

BYLAW 416-18

A BYLAW OF THE VILLAGE OF LONGVIEW IN THE PROVINCE OF ALBERTA TO AMEND LAND USE BYLAW

A BYLAW OF THE VILLAGE OF LONGVIEW IN THE PROVINCE OF ALBERTA TO AMEND LAND USE BYLAW 400-17.

WHEREAS pursuant to the provisions of the *Municipal Government Act (MGA)*, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, Council may pass a Bylaw for the purpose of amending Land Use Bylaw 400-17 within the Village of Longview; and

WHEREAS Council deems it desirable to amend Land Use Bylaw 400-17; and

WHEREAS notice of the intention of Council to pass a bylaw has been given in accordance with Section 606 of the *Municipal Government Act*.

NOW THEREFORE the Council of the Village of Longview enacts that Land Use Bylaw 400-17 be amended as follows:

NEW DEFINITIONS

1. Part 1 Number 4 Interpretation. [Definitions] is amended by adding the following new definitions in alphabetical order:

“board” means a board of trustees of a district or division;

“cannabis” means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined in the *Cannabis Act* (Canada) and its regulations and any amendments and includes edible products that contain cannabis.

“cannabis accessory” means a thing that is commonly used in the consumption or production of cannabis. A cannabis accessory includes, but is not limited to, rolling papers, or wraps, holders, pipes, water pipes, bongs vaporizers that is represented to be used in the consumption of cannabis

“cannabis counselling” means a service where counselling on cannabis is provided by persons who are not medical professionals.

“cannabis consumption establishment” means a use where the primary purpose is the sale of cannabis to the public, for consumption within the premise that is authorized by provincial or federal legislation. This use does not include cannabis production and

distribution facilities or retail cannabis stores.

“cannabis production and distribution facility” means a development where any of the following activities occur, excepting personal use exemptions as defined in the *Act to Control and Regulate Cannabis* and its regulations, and any amendments or substitutions thereof:

- a. the processing of cannabis;
- b. the making, testing, manufacturing, assembling, or in any way altering the chemical or physical properties of semi-finished or finished goods and products related to cannabis;
- c. the storage, warehousing, and/or transportation of cannabis; and
- d. the distribution and wholesale of materials, goods and products to retail cannabis stores.

This use does not include a retail cannabis store or a cannabis consumption establishment.

“greenhouse, commercial, garden centre” be amended to state that: the use does not include a “Cannabis production and distribution facility or a retail cannabis store”.

“industrial hemp production and distribution facility” means the use of

- a. land, buildings, or structures licensed and/or authorized to possess, sell, provide, ship, deliver, transport, destroy, produce, export and/or import industrial hemp,
- b. including related research, under the *Industrial Hemp Regulations*, SOR/2018-145, as amended, or replaced.

This does not include cannabis retail sales or cannabis production and distribution facility, or the cultivation of industrial hemp;

“provincial health care facility” means an approved hospital as defined in the *Hospitals Act*, RSA 2000, c. H-12.

“retail cannabis store” means a retail store, licensed by the Province of Alberta to sell cannabis and cannabis accessories. Offices and instructional classes accessory to the principal use may be permitted. This use does not include cannabis production and distribution facilities or cannabis consumption establishments.

“school” see “public education facility”

“school building” means a building used for the instruction or accommodation of students that is owned or occupied by

- a. a school jurisdiction,
- b. a school jurisdiction and a municipality, or
- c. a school jurisdiction and another person;

(from the School Act)

“school jurisdiction” means a board, the Foothills School Division or the Christ the Redeemer Catholic Separate School District;

“warehouse sales establishment” means a development where bulky goods are sold from within an enclosed building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. Warehouse sales establishments include: furniture stores, carpet stores, major appliance stores, and building materials stores.

AMENDED DEFINITIONS

2. Part 1.4. [Interpretation] is amended by deleting the existing definition for “Child Care Facilities” and adding the following new definition in its place:

“child care facility” means the use of a building or portion thereof for the provision of care, maintenance, instruction or supervision of seven or more children under the age of 13 years, by persons other than one related by blood or marriage, for periods not exceeding 24 consecutive hours and includes all day-care centers, early childhood services, nurseries and after-school or baby-sitting programs which meet this definition. A license is required under the *Child Care Licensing Act* to operate a child care program.

