

TOWN OF SWAN HILLS

BYLAW NO. 2018-05

PROVINCE OF ALBERTA

BEING A BYLAW OF THE TOWN OF SWAN HILLS, IN THE PROVINCE OF ALBERTA, TO AMMEND BYLAW 2012-14, THE LAND USE BYLAW.

WHEREAS pursuant to the provisions of the Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26 and amendments thereto a municipality has the authority to pass a Land Use Bylaw; and

WHEREAS in accordance with the Municipal Government Act, the Town of Swan Hills passed Land Use Bylaw No. 2012-14 to regulate and control the use and development of land and buildings in the Town of Swan Hills, and the Council has deemed it necessary to amend Bylaw No. 2012-14;

NOW THEREFORE the Council of the Town of Swan Hills in the Province of Alberta, duly assembled hereby enacts as follows:

That Bylaw No. 2012-14 is hereby amended:

1. By adding the following definitions in bold italics to PART 1.6 DEFINITIONS:

(152) "Cannabis" 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 that contain cannabis.

(153) "Cannabis Accessory" cannabis accessory as defined in the Cannabis Act (Canada) and its regulations, as amended from time to time.

(154) "Cannabis Retail Store" a retail store licensed by the Province of Alberta where non-medical Cannabis and Cannabis Accessories are sold to individuals who attend at the premises.

(155) "Cannabis Lounge" a development where the facility provides the sale of Cannabis to the public for the consumption of Cannabis within the premises that is authorized by provincial or federal legislation. This use does not include Cannabis Production and Distribution and Cannabis Retail Store.

(156) "Cannabis Production And Distribution Facility" a premise used for growing, producing, testing, destroying, storing, or distribution of Cannabis authorized by a license issued by the

federal Minister of Health. Distribution of Cannabis does not include a Cannabis Retail Store use.

2. By amending the following in bold italics:

PART 1.6 DEFINITIONS:

(24) ***“contracting services, major”*** means a development used for commercial and industrial service support and construction. Typical uses include oilfield support services, laboratories, cleaning and maintenance contractors, building construction, surveying, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, mobile equipment or vehicles normally associated with the contractor service. ***Cannabis Production And Distribution Facility is not included in this use class.*** Any sales, display, office or technical support service areas shall be necessary to the principal general contractor use;

(25) ***“contracting services, minor”*** means a development used for the provision of electrical, plumbing, heating, painting, catering other contractor services and the accessory sales of goods normally associated with contractor services where all materials are kept within an enclosed building, and no fleet storage of more than four vehicles or pieces of mobile equipment. ***Cannabis Production And Distribution Facility is not included in this use class;***

(26) ***“convenience retail store”*** means a development used for the retail sale of goods required by the neighbourhood residents or employees on a day-to-day basis. ***Cannabis Retail Store is not included in this use class;***

(36) ***“drive-in/drive-through business”*** means an establishment which services customers travelling in motor vehicles driven onto the site where such business is carried on, where a customer normally remains in the vehicle for service. ***Cannabis Retail Store is not included in this use class;***

(41) ***“eating and drinking establishment”*** means a development where food and beverages are offered for sale to the public for consumption on the premises and where live entertainment may be offered. This use includes the following and such similar uses, restaurants, lounges, bars and fast food outlets. ***Cannabis Lounge is not included in this use class;***

(44) ***“extensive agriculture”*** means the raising or production of crops, or animals, and includes a single residence for the farmer, but does not include a “Confined Feeding Operation” as defined by the Natural Resources Conservation Board or a ***Cannabis Production And Distribution Facility;***

(54) “greenhouse or plant nursery” means a building or structure intended for the cultivation of plants, shrubs and trees, which may have a retail component. ***Cannabis Production And Distribution Facility is not included in this use class;***

(58) “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, and which does not change the character thereof or have any exterior evidence of such secondary use. ***Cannabis Retail Store and Cannabis Production And Distribution Facility are not included in this use class;***

(69) “market gardening” means an outdoor development for growing, storage or sale of garden, household or ornamental plants or trees. ***Cannabis Production And Distribution Facility is not included in this use class;***

(107) “retail establishment” means a development used for the retail sale of a wide variety of consumer goods including the following and such similar uses as, groceries and beverages, electronic goods, furniture and appliances, hardware and home improvement supplies, household goods, printed matter, confectionary, pharmaceutical and personal care items, office supplies, stationary, etc. ***Cannabis Retail Store is not included in this use class;***

(145) “warehouse” means a structure used for the storage and distribution of raw materials, processed or manufactured goods, and establishments providing servicing for those purposes. ***Cannabis Production And Distribution Facility is not included in this use class;***

(146) “wholesale establishment” means a development for the storage and wholesale distribution of goods. ***Cannabis Retail Store and Cannabis Production And Distribution Facility are not included in this use class;***

3. By adding the following in bold italics to **PART 3 – DEVELOPMENT PERMITS, RULES AND PROCEDURES:**

I. SECTION 3.6 DECISIONS ON DEVELOPMENT PERMIT APPLICATIONS

- (4) Limitations on Variance Provisions: In approving an application for a permit under subsection (3) above, the Development Officer or Municipal Planning Commission shall adhere to the following:
- a. A variance shall be considered only in cases of unnecessary hardship or practical difficulties particular to the use, character, or situation of land or building which are not generally common to other land in the same district;
 - b. Except as otherwise provided in this Bylaw, there shall be no variance from the regulations prescribing maximum height, floor area, and density regulations;
 - c. A maximum variance of 10% may be allowed for any setback;

