

**BYLAW 18-04
TOWN OF BLACK DIAMOND**

BEING A BYLAW TO AMEND LAND USE BYLAW NO. 98-14 OF THE TOWN OF BLACK DIAMOND, IN THE PROVINCE OF ALBERTA.

WHEREAS Pursuant to the provisions of the Municipal Government Act, Statutes of Alberta, 2000 as Council of the Town of Black Diamond in the Province of Alberta (hereinafter called the "Council") has adopted Land Use Bylaw No. 98-14; and

WHEREAS The Council deems it desirable to amend Land Use Bylaw No. 98-14;

NOW THEREFORE The Council hereby enacts that Land Use Bylaw No. 98-14 be amended as follows:

1. **Table of Contents, is amended, under Part 8, by:**
 - a. Adding 8.32 Cannabis Related Business

2. **Part 2, Definitions, is amended by:**
 - a. Deleting the definition for "**alternative health care service**" and replacing it with the following new definition:

"alternative health care service" means an establishment or facility that is engaged in the furnishing of natural health care services and products which are an alternative and complimentary to health care provided by surgery, hospitalization and drug treatments and are provided on an outpatient basis. Included in this use category, but not limited to are; cannabis counselling, acupuncture, herbalists, homeopathic, exercise, massage, touch and mechanical therapy, counselling and the sale of organic food and herb products.

 - b. Deleting the definition for "**greenhouses and plant nurseries**" and replacing it with the following new definition:

"Greenhouses and plant nurseries" means development used primarily for the raising, storage and sale of bedding, household and ornamental plants, but does not include a cannabis facility.

 - c. Deleting the definition for "**industrial uses, general**" and replacing it with the following new definition:

"industrial uses, general" means development used principally for one or more of the following activities;
 - i. the processing of raw materials;

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- ii. the manufacturing or assembling of semi-finished or finished goods, products or equipment;
- iii. the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in non-industrial districts;
- iv. the storage or transshipping of materials, goods and equipment;
- v. the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to retail stores or other sales use classes defined in this Bylaw for resale to individual customers; or
- vi. the training of personnel in general industrial operations.

Any indoor display, office, technical or administrative support areas or any retail sale operations shall be accessory to the general industrial use activities identified above. The floor area devoted to such accessory activities shall not exceed 33 percent of the total gross floor area of the building(s) devoted to the general industrial use, except that this restriction shall not apply where a significant portion of the industrial activity naturally and normally takes place out of doors. This use class includes vehicle body repair and paint shops. This use class does not include a cannabis facility.

- d. Deleting the definition “**manufacturing**” and replacing it with the following new definition;

“**manufacturing**” means the use of land, buildings or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale any goods, substance, article, thing or service. This use does not include a cannabis facility.

- e. Deleting the existing definition of “**medical treatment services**” and replacing it with the following new definition;

“**medical treatment services**” means a building or structure where one or more members of the medical profession, dentists, chiropractors, osteopaths, alternative medicine practitioners, physicians or therapists provide diagnosis and treatment to the general public without overnight accommodation, and shall include such uses as reception areas, offices, coffee shop, consultation rooms, x-ray and minor operating rooms and a dispensary, but does not include a cannabis store or a cannabis counselling centre.

- f. Deleting the definition of “**peddler**” and replacing it with the following new definition and in the appropriate alphabetical order;

“**peddler**” has the same meaning as street vendor

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- g. Deleting the definition for “**retail store**” and replacing it with the following new definition,
“**retail store**” means a building or part thereof in which foods, wares, and general merchandise are offered or stored for sale directly to the public at retail, but does not include cannabis store, peddler or street vendor.

- h. Deleting the definition for “**warehouse sales**” and replacing it with the following new definition;

“**warehouse sales**” means development used for the wholesale or retail sale of a limited range of bulk goods from within an enclosed building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. Limited outside storage may be allowed on site. This use class includes developments where principal goods being sold are such items as furniture, carpet, major appliances and building materials. This use class does not include retail store, cannabis facility or cannabis store.

- i. Deleting the definition for “**warehouse store**” and replacing it with the following new definition;

“**warehouse store**” means the use of a building for the interior storage and retailing of limited range of bulky items of materials, products, goods or merchandise which typically require a large floor area for display to the purchaser, and may include, but are not limited to, carpets, furniture, paints and wall. This use class does not include retail store, a cannabis facility or a cannabis store.

- j. By adding to the following new definition “**cannabis**” in the appropriate alphabetical order;

“**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.