- Part 1 Number 4 Interpretation Part 1 Number 4 Interpretation is amended by deleting the existing definition for “Home Occupation” and adding the following new definition in its place:

“home occupation” means a commercial use within a residential building which is incidental and subordinate to the principal residential use of the building and meets the special requirements of this Bylaw. This use does not include automotive related uses, cannabis consumption establishments, cannabis production and distribution facilities, kennels, or retail cannabis stores.

3. Part 1 Number 4 Interpretation is amended by deleting the existing definition for “Manufacturing Plant” and adding the following new definition in its place:

“manufacturing plant” means a development engaged in secondary processing, assembly and packaging where no excessive atmospheric emissions, vibrations and noise are produced, and the use does not create an excessive load on municipal utilities. Limited product display, retail sales, offices and instructional classes accessory to the principal use may be permitted in this use class. The use does not include a cannabis production and distribution facilities.

4. Part 1 Number 4 Interpretation is amended by deleting the existing definition for “Personal Service Shops” and adding the following new definition in its place:

“**personal service shop**” means a use which provides services to individuals, including but not limited to barber shops, beauty parlors, cannabis counselling, dressmakers, dry cleaning, laundromats mats, shoe repair, and tailoring. This use does not include retail cannabis stores.

LAND USE DISTRICTS

5. Part 13 [Central Business (CB) District] is amended by adding “**retail cannabis store**” as a discretionary use.
6. Part 13 [Highway Commercial (C-HWY) District] is amended by adding “**garden centre**” and “**retail cannabis store**” as discretionary uses.
7. Part 13 [General Industrial (G-1) District] is amended by adding “**garden centre**” and “**warehouse**” as permitted uses.
8. Part 13 [General Industrial (G-1) District] is amended by adding “**cannabis production and distribution facility**” and “**retail cannabis store**” as discretionary uses.

GENERAL LAND USE REGULATIONS

9. Part 12.0.0 [Special Land Use Regulations and Provisions] is amended by adding the following:

12.8.0 Cannabis Related Uses

12.8.1 Retail Cannabis Store

- a. is a location where the sale of cannabis can only occur where it has been approved through a development permit for a use where it is specifically allowed in the use definition and rules;
- b. a copy of the retail cannabis licence issued by the Alberta Gaming, Liquor and Cannabis Commission shall be provided as a condition of development permit approval prior to occupancy;
- c. may not have any part of an exterior wall that is located within 100 metres of:
 - i. a parcel that contains a school;
 - ii. a parcel that is designated as school reserve or municipal and school reserve under the *Municipal Government Act*, or
 - iii. a parcel that contains a provincial health care facility.
- d. the premises must operate separately from other businesses;
- e. the maximum operating hours shall be 10:00 a.m. to 12:00 a.m.

(midnight) daily, excluding those dates of closure mandated by the Province of Alberta;

- f. the public entrance and exit to the premises must be direct to the outdoors and customer access to the premises is limited to a store-front that is visible from the street;
- g. advertising inside the premises shall not be visible from the outside;
- h. no outside storage of cannabis goods, materials or supplies shall be allowed on the site;
- i. is subject to the parking and loading requirements as set out in Section 29.1.0; and
- j. is subject to the sign control requirements as set out in Section 30.0.0.
- k. the Development Authority shall take into consideration the distance from a child care facility

12.8.2 Cannabis Production and Distribution Facility

- a. is a location where the production and distribution of cannabis can only occur where it has been approved through a development permit for a use where it is specifically allowed in the use definition and rules;
- b. must possess a licence for all activities associated with cannabis growing, processing, packaging, testing, destruction, or storage as issued by Health Canada;
- c. all the processes and functions associated with the use shall be fully enclosed within a stand-alone building;
- d. must have equipment designed and intended to remove odours from the air where it is discharged from the facility as part of the ventilation system; and must be maintained in good operating condition at all times;
- e. may have an ancillary building or structure used for security purposes located on the parcel containing the use;
- f. garbage containers and waste material shall be contained within the building;
- g. is where the development authority may require, as a condition of a development permit, a Public Utility, Water and Waste Management Plan, completed by a qualified professional, that may include details on:
 - i. the incineration of waste products and air borne emission, including smell;
 - ii. the quality and characteristics of liquid and waste material discharged by the facility;
 - iii. the method and location of collection and disposal of liquid and waste material;

- iv. the mitigation of over strength sewage loading; and
- v. water conservation methods employed.
- h. is subject to the parking and loading requirements as set out in Section 29.1.0; and
- i. is subject to the sign control requirements as set out in Section 30.0.0.

