

BYLAW NO. 855

OF THE
TOWN OF KILLAM
IN THE PROVINCE OF ALBERTA

BEING A BYLAW OF THE TOWN OF KILLAM, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF AMENDING THE TOWN OF KILLAM LAND USE BYLAW NO. 809.

WHEREAS the Council of the Town of Killam considers it necessary to amend the Land Use Bylaw No. 809, and

WHEREAS the Council has the authority pursuant to the provisions of the Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M26, to amend the said Land Use Bylaw No. 809.

NOW THEREFORE the Council of the Town of Killam, duly assembled, enacts as follows:

THAT the Land Use Bylaw No. 809 be hereby amended as follows:

AMEND Part Two- Section 9: Definitions

New Definitions to be included

“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 that contain Cannabis.

“Cannabis Accessory”- means Cannabis accessory as defined in the Cannabis act (Canada) and its regulations, as amended from time to time.

“Cannabis Production or Distribution Facility”- means a development used principally for the production, cultivation, and growth of Cannabis; the processing of raw Cannabis materials; the mixing, testing, manufacturing, assembling or in any way altering the chemical or physical properties of semi-finished or finished Cannabis goods and products; the storage and transshipping of Cannabis materials, goods and products to Cannabis retail stores or to individual customers. This use does not include a *Cannabis Retail Store or Lounge*.

“Cannabis Café/ Lounge”- means a development where the primary purpose of the facility is the sale of Cannabis to the public for consumption within the premises that is authorized by Provincial or Federal Legislation. This use does not include *Cannabis Production or Cannabis Retail Store*

“Cannabis- Retail Sales/Store” – means a retail store licensed by the Province of Alberta, where non-medical Cannabis and Cannabis accessories are sold to individuals who attend the premises. This use does not allow for consumption of Cannabis on the premises.

Existing Definitions to be Amended (shown in yellow highlight)

“Farming” - 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, **Cannabis Production or Distribution Facility**.

“Green House or Plant Nursery”- means development used primarily for the raising, storage, basic processing and sale of fruits, vegetables, bedding, edible, household and ornamental plants. This includes the retail sales of landscaping materials, **but excludes the growing, processing or sales of Cannabis**.

“Industrial/ Manufacturing Small Scale”- means an industry engaged in the assembly, processing, manufacture, cleaning, testing, repairing, storage or distribution of various materials into a new product. **(Excludes the growing, packaging or processing of Cannabis)**. The industry may exhibit most or all of the following characteristics:

- i. Can be developed on smaller parcels of land;
- ii. Is suitable for industrial parks;
- iii. Most of the activities are confined to the building;
- iv. Does not require large areas for outdoor storage; and
- v. Does not produce emissions which are obnoxious or hazardous.

“Retail Store”- means a development used for the retail sale of consumer goods from within an enclosed building. **(Excludes the sale of Cannabis products, see Cannabis Retail Sales/Store)**.

AMEND Part Seven: *General Regulations*

Existing Regulations to be Amended (shown in yellow highlight)

- 42.3 Home businesses shall meet all the requirements of 42.2 above and shall comply with the following regulations:
- 42.3.1 The home business shall be operated by the permanent resident(s) of the principal dwelling and shall employ no non-resident, on-site employees.
 - 42.3.2 There shall be no more than four (4) home business clients or customers on site during any period of 24 hours for a minor home business.
 - 42.3.3 The home business shall not occupy more than 30% of the gross floor area of the principal dwelling.
 - 42.3.4 Any storage of materials or goods related to the minor home business must be located within the principal dwelling and/or accessory structure and no exterior storage is permitted.
 - 42.3.5 The home business shall have no more than two (2) home business vehicles used in conjunction with the home business, parked and maintained on site. There shall be no heavy vehicles used in conjunction with a minor home business.
 - 42.3.6 Cannabis growing for commercial purposes, processing, packaging or sales are not permitted as a home business use.**

Additions to Part 7- General Regulations

Section 52 – Cannabis Uses

52.1 Unless otherwise required by the Development Authority, all development applications for a **Cannabis Production/ Distribution Facility** shall be accompanied by:

- a) a licence for all activities associated with Cannabis growing, processing, packaging, testing, destruction or storage as issued by Health Canada;
- b) must include equipment designed and intended to remove odours from the air where it is discharged from the facility as part of the ventilation system;
- c) must not be within 500 meters of a residential district measured from the building containing the use to the nearest property line of a parcel designated as a residential district;
- d) where the development authority may require, as a condition of development permit, a Public Utility and Waste Management Plan, completed by a qualified professional, that includes details on:
 - i. the incineration of waste products and air borne emission, including smell;
 - ii. the quantity and characteristics of liquid and waste material discharged by the facility; and the method and location of collection and disposal of liquid and waste material and;
 - iii. other plans, drawings, maps, documentation or information that is required by the Development Authority to perform a proper review of the application.

