

Village of Warburg
Bylaw # 161/18

**A BYLAW OF THE VILLAGE OF WARBURG, IN THE PROVINCE OF ALBERTA,
FOR THE PURPOSE OF AMENDMENT OF THE LAND USE BYLAW.**

WHEREAS, pursuant to the *Municipal Government Act*, R.S.A., 2000, c.M-26, a municipality shall pass a land use bylaw and may amend the land use bylaw;

AND WHEREAS, the Village of Warburg wished to amend Bylaw 90/08, the Land Use Bylaw for the Village of Warburg;

NOW THEREFORE, the Council of the Village of Warburg, duly assembled hereby enact as follows:

Bylaw #90/08 is amended as follows:

1. By adding or amending the following or deleting in strikethrough:

Section 9: Definitions

“AGRICULTURE”

The cultivation of soil for the growing of crops and all related activities, or the raising of animals to provide food or other products. This shall not include Confined Feeding Operations or Cannabis Production Facilities.

“CANNABIS”

Cannabis means cannabis as defined in the *Cannabis Act*.

“CANNABIS ACCESSORY”

A thing that is commonly used in the consumption of cannabis. A Cannabis Accessory includes, but is not limited to, rolling paper or wraps, holders, pipes, water pipes, bongs and vaporizers.

“CANNABIS PRODUCTION FACILITY”

A Development licensed by Health Canada located in a stand-alone Building where Cannabis is grown, processed, packaged, tested, destroyed, stored, distributed or loaded for shipping. Cannabis Production Facilities shall not include Cannabis Sales or Retail Sales as an Accessory Use.

“CANNABIS SALES”

A Principle Use being a business where Cannabis is sold in accordance with the following provisions:

- a) Cannabis sold is for consumption Off Site and Cannabis shall not be consumed On Site;
- b) No other goods are sold on the premises other than Cannabis Accessories;
- c) All Cannabis offered for sale or sold must be from a federally approved and licensed facility;
- d) The business must be licensed by the Alberta Government; and
- e) The Use premises, including the associated Loading Space, are located at least;
 - 1) 200.0 m to the closest point of another Cannabis Sales Use;
 - 2) 200.0 m to the closest point of a Liquor Store;
 - 3) 300.0 m to the closest Site Line of a School, a municipally owned Site used by a School with an associated joint use agreement, or a future School Site as depicted in an adopted Area Structure Plan;
 - 4) 300.00 m to the closed point of a municipal Playground, Public Library or Recreational Establishment, Outdoor;
 - 5) 100.00 m to the closest Site Line of a provincial health facility in accordance with the *Gaming, Liquor and Cannabis Act*;
 - 6) 300.00 m to the closest point of a Recreational Establishment, Indoor Use that is publicly owned or operated;
 - 7) 300.00 m to the closest Site Line of a public library; and

- 8) 100.00 m to the closest point of a Child Care Facility Use, including the associated On Site play area.

“CHILD CARE FACILITY”

A Development used to provide care and supervision, but not overnight accommodation, to seven or more children under the age of thirteen. Typical Uses are day care centres, before and after school care, and pre-schools. Child Care Facilities, including associated On Site play areas, shall be located a minimum of 100.00 m from the closest point of a Cannabis Sales Use.

“GENERAL INDUSTRIAL USE”

Development used for one or more of the following activities; manufacturing, processing, assembling cleaning, repairing, servicing, testing, storage, warehousing or distribution of materials, products or equipment; and may include the training of personnel in general industrial operation. Accessory Uses may include indoor display, office, technical or administrative support areas or any sales operation directly associated with the General Industrial Use activities on-site. This shall exclude natural resource development and Cannabis Production Facilities.

“GREENHOUSE”

A Development used primarily for the raising, storage and sale of bedding, household and ornamental plants, as well as associated products. This use excludes Cannabis Production Facilities.

“PARK”

A Development of public land specifically designed or reserved for the general public for active or passive recreational uses and includes all natural and manmade landscaping facilities, playing fields, buildings and other structures that are consistent with the general purposes of public parkland whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. Typical uses include tot lots, band shells, picnic grounds pedestrian trails landscaped buffers, playgrounds and water features. A municipal Playground in a Park Site shall be located a minimum of 300.00 from the closest point of a Cannabis Sales Use.

“PLAYGROUND”

An outdoor area dedicated to play structures for children.

“PREMISE”

An area on a Site or in a Building that is devoted to a specific Use of business.

“PRIVATE CLUB”

A development used for social activities of members of non-profit groups or organizations, excluding On Site residence. Private Clubs may include room for eating, drinking and assembly. Private Clubs shall not allow for On Site Cannabis consumption.

