may cause adverse effects to the users of adjacent land. This does not include cannabis production and distribution or medical cannabis production facility;”

“home occupation” means any occupation, trade, profession, or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building. This does not include medical cannabis counselling, cannabis retail sales or cannabis production and distribution;”

“indoor merchandise sales” means the indoor sale or display of merchandise, including indoor storage of merchandise in quantities limited to the needs of the outlet. This does not include cannabis retail sales or medical cannabis counselling;”

“light manufacturing” means the manufacture of products, the process of which does not generate fumes, gases, smoke, vapours, vibrations, noise or

glare or other factors which are regarded as nuisances which would cause adverse effects to the users of adjacent land. This does not include cannabis production and distribution facility or medical cannabis production facility;”

“office” means a facility providing for the administration of business, or government, or the provision of professional services. This does not include medical cannabis counselling;”

“personal service” means the provision of a service to individuals on a commercial basis, and includes such services as photographers, travel agencies, beauty salons, restaurants and dry cleaners. This does not include cannabis retail sales, medical cannabis counselling or cannabis lounge;”

“neighbourhood convenience store” means a commercial establishment with off street parking established on the same site which serves the convenience shopping needs of the immediate neighbourhood only, but does not include cannabis retail sales or medical cannabis counselling;”

“warehousing” means a facility for the indoor storage of goods and merchandise, but does not include cannabis production and distribution or medical cannabis production facility;”

3. THAT Schedule B: Supplementary Regulations Section 6. Miscellaneous be amended by adding the following text as subsection 6(1):

6(1) Cannabis Retail Sales

6(1).1 Distance from Schools

- (a) *A cannabis retail sales use shall not be located within 100m of any building or any lot being used for a private or public education or any lot designated as School Reserve or Municipal and School Reserve at the time of application for approval of the cannabis retail sales use. For the purposes of this subsection only:*
- (i) *The 100m distance shall be measured from the closest point of the cannabis retail sales use to the closest point of the boundary of the lot being used for private or public education use;*
 - (ii) *The 100m distance shall be measured from the closest point of the cannabis retail sales use to the closest point of the boundary of the lot designated as School Reserve or Municipal and School Reserve;*
 - (iii) *The term “public or private education” is limited to elementary through to high schools, and does not include dance schools, driving schools or other forms of commercial schools;*

- (iv) *The terms “school reserve” and “municipal and school reserve” means those parcels with the suffix “SR” or “MSR” in accordance with the Municipal Government Act; and*
- (v) *The Development Authority shall not grant a variance to reduce the separation distance.*

6(1).2 *Co-Location with Other Uses*

- (a) *Cannabis retail sales shall not be co-located with, or approved in combination with, any other use within the same building designed to house a single tenant or the same commercial bay of a building designed to house multiple tenants.*

6(1).3 *Cannabis retail sales shall include design elements and considerations that readily allow for natural surveillance and the promotion of a safe urban environment, which, to the satisfaction of the Development Authority, includes the following requirements:*

- (a) *Customer access to the store is limited to a store front that is visible from the street, or a parking lot, or the interior hallway of a mall;*
- (b) *The exterior of all stores shall have as much visibility from the street as possible;*
- (c) *Outdoor lighting shall be designed to ensure a well-lit exterior for pedestrians and illumination of the property; and*
- (d) *Landscaping shall consist of low-growing shrubs or trees with a sufficiently high canopy to maintain natural surveillance between heights of 1m and 2.5m above grade.*

6(1).4 *No outdoor storage relating to cannabis retail sales shall be allowed.*

6(1).5 *All solid waste containers shall be fully enclosed within a building.*

6(1).6 *No nuisances, including but not limited to odour, noise, or light, shall be emitted.*

6(1).7 *Drive through facilities and windows are not permitted.*

6(1).8 *Hours of operation for cannabis retail sales shall be limited to the hours between 10:00 am and 2:00 am.*

6(1).9 *Onsite parking shall be provided at a rate of 3.5 parking stalls per 100 m² (1,076 ft²) of floor area.*

6(1).10 *The Development Authority shall not grant a variance to any standard that applies to a cannabis retail sales use.*

6(1).11 *In addition to the requirements for a development permit application, the applicant proposing a cannabis retail sales development shall provide:*

- (a) A drawing illustrating the proposed location of the cannabis retail sales and its distance from any other use or facility that requires a distance separation under this Land Use Bylaw or the provincial legislation; and*
- (b) Written confirmation from the Alberta Gaming, Liquor and Cannabis Commission (AGLC) that the applicant has satisfied the AGLC requirements to be a person eligible to sell cannabis in Alberta.*

4. THAT Schedule C: Land Use District Regulations Central Commercial District (C1) be amended by replacing the district name with the following text:

"Commercial District (C)"

5. THAT Schedule C: Land Use District Regulations Commercial District (C) be amended by including the following use alphabetically under Discretionary Uses:

"Cannabis retail sales"

6. THAT Schedule C: Land Use District Regulations Highway Commercial District (HC) be amended by including the following use alphabetically under Discretionary Uses:

"Cannabis retail sales"

7. THAT Schedule C: Land Use District Regulations Industrial District (I) be amended by including the following uses alphabetically under Discretionary Uses:

"Cannabis production and distribution"

"Medical cannabis production facility"

Read a First time in Council this 9 day of October, 2018

Read a Second time in Council this 13 day of November, 2018

Read a Third time in Council this 13 day of November, 2018

VILLAGE OF CAROLINE



MAYOR



CHIEF ADMINISTRATIVE OFFICER