

TOWN OF TROCHU BYLAW NUMBER 2018-06

BEING A BYLAW TO AMEND LAND USE BYLAW NO. 2015-09 FOR THE TOWN OF TROCHU IN THE PROVINCE OF ALBERTA.

WHEREAS pursuant to the provision of Section 639 of the *Municipal Government Act*, RSA 2000, Chapter M-26, the Council of the Town of Trochu, in the Province of Alberta (hereinafter called the Council), has adopted Land Use Bylaw No. 2015-09;

AND WHEREAS the Council, deems it necessary and desirable to amend Land Use Bylaw No. 2015-09; and

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

1. In Part 1, Section 2, Definitions, immediately following the definition for "Adjacent" add the following definition:

"Agricultural Operation" means an agricultural activity, other than a confined feeding operation, conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward. An agricultural operation does not include a facility for growing, producing, packaging, storing or selling cannabis. An agricultural operation includes:

- (a) the cultivation of land,
- (b) the raising of livestock, including diversified livestock animals within the meaning of the *Livestock Industry Diversification Act* and poultry
- (c) the raising of fur-bearing animals, pheasants or fish,
- (d) the production of agriculture field crops,
- (e) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops,
- (f) the production of eggs and milk
- (g) the production of honey,
- (h) the operation of agricultural machinery and equipment, including irrigation pumps,
- (i) the application of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes, and
- (j) the collection, transportation, storage, application, use, transfer and disposal of manure, composting materials and compost;

2. In Part 1, Section 2, Definitions, immediately following the definition for "Campground" add 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 Production Facility” means 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 Sales” use.

“Cannabis Retail Sales” means a retail store licensed by the Province of Alberta where Cannabis and Cannabis Accessories are sold to individuals who attend the premises.

3. In Part I, Section 2, Definitions, immediately following the definition for “Grade Level” add the following definition:

“Greenhouse, Horticulture Nursery, and Market Garden” means a commercial development for the growing, acclimating, propagating, harvesting, displaying, and selling of fruits, vegetables, bedding, household, and ornamental plants directly to the consumer, and may include accessory uses related to the storing, displaying, and selling of gardening, nursery, and related products. The greenhouse, horticulture nursery, and market garden use does not include a federally or provincially approved facility for growing, packaging, storing or selling of cannabis.

4. In Part I, Section 2 Definitions, within the definition of “Home Occupation” add the following:

“A home occupation does not include cannabis retail sales.”

5. In Part 1, Section 2 Definitions, remove the definition for “Medical Marijuana Production Facility”.

6. In Part I, Section 2, Definitions, within the definition for “Retail Store” add the following to the end of the sentence:

“This definition does not include Cannabis Retail Sales.”

7. In Part III, Development Permits, within Section 8, “Application for a Development Permit” add the following immediately after 8 (1) (i) (x) (2):

“(2) The Development Authority shall issue a notice of “Complete” or “Incomplete” application within 20 days of the submission in accordance with the requirements of Act.”

8. In Part III, Development Permits and Notices

In Section 10 (1) Replace “14” with “21” days.

9. In Part IV, Appeals:

In Section 11 (3) Replace “14” with “21” days.

10. In Part VII, General Land Use Regulations replace, "Section 64 Forms" with "Section 64 Cannabis Retail Sales":

64. Cannabis Retail Sales

- (1) Is a use:
 - (a) Where cannabis is sold for consumption off premises,
 - (b) Where consumption of cannabis must not occur,
 - (c) That may include the ancillary retail sale or rental of merchandise
 - (d) Where all cannabis that is offered or sold must be from a federally approved and licensed facility.
- (2) The owner or applicant must obtain any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.
- (3) At the time of the development permit application and unless otherwise approved by the Development Authority, "Cannabis Retail Sales" facilities may not have any part of an exterior wall located within **100** metres of a parcel boundary that contains:
 - (a) Public or private education facilities
 - (b) School Reserve properties
 - (c) Provincial Health Care Facility,
 - (d) Public Municipal Indoor Recreation Facility,
 - (e) Public Playgrounds and,
 - (f) Community Centre.

