

**TOWN OF PICTURE BUTTE
IN THE PROVINCE OF ALBERTA
BYLAW NO. 871-18**

BEING a bylaw of the Town of Picture Butte in the Province of Alberta, to amend Bylaw No. 841-15 being the municipal Land Use Bylaw.

WHEREAS the Council of the Town of Picture Butte desires to update and enhance administrative procedures and standards of Land Use Bylaw No. 841-15 to be in compliance with the modernized Municipal Government Act (MGA), and also add regulations to manage cannabis production and retail sales in consideration of federal and provincial laws coming into effect to legalise cannabis use.

AND WHEREAS the general purpose of the proposed amendments described in Schedule 'A' are to:

- Add rules and criteria pertaining to the receiving, processing, and notification of development and subdivision applications in order to be in compliance with the MGA.
- Amend and add to 'Part 2, Land Use Districts Regulations, 'Industrial – I' – land use district discretionary use column: Cannabis Production Facility.
- Add to 'Part 4, Specific Use Standards' a new section for providing Criteria and Standards for Cannabis Production Facilities.
- Add to Part 4, Specific Use Standards' a new section on standards for Retail Cannabis Store uses which may only be considered on a parcel of land designated to Direct Control by Town Council, and also add the application requirements to redesignate to the Direct Control land use district.
- Add minimum requirements and standards applicable to Retail Cannabis Stores that will be considered by Town Council in making a decision on a development permit application for such uses.
- Add definitions to Part 6 for Cannabis, Medical Cannabis, Cannabis Production Facilities and Retail Cannabis Stores; with all proposed amendments as described in attached Schedule 'A'.

AND WHEREAS the bylaw is adopted in accordance with section 692 of the Municipal Government Act and the public hearing requirements.

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 Town of Picture Butte, in the Province of Alberta, duly assembled does hereby enact the following:

1. Bylaw No. 841-15 being the Land Use Bylaw, is hereby amended by Bylaw 871-18 to include the amendments as described in the attached Schedule A.
2. Bylaw No. 871-18 shall come into effect upon third and final reading thereof.
3. Bylaw No. 871-18 is hereby adopted.

READ a **first** time this 25th day of June, 2018.

Mayor – Cathy Moore

Chief Administrative Officer – Keith Davis

READ a **second** time this 23rd day of July, 2018.

Mayor – Cathy Moore

Chief Administrative Officer – Keith Davis

READ a **third** time and finally PASSED this 23rd day of July, 2018.

Mayor - Cathy Moore

Chief Administrative Officer – Keith Davis

Schedule 'A'

Bylaw No. 871-18 Amendments to Land Use Bylaw No. 841-15

Amending Bylaw - Section A

The described amendments are to bring the municipal Land Use Bylaw No. 841-15 into compliance with the modernized *Municipal Government Act* and amended *Subdivision and Development Regulations*.

Additions and amendments to Part 1, Administration section of Land Use Bylaw.

(Note: underlined text is new addition to an existing bylaw section, while italicized and underlined text is entirely new bylaw addition.)

DEVELOPMENT

14. DEVELOPMENT OFFICER – POWERS AND DUTIES

The Development Officer is responsible for:

- (a) receiving, processing, deciding upon and referring applications for a development permit in accordance with this bylaw and determining whether a development permit application is complete in accordance with section 25 of Part 1.

27. INCOMPLETE APPLICATIONS

Section 27 is amended by numbering the existing first paragraph as (1) and adding immediately after the following text to read:

- (2) A Development Officer shall, within 20 days after the receipt of an application in accordance with Section 25 for a development permit, determine whether the application is complete.
- (3) An application is complete if, in the opinion of the Development Officer, the application contains the documents and other information necessary to review the application.
- (4) The time period referred to in subsection (2) may be extended by an agreement in writing between the applicant and the Development Officer.
- (5) If the Development Officer does not make a determination referred to in subsection (2) above within the time required under subsection (2) or (4), the application is deemed to be complete.
- (6) If a Development Officer determines that the application is complete, the development officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.
- (7) If the Development Officer determines that the application is incomplete, the Development Officer shall issue to the applicant a written notice indicating that the application is incomplete and specifying the outstanding documents and information to be provided, including but not limited to those required by Section 25. A submittal deadline for the outstanding documents and information shall be set out in the notice or a later date agreed on between the applicant and the Development Officer in order for the application to be considered complete.
- (8) If the Development Officer determines that the information and documents submitted under subsection (7) above are complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.
- (9) If the required documents and information under subsection (7) have not been submitted to the Development Officer within the timeframe prescribed in the notice issued under subsection (7), the Development Officer shall return the application to the applicant accompanied by a written Notice of Refusal stating the application is deemed refused and the reasons for refusal.
- (10) Despite issuance of a Notice of Completeness under subsection (6) or (8), the Development Authority or Municipal Planning Commission in the course of reviewing the application may request additional information or documentation from the applicant that the development authority considers necessary to review the application.

35. DEVELOPMENT PERMIT NOTIFICATION

- (1) A decision of the Development Authority on an application for a development permit must be issued in writing in accordance with subsection (3) below.
- (2) Upon the approval of the application and the issue of a development permit, the Development Authority shall immediately notify or cause to be notified, any persons likely to be affected or who have the right to appeal the decision of the Development Authority in accordance with the procedure in Section 46. The following notification processes shall be used:

PERMITTED USE PERMITS

- (3) Upon issuance of a development permit for a permitted use that complies with this Bylaw, the Development Authority shall:
- (a) send to the applicant a letter by regular postal mail, or send by electronic means, or both, or by any other method as may be agreed to between the applicant and Development Authority, a written notice of decision; and
- (b) notify the public by either:
- (i) posting a copy of the decision in a prominent place in the Town Office for at least 14 days, or
- (ii) publishing a notice of the decision in a newspaper circulated within the municipality, or
- (iii) any combination of the above.

ALL OTHER PERMITS

- (4) Upon the issue or refusal of a development permit for a use under Sections 28, 29 (discretionary use), 30 (if a waiver is required), 31 (similar use) and 32 (temporary uses), the Development Officer shall immediately:
- (a) send a letter by regular postal mail, or send by electronic means, or both, or by any other method as may be agreed to between the applicant and Development Authority, a written notice of decision to the applicant; and
- (b) notify all persons likely to be affected by the development by either:
- (i) mailing a copy of the decision to those persons, departments and agencies, or
- (ii) place an advertisement in the local newspaper circulating within the municipality, and/or at his discretion;
- (iii) place a notice on the property in a prominent place; or
- (iv) any combination of the above.

ISSUANCE OF DECISION AND TIMEFRAMES

- (5) Upon issuance of a decision, the Development Officer will give or send a copy of the written decision, which includes the date on which the decision was made, to the applicant on the same day the decision is made.
- For the purposes of subsection (5), the "date on which the decision was made" means:
- (a) the date the Development Authority signs the notice of decision or development permit, or
- (b) the date the decision is posted in the newspaper,
whichever occurs later.

36. COMMENCEMENT OF DEVELOPMENT

- (1) Notwithstanding the issue of a development permit, no development authorized by the issue of a permit shall commence:
- (a) until at least 44 21 days after the date on which the decision was made to issue of the permit;
- (b) if an appeal is made, until the appeal is decided upon.

This does not apply to a development permit for a permitted use issued without conditions.

40. REAPPLICATION

(1) If an application for a development permit is refused by the Development Officer, the Municipal Planning Commission or, on appeal, by the Subdivision and Development Appeal Board, another application for a development:

- (a) on the same lot, and
- (b) for the same or similar use,

may not be accepted for at least six months after the date of refusal.

(2) *If an application was refused solely because it did not comply with this bylaw, or was refused as an incomplete application under section 27, another application on the same lot for the same or similar use may be accepted before the time period referred to in Section 40(1) provided the application has been modified to comply with this bylaw. All applicable fees shall apply.*

46. DEVELOPMENT APPEALS

Any person applying for a development permit or any other person affected by any order, decision or development permit made or issued by the Development Authority or Municipal Planning Commission or any development application deemed refused in accordance with section x, may appeal such an order, decision or deemed refusal to the Subdivision and Development Appeal Board in accordance with the procedures described the MGA.

