

TOWN OF OLDS BYLAW 2018-24

A BYLAW OF THE TOWN OF OLDS, in the Province of Alberta, pursuant to provisions of the Municipal Government Act, being Chapter M-26 of the revised statutes of Alberta 2000 and amendments thereto, to provide for the amendment of the Land Use Bylaw No. 01-23

WHEREAS the *Municipal Government Act*, Revised Statutes of Alberta 2000 Chapter M-26 and amendments thereto, permit a Council by bylaw to amend the Land Use Bylaw,

AND WHEREAS the Council of the Town of Olds deems it necessary and expedient to amend the Land Use Bylaw No. 01-23,

AND WHEREAS the requirements of the *Municipal Government Act* RSA 2000, Chapter M-26 regarding the advertising of this Bylaw and public hearing have been complied with;

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE TOWN OF OLDS IN COUNCIL DULY ASSEMBLED, ENACTS THE FOLLOWING:

1. This Bylaw may be cited as the Land Use Amending Bylaw 2018-24.
2. Bylaw No. 01-23, being the Town of Olds Land Use Bylaw, is hereby amended as follows:
 - a) In Part One Section 1.3 Definitions by deleting the following definitions:

"greenhouse, commercial" means a building for the growing of flowers, plants, shrubs, trees, and similar vegetation which are sold directly from the parcel at retail or wholesale and may include the accessory sale of related supplies.

"greenhouse, wholesale" means a building for the growing of flowers, plants, shrubs, trees and similar vegetation, except for marijuana grown for medical purposes, which are sold from the parcel at wholesale and does not include the accessory sale of related goods.

"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.

"indoor merchandise sales" means the indoor sale and display of merchandise, including indoor storage of merchandise in quantities limited to the needs of the outlet. This includes but is not limited to grocery stores, retail stores, department stores, furniture stores, home improvement stores and liquor stores.

"school" means facility where the curriculum from kindergarten to grade 12 is taught pursuant to the School Act and that may provide other educational programs pursuant to the School Act.

- b) In Part One Section 1.3 Definitions by adding the following definitions:

"building envelope" means the outer perimeter of the building in which an existing business is located and includes space rented, leased, subleased, sold or otherwise provided to others in the same building.

"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 than 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 license” means a license under the Province of Alberta statute, *An Act of Control and Regulate Cannabis*, that authorizes to purchase, sale, transport, possession, storage or use of cannabis.

“cannabis lounge” 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 plant” means a plant that belongs to the genus *cannabis*. (*plante de cannabis*)

“cannabis retail sales” means a retail store licensed by the Province of Alberta (a cannabis license) where cannabis and cannabis accessories are sold to individuals who attend at the premises. This use does not include cannabis production and distribution.

“cannabis production and distribution” means a development 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.

“greenhouse, commercial” means a building for the growing of flowers, plants, shrubs, trees, and similar vegetation which are sold directly from the parcel at retail or wholesale and may include the accessory sale of related supplies. This shall not include any cannabis retail sales or cannabis production & distribution uses.

“greenhouse, wholesale” means a building for the growing of flowers, plants, shrubs, trees and similar vegetation, except for marijuana grown for medical purposes, which are sold from the parcel at wholesale and does not include the accessory sale of related goods. This shall not include any cannabis retail sales or cannabis production & distribution uses.

“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 shall not include any cannabis retail sales or cannabis production & distribution uses.

“indoor merchandise sales” means the indoor sale and display of merchandise, including indoor storage of merchandise in quantities limited to the needs of the outlet. This includes but is not limited to grocery stores, retail stores, department stores, furniture stores, home improvement stores and liquor stores. This definition does not include cannabis retail sales.

“municipal reserve” means land designated as municipal reserve under Division 8 of the *Municipal Government Act*.

“provincial health care facility” means an approved hospital as defined in the *Hospitals Act*.

“school” means a school as defined in the *School Act*, which defines school as a structured learning environment through which an education program is offered to a student by

- (i) a board,
- (ii) an operator of a private school,
- (iii) an early childhood services program private operator,
- (iv) a parent giving a home education program, or

(v) the Minister;

“**school reserve**” means land designated as school reserve under Division 8 of the *Municipal Government Act*.

c) In Schedule B: Supplementary Regulations add:

12. Cannabis: Regulations for Cannabis Uses

12(1) Cannabis Retail Sales

The following regulations apply for the use of cannabis retail sales:

- a) Any cannabis retail sales store shall not be located less than 150 metres from:
- i. a public health care facility,
 - ii. a building containing a school,
 - iii. a boundary of a parcel of land that is designated as school reserve or municipal and school reserve under the *Municipal Government Act*.
 - iv. another cannabis retail sales use,
 - v. a municipal library,
 - vi. an indoor community recreation centre, or
 - vii. a public park, playground or outdoor recreational facility

The separation distance between cannabis retail sales use and a public health care facility or a building containing a school, shall be measured from the closest point of the exterior wall of the building, or bay in a building, in which the proposed cannabis retail sales use is located to the closest point of the exterior wall of the building, in which the other use is located. The separation distance shall not be measured from parcel boundaries.

The separation distance between cannabis retail sales use and a boundary of a parcel of land that is designated as school reserve or municipal and school reserve under the *Municipal Government Act*, shall be measured from the closest point of the exterior wall of the building, or bay in a building, in which the proposed cannabis retail sales use is located and the closest point on the parcel (property boundary) which the school and/or municipal reserve is located.

The Development Authority shall not grant a variance to any distance separation that applies to cannabis retail sales use.

- b) Customer access to the store is limited to a store front that is visible from the street, or a parking lot.
- c) The exterior of all stores shall have as much transparency from the street as possible.
- d) Landscaping shall consist of low-growing shrubs or trees with a canopy low enough to maintain natural surveillance between the heights of 1 metre and 2 metres above grade.
- e) No outdoor storage relating to cannabis retail sales shall be allowed.
- f) No nuisances, including, but not limited to, odour, noise, or light shall be emitted.
- g) Drive through facilities and windows are not permitted.
- h) Onsite parking shall be provided at a rate of 4 parking stalls per 110m² (1,076 ft²) of floor area.
- i) Hours of operation for cannabis retail sales shall be limited to the hours between 10:00 am and 2:00 am.

- j) An applicant for a cannabis retail sales use shall provide 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.

3. This Bylaw comes into force on the date it is passed.

Read for a first time on the 25th day of June, 2018

Public Hearing held on the 10th day of September, 2018

Read a second time on the 10th day of September, 2018

Read a third and final time on the 10th day of September, 2018



Michael Muzychka, Mayor



Michael Merritt, Chief Administrative Officer

Signed by the Mayor and Chief Administrative Officer this 12th day of September, 2018.