- d. Where the issuance of a development permit for any use involves the exercise of any specified discretion of the Development Officer or the Municipal Planning Commission to relax a regulation other than that contained in Section 3.6; and
- e. The general purpose and intent of the appropriate District.
- f. *No variance provisions will be given to Cannabis Retail Store and Cannabis Production And Distribution Facility use classes.*

4. By adding the following in bold italics to **PART 6 – GENERAL REGULATIONS**:

I. **6.26 Cannabis Retail Store**

- (1) *A Cannabis Retail Store use shall not be located less than 100 m (328 ft) as measured from the boundary of the parcel from which a Cannabis Retail Store is located to any of the following uses:*
 - a. *The lot boundary of a provincial health care facility.*
 - b. *The lot boundary of a building containing a school, or licensed day care facility.*
 - c. *The lot boundary of a parcel of land that is designated as school reserve or municipal and school reserve under the Municipal Government Act.*
- (2) *A Cannabis Retail Store development permit applicant shall comply with the Alberta Gaming, Liquor and Cannabis Act requirements for premises, security, and signage.*
- (3) *A copy of the Retail Cannabis License issued by the Alberta Gaming, Liquor and Cannabis Commission shall be provided to the Development Officer prior to occupancy as a condition of development permit approval.*
- (4) *The hours of operation for a Cannabis Retail Store fall between 10:00am and 2:00am.*
- (5) *Signage on the Cannabis Retail Store shall not use the term “Swan Hills”, promote intoxication, use graphics that appeals to minors, shows the use of cannabis, displays intoxication, displays or identifies a cannabis product or accessory, displays a price, or displays any sporting or cultural event or activity.*

II. **6.27 Cannabis Production And Distribution Facility**

- (1) *A Cannabis Production and Distribution Facility use shall not be located less than 100 m (328 ft) as measured from the boundary of the parcel from which a Cannabis Production and Distribution is located to any of the following uses:*
 - a. *The lot boundary of a provincial health care facility.*

- b. The lot boundary of a building containing a school, or licensed day care facility.*
- c. The lot boundary of a parcel of land that is designated as school reserve or municipal and school reserve under the Municipal Government Act.*

(2) A Cannabis Production And Distribution Facility shall operate under applicable Federal Licensing. Proof of valid Federal licensing and the activities as approved hereunder shall be provided to the Development Officer.

(3) All activities linked to a Cannabis Production And Distribution Facility shall be done indoors with an enclosed building designed and equipped to prevent odours and noise from negatively impacting adjacent properties as per the requirements of Health Canada and Federal Legislation.

(4) A Cannabis Production And Distribution Facility 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. A ventilation plan must be provided to the Development Officer and must include how the system prevents any offensive odours from leaving the building.

(5) The design of a Cannabis Production And Distribution Facility shall incorporate crime prevention through environmental design (CPTED) principals and the entire site on which it is located.

(6) The Development Officer and/or Municipal Planning Commission will require as a condition of a development permit:

- a. A Municipal Utility, Water and Waste Management Plan, completed by a qualified professional, that may include details on:
 - i. the incineration of waste products and airborne smells and emissions;*
 - ii. the method and locations of collection and disposal of liquid and waste material;*
 - iii. the quality and characteristics of liquid and waste material discharged by the facility;*
 - iv. the mitigation of over strength sewage loading;*
 - v. water conservation methods employed.**
- b. A facility and site security plan.*
- c. Any other item that may be deemed necessary to make a decision on the application.*

5. By adding the use "Cannabis Retail Store" to the list of Discretionary Uses in PART 8.10 CT – TOWN CENTRE COMMERCIAL DISTRICT.

6. By adding the use "Cannabis Retail Store" to the list of Discretionary Uses in PART 8.11 CH – HIGHWAY AND SECONDARY COMMERCIAL DISTRICT.

7. By adding the use "Cannabis Production And Distribution Facility" to the list of Discretionary Uses in PART 8.12 IG – GENERAL INDUSTRIAL DISTRICT.

8. By adding the following in bold italics to PART 8.12 IG – GENERAL INDUSTRIAL DISTRICT:

(3) Discretionary Uses:

- a. Any uses permitted or discretionary as listed in the CH District *excluding Cannabis Retail Store*;
- b. Auction Mart;
- c. Bunkhouse, as an accessory building (one per parcel on a temporary basis);
- d. Contracting services – major;
- e. Salvage establishment;
- f. Trucking establishment; and
- g. Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general intent of this district.

9. This Bylaw shall take force and effect upon the date of the final passing thereof.

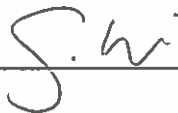
READ a first time this 12 day of September, 2018.

Public Hearing held this 24 day of October, 2018.

READ a second time this 24 day of October, 2018.

READ a third time and finally passed this 24 day of October, 2018.

Mayor



Chief Administrative Officer