For the purpose of this subsection only:

- (g) The term "public or private education facilities" is limited to kindergarten through to high school inclusive and does not include home education programs, dance schools, driving schools or other commercial schools.
 - (h) The term "public playground" is limited to playgrounds that are located in municipal parks and may include, but not limited to playground equipment/structures, pools, skateboard parks, spray parks and outdoor fitness equipment.
- (4) The development shall not operate in conjunction with another approved use.
 - (5) The use shall not emit nuisances including, but not limited to, odour, noise, and light that may have a negative impact to adjacent sites or uses in the surrounding area.
 - (6) It is prohibited to have cannabis products, accessories or any other cannabis related item or material visible from the exterior of the premises.
 - (7) No outdoor storage or outdoor display shall be allowed on site.

- (8) Customer access to the store shall be limited to a store-front that is visible from the street.
- (9) No customer parking shall be located behind a facility and all parking areas in front of the building shall be well lit.
- (10) Parking shall be provided in accordance with the minimum requirements for "Liquor and Convenience Stores" under Part VII, General Land Use Regulations, Section 35, Parking.
- (11) The hours of operation of a Cannabis Retail Sales outlet to be as per provincial legislation.

11. In Part VII, General Land Use Regulations, replace Section 63. "Medical Marijuana Production Facilities" with Section 63. "Cannabis Production Facilities":

63. Cannabis Production Facility:

- (1) As a condition of development and prior to the operation of the facility, the owner must provide a copy of the current license for all activities associated with cannabis production as issued by the Health Canada.
- (2) The owner or applicant must obtain any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.
- (3) The development must be done in such a manner where all of the processes and functions are fully enclosed within a stand-alone building including all loading stalls and docks, garbage containers and waste material.
- (4) The development shall not include an outdoor area for the storage of goods, materials or supplies.
- (5) The development shall not operate in conjunction with another approved use.
- (6) The development must include equipment designed and intended to remove odours from the air where it is discharged from the building as part of a ventilation system.
- (7) The Development Authority may require as a condition of a development permit, a waste management plan completed by a qualified professional, which includes but not limited to, details on:
 - (a) the quantity and characteristics of liquid and waste material discharged by the facility;
 - (b) the method and location of collection and disposal of liquid and waste material discharged by the facility; and
 - (c) the incineration of waste products and airborne emissions, including smell.

12. In Part VII, General Land Use Regulations add, "Section 65 Forms":

65. Forms

(1) Forms used in conjunction with this Bylaw shall be approved by the Chief Administrative Officer.

13. **Add the following use to Section 24. "CB - Central Business District" (3) Discretionary Uses:**
Cannabis Retail Sales
14. **Add the following use to Section 25. "C-1 – Arterial Commercial District" (3) Discretionary Uses:**
Cannabis Retail Sales
15. **Add the following use to Section 25. "C-1 – Arterial Commercial District" (3) Discretionary Uses:**
Cannabis Production Facility
16. **Add the following use to Section 26. "M-1 – Industrial District" (3) Discretionary Uses:**
Cannabis Production Facility
17. **Remove the following use from Section 25. "C-1 – Arterial Commercial District" (3) Discretionary Uses:**
Medical Marijuana Production Facility
18. **Remove the following use from Section 26. "M-1 – Industrial District" (3) Discretionary Uses:**
Medical Marijuana Production Facility
19. **Severability:**
If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed, and the rest of the Bylaw remains valid and effective.
20. **Repaginate Land Use Bylaw 2015-09, including the Table of Contents accordingly.**
21. **This Bylaw takes effect on the date of the third and final reading.**

READ A FIRST TIME THIS 10th DAY OF September, 2018.

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

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



MAYOR



CHIEF ADMINISTRATIVE OFFICER