

**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
BYLAW NO. 1291-18**

Being a bylaw of the Municipal District of Pincher Creek No. 9 in the Province of Alberta,
to amend Bylaw No. 1289-18, being the Land Use Bylaw.

WHEREAS Section 639 of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, provides that a municipality must pass a Land Use Bylaw; and

WHEREAS the Municipal District of Pincher Creek No. 9 has reviewed the legislation regarding the legalization of cannabis at the Provincial and Federal levels of Government; and

WHEREAS the purpose is to accommodate cannabis related uses in the bylaw in accordance with Federal and Provincial legislation.

NOW THEREFORE, under the authority and subject to the provisions of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Municipal District of Pincher Creek No. 9, in the Province of Alberta, duly assembled does hereby enact the following:

1. This bylaw shall be cited as “Land Use Bylaw Amendment No. 1291-18”.
2. Land Use Bylaw No. 1289-18 shall be amended and consolidated as per “Schedule A” attached.
3. The amendment is authorized to be prepared, including changes to formatting, page numbering, and any necessary section numbering throughout including the Table of Contents.
4. This bylaw shall come into force and effect upon third and final passing thereof.

READ a first time this 27th day of November, 2018.

A PUBLIC HEARING was held this 22nd day of January, 2019.

READ a second time this 12th day of February, 2019.

READ a third time and finally PASSED this 12th day of February, 2019


Reeve


Chief Administrative Officer
Sheldon Steinhilber

Attachment
- “Schedule A”

Schedule A

Amend and add to Part I Section 6 'Definitions' section of bylaw

Add new Definitions to Part I Section 6:

Cannabis means the Cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not, and any substance or mixture of substances that contains or has on it any part of such a plant; and any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained, but does not include a non-viable seed of a cannabis plant.

Medical Cannabis means a substance used for medical and pharmaceutical purposes authorized by a license issued under the federal government and in accordance with the Government of Canada's Access to Cannabis for Medical Purposes Regulations (ACMPR) or any subsequent legislation which may be enacted in substitution.

Retail cannabis store means the use of a store, premises or a building for a commercial retail cannabis business, licensed by the Province of Alberta, where legal non-medical cannabis and cannabis accessories are sold to individuals who attend at the premises and the product sales or associated sales are expressly authorized by the Alberta Gaming and Liquor Commission (AGLC).

Amend the following existing Definitions in Part I Section 6 with the bolded additions:

6.58 Extensive Agriculture

The production of crops or livestock or both by expansive cultivation or open grazing. "Intensive horticultural facility" and "**Cannabis Production Facility**" are separate uses.

6.78 Intensive Horticultural Operation

Uses of land or buildings for the high yield production and/or sale of specialty crops. This use includes greenhouses, nurseries, hydroponics or market gardens, tree, mushroom, and sod farms. "Extensive agriculture", "**Cannabis Production Facility**" and "Topsoil stripping" are separate uses.

6.126 Retail Store

Development for the retail sale of any one or all of the following: groceries, beverages, household goods, furniture and appliances, confectioneries, pharmaceuticals and personal care units, automotive parts and accessories, office equipment, stationery and similar goods. Minor service-oriented facilities such as postal services and film processing depots shall be allowed as accessory uses. This use includes supermarkets, jewelry stores, clothing stores, convenience stores, hardware stores and second-hand stores. "Automotive repair and service", "Household

repair services”, “Personal service”, “**Retail cannabis store**”, and “Vehicle sales and rental use” are separate uses.

Add to Part VIII, SPECIAL LAND USE PROVISIONS, the following:

SECTION 62 RETAIL CANNABIS STORE

Use Eligibility

- (1) Retail Cannabis Stores uses may only be permitted on a parcels of land designated as Direct Control for that specific land use. The proponents of an application for a proposed Retail Cannabis Store must apply to Municipal District Council for a redesignation to the Direct Control Land Use District.
- (2) The Direct Control bylaw for a proposed Retail Cannabis Store shall reflect that Council has the sole authority to make decisions on development permits for Retail Cannabis Stores.
- (3) Council for the Municipal District of Pincher Creek will consider, amongst other matters, the following criteria in making a determination of the suitability of a site or building for a Retail Cannabis Store. Council, at their discretion acting in the role of decision maker, shall apply any standards or conditions they determine necessary which shall be applied to the issuance of any development permit for the said use.