- k. By adding to the following new definition “**cannabis accessory**” in the appropriate alphabetical order:

“**cannabis accessory**” means cannabis accessory as defined in the Cannabis Act (Canada) and its regulations, as amended from time to time.

- l. By adding to the following new definition “**cannabis counselling**” in the appropriate alphabetical order:

“**cannabis counselling**” means a use;

- i. where counselling on cannabis is provided by persons who are not medical professionals;
- ii. where consumption of cannabis must not occur;
- iii. where the sale of cannabis must not occur; and

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- iv. that may include the ancillary retail sale or rental of merchandise;
- m. By adding to the following new definition "**cannabis facility**" in the appropriate alphabetical order;

"**cannabis facility**" means a use where cannabis is grown, processed, packaged, tested, destroyed or stored where a license for all activities associated with cannabis growing, processing, packaging, testing, destruction or storage has been issued by Health Canada. This definition does not apply to a registered person as defined in the Access to Cannabis for Medical Purposes Regulations, as amended from time to time.

- n. By adding to the following new definition "**cannabis store**" in the appropriate alphabetical order;

"**cannabis store**" means a retail store, licensed by the Province of Alberta:

- i. where cannabis is sold for consumption off the premises;
- ii. where consumption of cannabis must not occur;
- iii. that may include the ancillary retail sale or rental of merchandise; and
- iv. where counselling on cannabis may be provided;

- o. By adding to the following new definition "**provincial health care facility**" in the appropriate alphabetical order;

"**provincial health care facility**" means an approved hospital as defined in the Hospitals Act;

- p. By adding to the following new definition "**school**" in the appropriate alphabetical order;

"**school**" means a structured learning environment through which an education program is offered to a student by

- i. A board;
- ii. An operator of a private school
- iii. An early childhood services program private operator,
- iv. Or the Minister of Alberta Education

- q. By adding to the following new definition "**separation distance**" in the appropriate alphabetical order:

"**separation distance**" is the distance measured from the closest exterior wall of one use to the closest property line of the other use

3. Part 3, Administration, is amended by;

- a. Following Subsection 3.7.3 add the following
3.7.3(a)

The development authority may not vary the requirements for distances required in accordance with 8.32.2(f) and 8.32.3(f)

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- b. Deleting Subsection 3.7.8 and replacing it with the following new subsection;
3.7.8

May impose such conditions of approval as may be necessary to ensure compliance with the Act, the Subdivision and Development Regulation, Municipal Development Plan, any Area Structure Plans that have been adopted and this Land Use Bylaw or any other applicable Municipal, Provincial or Federal legislation.

4. Part 6, Conditions and Enforcement is amended by:

- a. Include the following clause (a) to accurately quote Section 542(1) of the Municipal Government Act and re-alphabetize subsequent articles as follows:

542(1) If this or any other enactment or a bylaw authorizes or requires anything to be inspected, remedied, enforced or done by a municipality, a designated officer of the municipality may, after giving reasonable notice to the owner or occupier of the land or the structure to be entered to carry out the inspection, remedy, enforcement or action,

- a) Enter on that land or structure at any reasonable time, and carry out the inspection, enforcement or action authorized or required by the enactment or bylaw,
- b) Request anything to be produced to assist in the inspection, remedy, enforcement or action, and
- c) Make copies of anything related to the inspection, remedy, enforcement or action.

- b. Deleting clause 6.3.2 and replacing it with the following new clause;

6.3.2 The Development Officer, Subdivision Officer, Safety Codes Officer, or such other designated person, is the “designated person” for the purpose of Section 6.3.1

5. Part 8, General Development Regulations, is amended by;

- a. Adding to Section 8.29.3
 - i. A cannabis store may not be located as a mixed residential / commercial use;
 - ii. A cannabis facility may not be located as a mixed residential / commercial use.

- b. Adding Section 8.32 **Cannabis Related Businesses**

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8.32.1 Cannabis Counselling shall

- a. only occur where it has been approved through a development permit for a use where it is specifically allowed in the use definition and rules;
- b. be subject to the parking requirements 8.14.2 Commercial (7);
- c. be a location where consumption of cannabis must not occur;
- d. be where the sale or rental of cannabis accessories may occur.