“PUBLIC LIBRARIES AND CULTURAL EXHIBITS”

Development for the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for public use; or a Development for the collection, preservation and public exhibition of work or object of historical, scientific or artistic value. Typical Uses include libraries, museums and art galleries. Public Library Sites shall be located a minimum of 300.00 m from the closest point of a Cannabis Sales Use.

“RECREATIONAL ESTABLISHMENT, OUTDOOR”

A Development intended to provide structure for sports or leisure activities, including the related accessory Developments for the users of the facility. Typical Uses include sports fields, playgrounds, skating rinks, tennis courts

and spray parks. Recreation Establishment, Outdoor shall be located a minimum of 300.00 m from the closest point of Cannabis Sales Use.

“RETAIL SALES”

A development up to 3000.0 m² used for the sale of consumer goods in an enclosed building, including such items as groceries, clothing and footwear, electronics, furniture and appliances, hardware supplies, household goods, printed matter, confectionary, pharmaceuticals, personal care items and office supplies. Retail Sales does not include Cannabis Sales.

~~“RETAIL STORE”~~

~~Means a development used for the retail sale of consumer goods, from within an enclosed building.~~

“SCHOOL”

~~Means a development that is publicly supported and involves public assembly for education training, or instruction of students.~~

A publicly supported or subsidized Development used for education operated by a School Board for any or all of Kindergarten to Grade 12, as per the *School Act*. School Sites shall be located a minimum of 300.0 m from the closest point of a Cannabis Sales Use.

2. By adding the following;

Section 20: Variance Authority

20.4 A variance may only be granted by the Development Officer to the minimum separation distance for Cannabis Sales to Sites in a residential land use district, if said property is publicly owned land used for the purpose of a buffer strip, walkway, or public utility lot.

3. By adding the following:

ELEVEN: CANNABIS

Section 76: CANNABIS PRODUCTION FACILITY

- 1) The owner or applicant shall provide as a condition of Development Permit a copy of the current license and all subsequent license renewals for all activities associated with Cannabis production issued by Health Canada.
- 2) The owner or applicant shall obtain any other approval, permit, authorization, consent or license that may be required to endure compliance with applicable federal, provincial or municipal legislation.
- 3) All processes and functions of the Development shall be fully enclosed within a stand-alone Building, including but not limited to all Loading Spaces and docks, garbage containers, storage and waste material.
- 4) The Development shall be singular Use and shall not be operated in conjunction with any other Uses.
- 5) The Development shall not be located Adjacent to an Arterial Road.
- 6) The Development shall 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 Site shall be located a minimum of 300.00 m from a residential district.
- 8) The Development Authority may require, as a condition of Development Permit, a waste management plan, completed by a qualified professional, that includes details regarding:
 - 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.

- 9) The minimum number of Parking Stalls shall be based on the requirements for General Industrial Uses.
- 10) Fencing of the Site shall be required for security purposes, subject to the provisions of Section 41.
- 11) Notwithstanding the provisions of Part Nine: Signs, no Sign shall be displayed on the Site that identifies the Use.
- 12) The Development may be subject to periodic inspections to ensure compliance with the Alberta Building Code, Alberta Fire Code, National Energy Code of Canada, Land Use Bylaw and approved Development Permit.

Section 77: CANNABIS SALES

- 1) Cannabis Sales shall meet the requirements of the *Gaming, Liquor and Cannabis Act*.
- 2) A copy of the Retail Cannabis License issued by the Alberta Gaming and Liquor Commission shall be provided to the Village prior to occupancy as a condition of development permit approval.
- 3) Cannabis Sales shall be a minimum of 300 m from Sites in a residential district.
- 4) In addition to the provisions of Part Nine: Signs; advertising inside the premises shall not be visible from the outside.
- 5) The premises must operate separately from other businesses, including providing a separate Loading Space when one is required.
- 6) The public entrance and exit to the Use must be directed to the outdoors.
- 7) Goods shall not be visible from outside the business premises.

4. By adding the following:

Section 72: LIB Light Industrial Business District

	Discretionary Uses
	Cannabis Production Facility
	Cannabis Sales

5. This amending bylaw shall be consolidated into Bylaw 90/08.
6. This bylaw shall come into force and effect on third and final reading.

Read a first time this 9th day of October, A.D. 2018

SEAL

Mayor Kevin Maine

Christine Pankewitz
Municipal Administrator

Read a second time this 12th day of November, A.D. 2018

Read a third time and passed this 12th day of November, A.D. 2018

SEAL

Mayor Kevin Maine

Christine Pankewitz
Municipal Administrator