SUBDIVISION

The following text is added after existing Section 16(2):

16. SUBDIVISION AUTHORITY

(3) *The Subdivision Authority may delegate, through municipality's Subdivision Authority Bylaw, this bylaw, or by resolution of Council, to any individual, municipal staff, or a regional services commission, any of its required functions or duties in the processing of subdivision applications. In respect of this:*

- (a) *The delegation of duties by the Subdivision Authority may include the authorized entity being responsible for determining the completeness of a submitted subdivision application.*
- (b) *The Subdivision Authority delegate is authorized to carrying out the application process with subdivision applicants as described in the Subdivision Application Rules and Procedures section of the bylaw, including the task of sending all required notifications to applicants as stipulated, carrying out site inspections.*

The following is a new section added to Part 1 of the bylaw:

SUBDIVISION APPLICATION RULES AND PROCEDURES

53. SUBDIVISION APPLICATIONS

(1) *An applicant applying for subdivision shall provide the required material and information as requested by the Subdivision Authority or it's designate. A completed application shall consist of:*

- (a) *An official application, in the manner and form prescribed, clearly and legibly filled out with all the required information and signatures provided as requested on the form;*
- (b) *The applicable fees paid;*
- (c) *An up-to-date and current copy of the Certificate of Title to the subject land;*
- (d) *A (clear and eligible) diagram, Surveyors sketch or tentative subdivision plan with dimensions and a north arrow, in the manner requested which may include the provision that it be professionally prepared as stipulated;*
- (e) *Provincial abandoned gas well information;*
- (f) *Any such other information as may be required at the discretion of the Subdivision Authority in order to accurately evaluate the application and determine compliance with the land use bylaw or other government regulations. This may include but is not limited to the provision of geotechnical information, soil analysis reports, water reports, soil or slope stability analysis, drainage information,*

contours and elevations of the land, engineering studies or reports, wetland reports, environmental impact assessments, utility and servicing information, and/or the preparation of a conceptual design scheme or an area structure plan may be required from the applicant prior to a decision being rendered on a subdivision application to determine the suitability of the land for the proposed use.

- (g) The consent to authorize the Subdivision Authority or its designate to carry out a site inspection on the subject land as authorized in accordance with the Municipal Government Act (MGA) must also be provided on the submitted application form unless determined not to be needed by the Subdivision Authority.
- (2) In accordance with the Municipal Government Act (MGA), the Subdivision Authority or those authorized to act on its behalf, shall provide notification to a subdivision applicant within the 20-day prescribed time period, on whether a submitted application is deemed complete, or if it is determined to be deficient what information is required to be submitted by a specified time period, by sending notification in the following manner:
- (a) For an application deemed complete, the applicant shall be notified in writing as part of the formal subdivision application circulation referral letter.
- (b) For an application determined to be incomplete, written notification shall be given to the applicant (Notice of Incompleteness) which may be in the form of a letter sent by regular mail to the applicant, or sent by electronic means, or both, or by any other method as may be agreed to between the applicant and Subdivision Authority.
- (c) In respect of subsection (b) for a subdivision application determined to be incomplete, the applicant will be advised in writing as part of the Notice of Incompleteness what the outstanding or required information items are that must be submitted by the time specified in the notice.
- (3) Notwithstanding subsection 2, the applicant and Subdivision Authority may agree and sign a time extension agreement in writing in accordance with section 653.1(3) of the MGA to extend the 20-day decision time period to determine whether the subdivision application and support information submitted is complete.
- (4) A determination made by the Subdivision Authority that an application is complete for processing does not preclude the ability for the Subdivision Authority to request other information or studies to be submitted by the applicant during the review and processing period, prior to a decision being rendered, or as condition of subdivision approval.

54. INCOMPLETE SUBDIVISION APPLICATIONS

- (1) The Subdivision Authority may refuse to accept and process a subdivision application where the information required under Section 53(1) and/or as described in a Notification of Incompleteness has not been submitted, is determined to be deficient, is still incomplete, or in the opinion of the Subdivision Authority the quality of the material supplied is inadequate to properly evaluate the application.
- (2) If the Subdivision Authority makes a determination that the application is refused due to incompleteness, the applicant shall be notified in writing with reasons in the manner as described in section 53(2)(b).
- (3) The notification provided for in subsection (2) shall include for the applicant the required information on the filing of an appeal and to which appeal board body the appeal lies, either the local appeal board or provincial Municipal Government Board, in accordance with the parameters of the MGA.

