

# Village of Hines Creek Council Request for Decision (RFD)

Meeting:	Regular Council Meeting
Meeting Date:	October 9, 2018
Originated By:	Leanne Walmsley, Acting Chief Administrative Officer
Title:	Bylaws Bylaw No. 579.18 A Bylaw of the Village of Hines Creek, in the Province of Alberta, for the purpose of amending the Village of Hines Creek Land Use Bylaw No. 546-11, as amended.
File:	0110

## BACKGROUND/PROPOSAL:

Bylaw No. 579-18

A Bylaw of the Village of Hines Creek in the Province of Alberta, for the purpose of amending the Village of Hines Creek Land Use bylaw No. 546-11, as amended

## DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES

Bylaw No. 546-11 Amending Land Use Bylaw 546-11 was given first reading August 28<sup>th</sup>, 2018.

Public Hearing of Amendment to the Land Use Bylaw 546-11 was held September 24<sup>th</sup>, 2018.

## COSTS/SOURCE OF FUNDING (if applicable)

## RECOMMENDED ACTION:

That Council proceed with second reading of Bylaw 579-18 Amending Land Use Bylaw 546-11.

Initials show support- Reviewed by:	Manager:	C.A.O. <i>sw</i>
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**BYLAW NO. 579-18**

**A BYLAW OF THE VILLAGE OF HINES CREEK IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF AMENDING THE VILLAGE OF HINES CREEK LAND USE BYLAW NO. 546-11, AS AMENDED.**

**WHEREAS**, Pursuant to the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, Council may amend a Land Use Bylaw, and;

**WHEREAS**, the Council of the Village of Hines Creek, in the Province of Alberta, has adopted the Village of Hines Creek Land Use Bylaw No. 546-11, as amended, and;

**WHEREAS**, the Council of the Village of Hines Creek, in the Province of Alberta, deems it necessary to amend the Village of Hines Creek Land Use Bylaw, to revise provisions related to the legalization of cannabis, and;

**NOW THEREFORE**, Pursuant to Sections 230, 606 and 692 of the Province of Alberta Municipal Government Act, the Village of Hines Creek Council, duly assembled, hereby enacts as follows:

**1. Add the following to "SECTION 1.5 DEFINITIONS"**

- 1) **"CANNABIS"** means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis by the federal government in the Cannabis Act and its regulations, as amended from time to time.
- 2) **"CANNABIS RETAIL SALES"** means a retail store licensed by the Alberta Liquor and Gaming Commission (AGLC) where cannabis and cannabis accessories are sold to individuals who attend at the premises.
- 3) **"CANNABIS PRODUCTION FACILITY"** means a premise used for growing, producing, testing, destroying, storing, or distribution of cannabis authorized by a license issued by Health Canada.
- 4) The uses that are listed in the permitted uses and discretionary uses columns under the land use districts are not intended to be exclusive or restrictive. Where a specific use does not conform to the wording of any definition, the Municipal Planning Commission may, in their discretion, deem that the use conforms to and is included in that definition and/or land use district.
- 5) Notwithstanding the above, the Development Authority having jurisdiction shall not deem that a use conforms to, and is included in, a definition if the proposed use is separately listed as a use in another district or is defined in the Definitions section of this bylaw.

**2. Add the following to "SECTION 2.4 DUTIES AND RESPONSIBILITIES FOR THE DEVELOPMENT OFFICER".**

- 1) When an application for a Cannabis Retail Sales as a discretionary use is received and/or an associated variance application is received, the Development Authority shall notify all landowners within a 50 meter radius, measured from the property line to property line to ensure that neighboring landowners have the opportunity to provide comment on the application prior to the decision being made.
  - a) The notification must contain notice of the time and date of the Municipal Planning Commission meeting and a method to provide written feedback.

- b) Notification must be received a minimum of 3 working days prior to the application being presented at a Municipal Planning Commission meeting.
- c) Mail is considered served seven (7) days from the date of mailing if mailed to an address in Alberta or fourteen (14) days if mailed to an address outside of Alberta.

- 2) The Development Authority having jurisdiction shall impose a condition on any Development Permit issued for Cannabis Retail Sales that the development shall not commence until authorization by, and compliant with, any superior legislation including any Provincial and Federal Statutes.
- 3) Where the proposed use is not listed in the specific land use district, the Development Authority may consider it so listed if, in their opinion, it is sufficiently similar in character and purpose to a listed use, but is not listed as a use in another district or defined in the Definitions section.

**3. Add the following to “SECTION 7 SPECIAL LAND USE PROVISIONS”:**

**7.12 CANNABIS RETAIL SALES**

- 1) The owner or applicant must obtain any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or other municipal legislation
- 2) Cannabis Retail Sales use shall not be located within 100 meters from:
  - a) a private or public school; or
  - b) a provincial health care facility; .
  - c) a public playground.
- 3) The separation distance between uses shall be measured from lot line to lot line.
- 4) The development shall not operate in conjunction with another approved use.
- 5) Customer access to the store is limited to a store-front that is visible from the street.
- 6) No customer parking shall be located behind a facility and all parking areas in front of the building shall be well lit to the satisfaction of the Development Officer during operating hours.
- 7) Parking shall be provided in accordance with Section 6.12 (3) and the minimum requirements for Commercial Uses: Retail Shops, Personal Service Shops
- 8) The owner or applicant must provide as a condition of development a copy of the current license for all activities associated with cannabis production as issued by the Federal Government.
- 9) The owner or applicant must obtain any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.
- 10) The development must be done in a manner where all of the processes and functions are fully enclosed within a stand-alone building

including all loading stalls and docks, and garbage containers and waste material.

- 11) The development shall not operate in conjunction with another approved use.
- 12) The development shall not include an outdoor area for storage of goods materials or supplies.
- 13) The development must include equipment designed and intended to remove odors from the air where it is discharged from the building as part of a ventilation system.
- 14) The Development Officer may require, as a condition of a development permit, a waste management plan, completed by a qualified professional, which includes but not limited to, details on:
  - a) the incineration of waste products and airborne emissions, including smell;
  - 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 discharged by the facility.
- 15) Parking shall be provided in accordance with Section 6.12 (3) and the minimum requirements for Industrial Uses: Manufacturing, industrial plants, warehousing, wholesale, storage building and yards, servicing repair establishments and public utility buildings.

3. **Add “CANNABIS RETIAL SALES” as the discretionary use to the following districts:**  
Commercial District (C)
4. **Add “CANNABIS PRODUCTION FACILITY” as a discretionary use to the following district:**  
Industrial District (M)
5. **If any portion of this bylaw is declared invalid by a court of competent jurisdiction then the invalid portion shall be severed.**
6. **This Bylaw shall take force and effect on the date of October 17, 2018.**

**Severability**

If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed.

**Effective Date**

This Bylaw shall come into full force and effect upon the date of its final passing thereof.

**READ** first time this \_\_\_\_ day of \_\_\_\_\_, 2018.

**PUBLIC HEARING** held on this \_\_\_\_ day of \_\_\_\_\_, 2018.

**READ** second time this \_\_\_\_ day of \_\_\_\_\_, 2018.

**READ** third time this \_\_\_\_ day of \_\_\_\_\_, 2018

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Hazel Reintjes  
Mayor

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Leanne Walmsley  
Acting Chief Administrative Officer