



CITY OF BROOKS

BYLAW NO. 18/19

A BYLAW OF THE CITY OF BROOKS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW NO. 14/12, BEING THE LAND USE BYLAW TO INTRODUCE PERSONAL CANNABIS CULTIVATION, RETAIL CANNABIS STORES, AND CANNABIS PRODUCTION FACILITIES.

WHEREAS the City of Brooks is desirous of amending Bylaw No. 14/12, being the City of Brooks Land Use Bylaw;

WHEREAS the purpose of the proposed amendment is to introduce Personal Cannabis Cultivation, Retail Cannabis Stores and Cannabis Production Facilities within the Land Use Bylaw;

WHEREAS a Public Hearing, as required by Section 692 of the *Municipal Government Act*, will be held prior to second reading of this Bylaw;

NOW THEREFORE, the Council of the City of Brooks duly assembled, enacts as follows:

1. That Section 25: Personal Cannabis Cultivation, as per Schedule A, be added to Schedule 3: General Standards and to all Land Use Districts in Schedule 2.
2. That Section 10: Medical Marihuana Production Facilities be amended to read Cannabis Production Facilities, as per Schedule A, and be added to Industrial Heavy (I-H).
3. That Section 16: Retail Cannabis Stores, as per Schedule A, be added to Schedule 4: Use Specific Standards of Development, and to the Land Use Districts Commercial Central (C-C), Commercial General (C-G), and Industrial Light (I-L).
4. That Schedule 6: Definitions be amended to add the new and amended definitions as per Schedule A.
5. That the aforementioned amendments to Bylaw No. 14/12, being the Land Use Bylaw, shall make use of formatting that maintains the consistency of the portions of the Bylaw being amended.
6. That this Bylaw shall take effect upon final passing thereof.

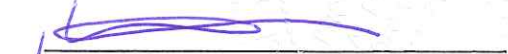
Read a first time this 3rd day of July, 2018.

Read a second time this 4th day of September, 2018.

Read a third time and finally passed this 4th day of September, 2018.



Mayor



Chief Administrative Officer

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SCHEDULE 2: LAND USE DISTRICTS

Add:

Retail Cannabis Store as a Permitted Use within the Commercial Central (C-C), Commercial General (C-G) and Industrial Light (I-L) Land Use Districts;

Replace:

Medical Marihuana Production Facility with **Cannabis Production Facility** as a Discretionary Use within Industrial General (I-G) and Industrial Heavy (I-H) Land Use Districts.

SCHEDULE 3: GENERAL STANDARDS

SECTION 17: PARKING AND LOADING

17.2 (2) MINIMUM OFF-STREET PARKING REQUIREMENTS: NON-RESIDENTIAL USES

Retail Cannabis Stores be added to the Parking Schedule as
2 Stalls per 100m² (1076.39ft²) GFA

SECTION 25: PERSONAL CANNABIS CULTIVATION

25.1 APPLICABILITY

The requirements of this section apply to all Personal Cannabis Cultivation, as defined by the Land Use Bylaw and are in addition to the Government of Alberta's requirements of the *Gaming, Liquor, and Cannabis Act* and the Government of Canada's *Cannabis Act*.

25.2 GENERAL REQUIREMENTS

- (1) The act of Personal Cannabis Cultivation shall only be permitted in all residential districts and is restricted in all other districts.
- (2) Through Federal regulations, adults are allowed to grow a maximum of four (4) cannabis plants per household.
- (3) All personal Cannabis plants are to be cultivated in the principal building as defined in the Land Use Bylaw. Plants shall not be cultivated in accessory buildings.

SCHEDULE 4: USE SPECIFIC STANDARDS OF DEVELOPMENT

SECTION 10: CANNABIS PRODUCTION FACILITIES

10.1 APPLICABILITY

The requirements of this section apply to any and all Cannabis Production Facilities, as defined by the Land Use Bylaw and are in addition to the Federal regulations required by

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the Government of Canada's Access to Cannabis for Medical Purposes Regulations (ACMPR) and all requirements in the Government of Canada's *Cannabis Act*.

10.2 GENERAL REQUIREMENTS

- (1) A licence for all activities associated with Cannabis production as issued by Health Canada shall be provided to the Development Authority prior to occupancy as a condition of development approval.
- (2) All of the processes and functions associated with a Cannabis Production Facility shall be fully enclosed within a stand-alone building.
- (3) A Cannabis Production Facility shall not operate in conjunction with another approved Use.
- (4) A Cannabis Production Facility shall not include an outdoor area for storage of goods, materials or supplies.
- (5) All loading stalls and docks shall be inside a building.
- (6) Cannabis Production Facility is a Discretionary Use within the Industrial General (I-G) and Industrial Heavy (I-H) Land Use Districts.
- (7) An ancillary building or structure used for security purposes may be located on the parcel containing a Cannabis Production Facility.
- (8) Equipment that is designed and intended to remove odours from the air where it is discharged from the building as part of a ventilation system shall be provided and operate at any time a Cannabis Production Facility is in operation.
- (9) Garbage containers and waste material shall be contained within the building containing a Cannabis Production Facility.
- (10) A Cannabis Production Facility shall not be located on a parcel of land that is adjacent to another parcel of land that is regulated by another Land Use District, unless that other parcel of land is in an Industrial Land Use District or Direct Control Land Use District.
- (11) The Development Authority may require, as a condition of a Development Permit for a Cannabis Production Facility, a Public Utility and Waste Management Plan, completed by a qualified professional, that includes details 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.