Amending Bylaw - Section B

The described amendments are to add into the municipal Land Use Bylaw No. 841-15 criteria and standards to regulate both **Cannabis Production Facilities** and **Retail Cannabis Stores** in consideration of federal and provincial laws and regulations.

Additions and amendments to Part 2, Land Use Districts, Part 4, Standards of Development, and Part 6, Definitions sections of the Land Use Bylaw. (Note: all text are new additions to the bylaw, except for the definitions where new text is either underlined or otherwise noted.)

Add to 'Part 2, Land Use Districts Regulations, 'Industrial – I' – land use district discretionary use column:

Cannabis Production Facility

Add to 'Part 4, Specific Use Standards' – Section B. Specific Use Provisions, add new section on Criteria and Standards:

44. CANNABIS PRODUCTION FACILITY

The requirements of this section apply to cannabis production facilities, as defined by the Land Use Bylaw and are in addition to the federal regulations required by the Government of Canada's and the federal *Cannabis Act* and *Access to Cannabis for Medical Purposes Regulations (ACMPR)*, and any other federal and provincial government regulation.

- (1) The owner or applicant must provide as a condition of development permit approval a copy of the current authorized licence by Health Canada for all activities associated for a Cannabis Production Facility/plant (either a medical, recreational or combination thereof), as issued by the federal government.
- (2) The owner or applicant must obtain any other approval, permit, authorization, consent or licence that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.
- (3) 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.
- (4) The development shall not operate in conjunction with another approved use.
- (5) The development shall not include an outdoor area for storage of goods, materials or supplies.
- (6) The development must include equipment designed and intended to remove odours and particulates from the air where it is discharged from the building as part of a ventilation system.
- (7) A Cannabis Production Facility shall not be located on a parcel of land that is adjacent to or within 350 metres of a parcel used for a school, daycare or similar use associated with the caring or congregation of children or minors.
- (8) The Development Authority may require, as a condition of a development permit, a public utility waste management plan, completed by a qualified professional that includes detail 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.

45. RETAIL CANNABIS STORE

Use Eligibility

- (1) Retail Cannabis Store 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 Town 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 Town of Picture Butte 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 Development Authority, 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 3 below) within 200 m (drawn on a high quality and clearly legible site plan with text descriptions).
- (2) The Town of Picture Butte 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, amongst other matters, 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 issued a development permit if the premises is located within a 200 metre separation 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 sensitive uses (e.g. school, child care facility, church, recreation facility, etc.) 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 Section 25 of the 'Administration' schedule 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 license, 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 AGCL 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:

- (3) In issuing a development permit for a Retail Cannabis Store, consideration will be given by Council to the following criteria and applicable conditions:
- (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 5, Sign Regulations, 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 4, Standards of Development, section 20 of the bylaw, and shall be deemed to be similar to other 'retail and service commercial' uses for determining the number and size of the required parking spaces.
 - (e) If an approved Retail Cannabis Stores' 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, which may be considered a temporary use. 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.

Amend and add to Part 6 'Definitions' section of bylaw:

Add new Definitions to Part 6:

Cannabis means a plant Cannabis sativa, 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).

Cannabis Production Facility means a building or use where federally approved medical or non-medical (recreational) cannabis plants are grown, processed, packaged, tested,

destroyed, stored or loaded for shipping, and that meets all federal or provincial requirements and that meets all requirements of this bylaw, as amended from time to time.

Amend the following existing Definitions in Part 6:

Retail store means a building where goods, wares, merchandise, substances, articles or things are stored, offered or kept for sale at retail, and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, articles or things sufficient only to service such a store. This use does not include Retail Cannabis Store which is a separate use.

Convenience store means a retail outlet selling goods and foodstuffs to area residents on a day-to-day basis from business premises which typically do not exceed 400 m² (4,305 sq. ft.) in gross floor area. This use does not include Retail Cannabis Store which is a separate use.

Greenhouse means a building specially designed and used for the growing of vegetables, flowers or other plants for transplanting or sale. This use does not include Cannabis Production Facility which is a separate use.