52.2. Unless otherwise required by the Development Authority, all development applications for a **Cannabis Sales/Retail Store** shall be accompanied by:

- a) Proof of ownership or consent from the land owner to apply for a Development Permit for the Site where the Cannabis Retail Store is being proposed;
- b) Proof that the Applicant has made application for a license from the Alberta Gaming and Licensing Commission (AGLC) to operate a Cannabis Retail Store and has been deemed eligible by the AGLC for issuance of a license to operate a Cannabis Retail Store;
- c) Information on potential odor production resulting from the Cannabis Retail Store and the details of the installation of any equipment designed and intended to remove odors from the air where it is discharged from the Cannabis Retail Store as part of a ventilation system;
- d) A map that shows all surrounding Uses, and their business names, located within 100m of the Site of the proposed Cannabis Retail Store;
- e) Plans and drawings that show:
 - i. point-of-sale area;
 - ii. shipping and receiving area;
 - iii. secure storage area;
 - iv. secure product display area;
 - v. entrances and exits from building(s);
 - vi. proposed lighting and signage;
 - vii. locations of physical security components as required by the AGLC; and,
 - viii. other plans, drawings, maps, documentation or information that is required by the Development Authority to perform a proper review of the application.

52.2.1 The following Uses shall not be located less than 100 m from the Site of a Cannabis Retail Store, (The 100 m separation distance shall be measured from the closest point of the Site of the Cannabis Retail Store to the closest point of another Site boundary):

- a) a Provincial Health Care Facility,
- b) a School,
- c) a Public Library,
- d) a Recreation Facility; or,
- e) a Site that is designated as School Reserve or Municipal Reserve under the Municipal Government Act and has been planned for use as a future School Site,
- f) an Emergency Shelter,
- g) an Addiction Treatment and Recovery Service,
- h) a Community Health Service,
- i) a Day Care Facility,
- j) a Day Home; or,
- k) a Public Playground,
- l) another Cannabis Retail Store or Cannabis related business,
- m) a liquor store.

52.2.2 To promote public safety an Applicant for a Development Permit for a Cannabis Retail Store shall consider the principles of Crime Prevention Through Environmental Design (CPTED) by:

- a) providing for natural surveillance of the exterior of the Cannabis Retail Store from public areas ,
- b) ensuring that landscaping does not impact natural surveillance of the exterior of a Cannabis Retail Store,
- c) ensuring that the main public entrance to the Cannabis Retail Store is clearly marked and provides for natural surveillance,
- d) providing security lighting in strategic locations,
- e) providing security cameras and signage in strategic locations,
- f) using pathways, signs, landscaping and hardscaping to clearly
- g) identify property lines and areas of a Site that are designated as off limits to the public,
- h) maintaining landscaping and lighting, keeping Sites free of garbage and graffiti, and repairing damaged or unsafe buildings and structures; and,
- i) limiting opportunities for loitering.

52.2.3 A Cannabis Retail Store:

- a) must be licensed by the AGLC;
- b) must sell Cannabis for consumption off of the Site of the Cannabis Retail Store;
- c) must only sell Cannabis from a federally approved and licensed producer;
- d) may offer retail sale of Cannabis accessories as approved by the AGLC;
- e) must not allow for visibility into the Cannabis Retail Store from the outside;
- f) must not include a Drive Through Service;
- g) must meet the physical security requirements set out by the AGLC;
- h) must not operate outside the hours of 10am to 10pm and;
- i) must not be combined with any other use.

and Amend Part Ten- Land Use Districts

Section 74: LIB Light Industrial Business District – (Amended Bylaw 829 August 2014)

74.2 Uses:

Permitted Uses	Discretionary Uses
Automobile and RV Sales and Rental Automobile Service Station Automobile Supply Store	Abattoir
Bank / Financial Institution Caterer	Accessory Use Auction
Clinic	Mart
Convenience Food Store	Autobody and Repair Shop
Contracting Services – Minor Farm Supply Store	Automobile Repair Garage
Florist Shop	Bottled Gas Sales and Storage Campground
Food and/or Beverage Service Facility Gas Bar	Cannabis Production or Distribution Facility
Handicraft	Cannabis- Retail Sales/Store
Business Hotel	Caretaker's Residence
Laundromat	Communication Tower
Light Equipment Repair / Rental Motel	Concrete
Office Building	Manufacturing/Plant
Personal Service	Contracting Services - Major
Shop Pharmacy	Dry Cleaning and Laundry Plant / Depot
Public Use	Dwelling Units Above Ground Floor
Restaurant – All Types Retail Store	Business Feed Mills and Grain Elevators
Shopping	Gaming or Gambling Establishment
Centre Sign	Industry/Manufacturing – Small Scale Laboratory
Supermarket	Livestock Auction
Theatre – Movie	Mart Oilfield Support Services Parking Facility
Truck and Mobile Home Sales and Rental Truck Stop	Propane Transfer Facility
Veterinary	Recreational Amusement Park Recreation Facility
Clinic	Recycling Depot
Warehouse	Research Facility
Store	Seed Cleaning

This Bylaw shall come into force and effect upon the date that it is finally passed.

READ a first time this 20th DAY OF July, AD 2018.

READ a second time 9th day of August, 2018.

READ a third and final time and finally passed this 9th day of August, 2018.

Mayor

Chief Administrative Officer