10. Deleting Section 20.5.0 [Dwelling Accommodation] and replacing it with the following:

12.15.0 Mixed Use Residential / Commercial

- 12.15.1 Residential development shall not to be located below the second storey.
- 12.15.2 Residential development shall have direct access to the outside street level.
- 12.15.3 A residential use shall not be located on the same floor as a commercial use.
- 12.15.4 A retail cannabis store shall not be located in a mixed use residential / commercial development.

PARKING / LOADING

11. Part 11.23.1.0 [Table 1: Parking Requirements] shall be amended by adding/or replacing the following in alphabetical order:

Child Care Facility	1 space / employee/volunteer
Cannabis Production and Distribution Facility	1 space / 74 m ² (398.28 ft ²)
Retail Cannabis Store	1 space / 46 m ² (602.80 ft ²)

12. Part 11.23.14 [Loading Requirements] shall be amended by adding the following in alphabetical order:

Cannabis Production and Distribution Facility	1 space / 929 m ² (10,000 ft ²). Minimum of one (1) space.
Retail Cannabis Store	1 space per business

13. Part 11.23.00 [Parking Loading Facilities] shall be amended by adding the following:

11.23.18 Retail Cannabis Stores shall have its own loading area separate from any other business.

11.23.19 Cannabis Production and Distribution Facilities shall have all loading stalls and docks located inside a building.

SIGNAGE

14. Part 12.8.00.0 [Signage Control] shall be amended by adding the following:

12.8.3 Signage In considering a development application for a sign, the Development Authority shall:

- a. have due regard to the amenities of the district in which the sign is located and the design of the proposed sign and ensure that the sign does not conflict with the general character of the surrounding streetscape or the architecture of nearby buildings; and
- b. not permit a sign to be erected which promotes intolerance, hate or ridicule of any race, religion or other segment of society.

12.8.4 A Retail Cannabis Store operator may erect up to two (2) signs for the sole purpose of business identification on the same parcel as the premises.

- a. Only permanent signs related to a Retail Cannabis Store shall be permitted.
- b. Use of temporary signs related to a Retail Cannabis Store shall be prohibited.

15. This Bylaw shall come into full force and effect upon the third and final reading, and Bylaw 416-18 and any amendments thereto are hereby amended upon this Bylaw coming into effect.

amend the following list of uses which are currently defined in Bylaw 400-17 the Village of Longview LUB: Agricultural industry; Agriculture, extensive; Agriculture, intensive; Alcohol retail sales; Amusement establishment, indoor; Commercial Storage; Drinking Establishment; Drive-in business; Drive-in restaurant; Eating and drinking establishment; Entertainment and Cultural Establishment; Extended medical treatment facility; General commercial use; General retail establishment; Greenhouse, Commercial; Health service; Home occupation, major; Home occupation, minor; Industrial use, heavy; Industrial use, heavy petrochemical; Industrial use, light; Industrial use, medium; Medical clinic; Mixed use development; Personal Service Shops; Retail Store; Sidewalk café; Warehouse sales establishment to include where appropriate, cannabis and industrial hemp related uses.

Part 3.6 **APPLICATION REQUIREMENTS** be revised to identify when the Village will request additional information for a Development Permit application for a Cannabis Retail Store, Cannabis Consumption Establishment, or a Cannabis Production and Distribution Facility or a hemp production and distribution facility.

READ A FIRST TIME this 19th day of November, 2018

MAYOR

CHIEF ADMINISTRATIVE OFFICER

READ A SECOND TIME this __ day of _____, 2018

MAYOR

CHIEF ADMINISTRATIVE OFFICER

READ A THIRD AND FINAL TIME this __ day of _____, 2018

MAYOR

CHIEF ADMINISTRATIVE OFFICER

ADDENDIX A