Direct Control Redesignation requirements:

- (1) The applicant must submit details of the proposed store location and a detailed listing and site plan of surrounding business and uses, both on adjacent (contiguous) parcels and those identified as sensitive sites (as outlined in sub-section 5 below) within 200 m (drawn on a high quality and clearly legible site plan with text descriptions).
- (2) The Municipal District of Pincher Creek Council may require neighbourhood consultation to be conducted by the applicant. If a public consultation process is requested, the applicant must then provide to Council a description of when and what type of consultation was carried-out by the proponent and a general summary of the public input provided on the proposal (and a complete description of any objections or concerns raised).
- (3) Council may take into account the following factors when making a decision respecting an application to redesignate premises for a Retail Cannabis Store:
 - a. the extent and nature of opposition from community members or groups to establishment of a Retail Cannabis Store in a particular location; and
 - b. the suitability of the site in relation to adjacent land uses or other uses in proximity (200 m or less) to the proposed Retail Cannabis Store site.
- (4) The applicant must demonstrate to Council’s satisfaction how the site and proposal conforms to the criteria as stipulated.

- (5) Council may consider that a site for a Retail Cannabis Store shall not be approved for redesignation or the issuance of a development permit if the premises parcel boundary is located within a 200 metre distance of:
- a. the boundary of a parcel of land on which a provincial health care facility is located, or
 - b. the boundary of a parcel of land containing a school (public or private) facility, or
 - c. the boundary of a parcel of land containing an approved child or daycare facility, or
 - d. the boundary of a parcel of land that is designated as a school reserve or municipal and school reserve under the *Municipal Government Act*, or
 - e. the boundary of a parcel of land containing a municipal park or playground facility, if the land is not designated as a school reserve or municipal and school reserve under the *Municipal Government Act*, or
 - f. the boundary of the parcel of land of which contains a church, community centre, library or recreation facility where persons under 18 years of age may attend or congregate.
- (6) Additionally, a Retail Cannabis Store shall not be approved for a development permit if the premises is located within the distance of (as measured wall to wall of the buildings):
- a. 100 metres of a building containing a separate Retail Cannabis Store that has been approved (in the absence of any provincial set of rules regarding how closely the standalone stores will be allowed to operate to one another, otherwise the provincial rules apply), and
 - b. 50 metres of a building containing a licensed liquor store.
- (7) The specified separation distances are reciprocal and also apply to those described in subsection (5) above applying for development permit locating in proximity of established Retail Cannabis Stores.

Development Permit Application requirements:

In addition to the development application requirements as stipulated in Part I Section 16 of the of the Land Use Bylaw, the following additional requirements for an application for a development permit for a Retail Cannabis Store must also be provided when requested by the Development Authority to present to Council to make a decision:

- (1) If a redesignation to the Direct Control Land Use District is granted, the applicant is required to apply to the Alberta Gaming and Liquor Commission (AGLC) for a determination of eligibility to obtain a licence, and submit verification of the AGLC eligibility as part of the development application for a municipal development permit for a Retail Cannabis Store,
- (2) All Retail Cannabis Stores approved for a development permit must obtain a Retail Cannabis Store license from the AGLC and failure to secure an AGLC license will make the local development permit approval null and void. Proof of provincial license (for a Retail Cannabis Store) shall be required as a condition of a development permit approval.

Development Criteria and standards:

- (1) In issuing a development permit for a Retail Cannabis Store, Council will consider and may place as a condition of approval the following:
 - (a) A Retail Cannabis Store must be a separate use from any other business activities (i.e. non-Cannabis store) unless it is an activity or use expressly authorized by the AGLC.
 - (b) Maximum hours of operation, applicable to all approved Retail Cannabis Store operations, shall be limited between 11:00 a.m. and 10:00 p.m. which will be placed as a condition on a development permit approval, unless Council decides otherwise.
 - (c) All signage, including the contents, must comply with the land use bylaw Part VIII, Section 55, Sign Provisions, and municipal development permit approval is required. The applicant/developer is also responsible to ensure any signage and its message contents comply with all federal and provincial requirements, including AGLC policies.
 - (d) All parking requirements shall be provided in accordance with Part VIII, Section 56, Off-Street Parking and Loading Requirements, and shall be deemed to be similar to other 'Retail store' uses for determining the number and size of the required parking spaces.
 - (e) If an approved Retail Cannabis Store's existing AGLC license expires, the business must provide verification to the municipality that a new license has been obtained within 12-months of the expiry date, otherwise, the use will be deemed to have been discontinued and any development permit that may have been issued is no longer valid and said use may not be recommenced until a new application for a development permit has been made and a new development permit issued.
 - (f) Council, acting as the Development Authority may, as a condition of approval on a development permit, specify a time limit on the development permit in regards to its validity. At the time of expiry, the applicant/developer must reapply to the municipality for a development permit approval to continue the use.
 - (g) A developer/operator of a Retail Cannabis Store is responsible for meeting and adhering to all provincial requirements for the physical security for the premises.
 - (h) The design and construction of a Retail Cannabis Store must meet all provincial building code requirements.

Add to Part IX Districts, 'Agriculture – A', 'Hamlet General Industrial and Warehousing – HGIW', 'Multi-Lot Heavy Rural Industrial - MHRI' and 'Wind Farm Industrial – WFI' land use districts under subsection 2.2 Discretionary uses the following:

Cannabis Production facility