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SECTION 16: RETAIL CANNABIS STORES

16.1 APPLICABILITY

The requirements of this section apply to all Retail Cannabis Stores, as defined by the Land Use Bylaw and are in addition to the Government of Alberta's requirements of the *Gaming, Liquor, and Cannabis Act*.

16.2 GENERAL REQUIREMENTS

- (1) The development of Retail Cannabis Stores shall be in accordance with the *Gaming, Liquor, and Cannabis Act* as well as any other applicable regulation.
- (2) A copy of the Retail Cannabis Licence issued by the Alberta Gaming and Liquor Commission shall be provided to the City prior to occupancy as a condition of Development Permit approval.
- (3) The maximum operating hours will be 10:00 a.m. to 10:00 p.m. daily.
- (4) Advertising inside the premises shall not be visible from the outside.
- (5) Only permanent signage shall be permitted and copy shall be restricted to the business name.
- (6) Retail Cannabis Stores will be restricted in the use of portable signs.
- (7) The premises must operate separately from other businesses, including providing a separate Loading Space when one is required.
- (8) The public entrance and exit to the Use must be direct to the outdoors.
- (9) Goods shall not be visible from outside the business premises.
- (10) A Retail Cannabis Store shall have no other Use.
- (11) Retail Cannabis Stores shall only be allowed within the Commercial Central (C-C), Commercial General (C-G), and Industrial Light (I-L) Land Use Districts.
- (12) In all districts a Retail Cannabis Store must not be located within a 100m area that contains any of the following Uses or structures, when measured from the closest point of a Retail Cannabis Stores parcel of land to any of the following:
 - (a) The boundary of the parcel of land on which a Provincial Health Care Facility, as defined in this Bylaw is located;
 - (b) The boundary of the parcel of land containing a School, as defined in this Bylaw;
 - (c) A boundary of a parcel of land that is designated as school reserve or municipal and school reserve under the *Municipal Government Act*; or
 - (d) Any City owned playground structure.

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- (13) The specified separation distances noted in 16.2(12) are reciprocal.
- (14) The Commercial Central District (C-C) shall have a maximum of three (3) Retail Cannabis Stores. This clause may be reviewed annually from the date of cannabis legalization.

SCHEDULE 6: DEFINITIONS

AGLC means Alberta Gaming, Liquor and Cannabis Commission.

Cannabis means any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not.

Cannabis Accessories means accessories that promote the responsible and legal consumption and storage of cannabis.

Cannabis Product means a product that contains Cannabis.

Cannabis Production Facility means a Use where Cannabis is grown, processed, packaged, tested, destroyed, stored or loaded for shipping, and that meets all Federal requirements as well as all requirements of this Bylaw, as amended from time to time.

Cannabis Representative means a corporation or individual registered with the AGLC who is in the business of representing a Cannabis supplier in the sale of the supplier's Cannabis.

Cannabis Supplier means a person who holds a Federal licence that authorizes the person to produce Cannabis for commercial purposes or to sell Cannabis to the AGLC.

Colleges means an institution of education that offers courses, certificate and degree programs and includes Commercial Schools as defined by this Bylaw, and does not include Schools as defined by this Bylaw.

Medical Cannabis means a substance used for medical purposes authorized by a licence issued under the Federal Government's Access to Cannabis for Medical Purposes Regulations (ACMPR) or any subsequent legislation which may be enacted in substitution.

Personal Cannabis Cultivation means Cannabis plants being cultivated for personal use to a maximum of four (4) plants per principal dwelling in accordance with the Government of Alberta's requirements of the *Gaming, Liquor, and Cannabis Act* and the Government of Canada's *Cannabis Act*.

Provincial Health Care Facility means a hospital owned and operated by the Province of Alberta for the care of diseased, injured, sick or mentally disordered people.

Retail Cannabis Licence means a licence under the *Gaming, Liquor and Cannabis Act* that authorizes the purchase, sale, transport, possession, and storage of Cannabis.

Retail Cannabis Store means a Use where recreational Cannabis can be legally sold, and has been licensed by the AGLC. All Cannabis that is offered for sale or sold must be from a federally approved and licensed producer. No consumption shall be on premises. This may include

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ancillary retail sale or rental of Cannabis Accessories, and where counselling on Cannabis may be provided.

School means where any school district, school division, or a society or company named within a charter approved by the Minister of Education operating a charter school teaching students the education curriculum from kindergarten to grade 12 pursuant to the *School Act*.