



BYLAW NO. 1547-AF
of the
TOWN OF PINCHER CREEK
IN THE PROVINCE OF ALBERTA
FOR THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547

WHEREAS the Federal Government has proposed that by July 2018 non-medical cannabis will be legalized in Canada, and once cannabis is legalized it will be available from provincially authorized retailers;

AND WHEREAS the Alberta government released amendments to the regulations under the Gaming, Liquor and Cannabis Act, providing the framework for cannabis retail operations, including licensing;

AND WHEREAS the Council for the Town of Pincher Creek deems it desirable to amend Land Use Bylaw No. 1547 to include cannabis retail operations;

AND WHEREAS the Town of Pincher Creek must prepare a corresponding bylaw and provide for its consideration at a Public Hearing;

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 Pincher Creek, in the Province of Alberta, duly assembled does hereby enact the following amendments:

1. Schedule 2 – Land Use District Regulations; adding “**Cannabis Retail Sales**” to the list;

Downtown / Retail Commercial – C1
Section 1. Discretionary Uses

Highway / Drive-in Commercial – C2
Section 1. Discretionary Uses

Comprehensive / Shopping Mall Commercial – C3
Section 1. Discretionary Uses

Transitional Commercial – C4
Section 1. Discretionary Uses

Business Park – I3
Section 1. Discretionary Uses

- Schedule 2 – Land Use District Regulations; adding “**Cannabis Facility**” to the list;

General Industrial and Warehousing – I1
Section 1. Discretionary Uses

2. Schedule 4 – Standard of Developments; adding the following:

30. CANNABIS RETAIL SALES

Cannabis Retail Sales uses are located on a Lot with the following separation distances:

(a) Separation Distance	Uses
100 m	Provincial Health Care Facility, Public Park, Public Recreation Facility, Liquor Store, Cannabis Retail Sales
200 m	School, Child Care Facility

- (b) The separation distance shall be measured from the closest point of the parcel on which the proposed Cannabis Retail Sales is located to the closest point of the Site boundary upon which the other use is located. The separation distance shall not be measured from district boundaries or walls of buildings.

3. Schedule 13 – Definitions; adding the following definitions:

“**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 Retail Sales**” means a retail store licensed by the Province of Alberta where Cannabis and Cannabis Accessories are sold to individuals who attend at the premises and for which any sales are expressly authorized by the Alberta Gaming and Liquor Commission (AGLC). This use shall be a standalone use and not in conjunction with any other use.

“**Cannabis Facility**” means a use where Cannabis is grown, processed, packaged, tested, stored, or destroyed where a license for all activities associated with cannabis growing, processing, packaging, testing, storage and/or destruction has been issued by Health Canada and must include odour mitigation measures to the satisfaction of the Municipal Subdivision and Development Authority. A Cannabis Facility may include a Cannabis Retail Sales as an ancillary use. This definition does not apply to a registered person as defined in the Access to Cannabis for Medical Purposes Regulations Act and regulation as amended from time to time.

4. Schedule 13 – Definitions adding “**This definition does not include Cannabis Retail Sales.**” to the following definitions:

Agriculture, extensive means the production of crops and/or livestock by the expansive cultivation or open grazing of existing titles or proposed parcels usually greater than 160 acres on dryland or 80 acres on irrigated land. This definition does not include Cannabis Retail Sales.

Agriculture, intensive means the concentrated cultivation, operation of cultivation facilities or operation of confinement structures on a parcel of land usually less than 80 acres, for the commercial production of specialty crops, produce and/or livestock via special agricultural practices. This definition does not include Cannabis Retail Sales.

Bakery means a facility where baked products (i.e. bread, buns, cookies, pastries) are prepared, sold and/or distributed. This definition does not include Cannabis Retail Sales.

Convenience Store means a retail outlet selling goods and foodstuffs to area residents on a day-to-day basis from business premises which do not exceed 200 m² (2,153 sq. ft.) in gross floor area. This definition does not include Cannabis Retail Sales.

Eating establishment means a facility where food is prepared and served on the premises for sale to the public and includes restaurants, delicatessens, lounges and cafeterias but excludes drive-in food services. This definition does not include Cannabis Retail Sales.

Farmer's market means a use of land or building where fresh farm or garden produce is sold retail or wholesale and where goods typically displayed in bulk bins or stalls for customers selection. This use includes but is not limited to vendor of fruit, vegetables, meat products, baked goods, dry goods and spices and non-food products such as handicrafts, provided that the sale of fresh food products remains the primary function of the farmer's market. This definition does not include Cannabis Retail Sales.

Farm supplies and services means the use of land or building for the sale, storage and distribution of grain (including grain elevators), livestock feed, fertilizer and chemicals used in agriculture. This definition does not include Cannabis Retail Sales.

Garden centre means the use of land or buildings for the sale, display, growing and storage of garden, household, and ornamental plants and trees provided that the retail sale and display of plants and trees remains the principal use. This use includes the supplementary retail sale of fertilizers, garden chemicals and implements as well as associated products. This definition does not include Cannabis Retail Sales.

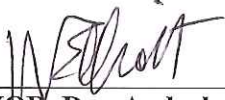
Greenhouse means a building specially designed and used for the growing of vegetables, flowers or other plants for transplanting or sale. This definition does not include Cannabis Retail Sales.

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 serve such a store. This definition does not include Cannabis Retail Sales.

Specialty manufacturing/cottage industry means development used for small-scale on-site production of goods in a building not exceeding a gross floor area of 510 m² (5,490 sq. ft.), including areas devoted to retail sales, display and storage. This use includes bakeries and specialty food production facilities, pottery and sculpture studios, taxidermists, specialty furniture makers and such other uses as the Municipal Development and Subdivision Authority considers similar in character and nature to any or all of these uses. This definition does not include Cannabis Retail Sales.

5. Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.
6. The land use district regulation lists and the definitions shall be amended to reflect this change.
7. This bylaw shall come into effect upon third and final reading hereof on October 17, 2018 when non-medical cannabis will be legalized in Canada.

READ A FIRST TIME THIS 25th DAY OF June, 2018, A.D.




MAYOR, Don Anderberg




CAO, Laurie Wilgosh

READ A SECOND TIME THIS 23rd DAY OF July, 2018, A.D.



MAYOR, Don Anderberg



CAO, Laurie Wilgosh

READ A THIRD TIME THIS 9th DAY OF October, 2018, A.D.



MAYOR, Don Anderberg



CAO, Laurie Wilgosh