8.32.2 Cannabis Facility

- a. is a location where a license for all activities associated with cannabis growing, processing, packaging, testing, destruction or storage is issued by Health Canada
- b. is a location where all activities associated with cannabis growing, processing, packaging, testing, destruction or storage occur within the cannabis facility structure;
- c. is a location where the sale of cannabis can occur in conjunction with the cannabis facility where it has been approved through a development permit for a use where it is specifically allowed in the use definition and rules, has been approved by the Town and where the retail store has been approved by the Provincial government
- d. is subject to the parking requirements 8.14.2 Commercial (7);
- e. is a location where an accessory building or structure used for security purposes may be located on the parcel containing the use;
- f. 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;
- g. may not have any part of an exterior wall that is located within 100 metres of
 - i. A provincial health care facility or a boundary of the parcel of land on which the facility is located;
 - ii. A building containing a school or a boundary of a parcel of land on which the building is located, or
 - iii. A boundary of a parcel of land that is designated as school reserve or municipal and school reserve under the *Municipal Government Act*.
- h. separation distances may not be varied by the Development Authority;
- i. design may incorporate crime prevention through environment design (CPTED) principles and the entire site on which it is located;
- j. is where the development authority may require, as a condition of a development permit, a Public Utility, Water and Waste Management Plan, completed by a qualified professional(s), that includes details on:
 - i. The incineration of waste products and air borne emission, including smell;
 - ii. The quality and characteristics of liquid and waste material discharged by the facility;
 - iii. The method and location of collection and disposal of liquid and waste material;
 - iv. water conservation methods employed;
 - v. The mitigation of over strength sewage loading;
 - vi. And any other thing that may be deemed necessary to make a decision on the application.
- k. Is where the development authority may require, as a condition of a development permit, a site and facility security plan;

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1. Is where the development authority may require, as a condition of a development permit, that the applicant provide a site and business operation plan that contains the principles of Crime Prevention through Environment Design.

8.32.3 Cannabis Store

- a. Is a location where the sale of cannabis can only occur where it has been approved through a development permit for a use where it is specifically allowed in the use definition and rules;
- b. Is a location where all cannabis that is offered for sale or sold must be from a federally approved and licensed facility;
- c. must be licensed by the Alberta Government;
- d. is a location where cannabis counselling may also occur as an ancillary use to the cannabis store use;
- e. hours of operation may not extend after 10pm Monday through Sunday;
- f. may not have any part of an exterior wall that is located within 100 metres of
 - i. A provincial health care facility or a boundary of the parcel of land on which the facility is located;
 - ii. A building containing a school or a boundary of a parcel of land on which the building is located, or
 - iii. A boundary of a parcel of land that is designated as school reserve or municipal and school reserve under the *Municipal Government Act*.
- g. is subject to the parking requirements 8.14.2 Commercial (7);
- h. separation distances may not be varied by the Development Authority;
- i. and site on which it is to be located may incorporate crime prevention through environment design (CPTED) principles;
- j. is a location where the development authority may require, as a condition of a development permit, a business operation security plan.

6. Part 9, Special Land Use Rules, is amended by;

- a. Adding clause 9.6.1 (b) be deleted and replaced with the following;

The Development Authority shall, in deciding whether to approval or refuse a Child Care Service which is a discretionary use, consider, among other matters, if the development would be suitable for the location proposed, taking into account, among other matters, potential traffic generation, proximity to park, or other open or recreational areas, isolation of the proposed site from other residential uses, buffering or other techniques designed to limit any interference with other uses or the peaceful enjoyment of their properties by nearby residents, and consistency in terms of use with other development in the area, including distance from a cannabis related business.



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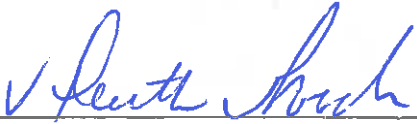
7. **Part 10, Districts;**
- a. **Section 10.2.6 Central Business District CB, is amended by;**
Adding the following new uses to Section 10.2.6.3;
Cannabis Store
 - b. **Section 10.2.7, CB1 General Business District, is amended by;**
Adding the following new uses to Section 10.2.7.3;
Cannabis Store
 - c. **Section 10.2.8, CB2 Black Diamond Station District, is amended by;**
Adding the following new uses to Section 10.2.8.3;
Cannabis Store
 - d. **Section 10.2.8A Service Commercial District (SC), is amended by:**
Adding the following new uses to Section 10.2.8A.4; ✓
Cannabis Store
Cannabis Facility
8. Updating all listed legislation or government department names to current nomenclature.

This Bylaw will take force and effect upon third and final reading and signing thereof.

READ A FIRST TIME this 6th day of June A.D. 2018.

READ A SECOND TIME this 18th day of July A.D. 2018.

READ A THIRD AND FINAL TIME this 18th day of July A.D. 2018.



MAYOR



LEGISLATIVE SERVICES MANAGER

July 19, 2018

Date signed