

## **AGENDA**

A PUBLIC HEARING REGARDING THE BYLAWS OF THE TOWN OF TABER, IN THE PROVINCE OF ALBERTA, TO BE HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, ON MONDAY, SEPTEMBER 10, 2018 AT 3:30 PM.

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### **ITEM NO. 1. CALL TO ORDER**

The Chair will explain the general procedure for the hearing, which may include:

- i) Informing the public of the 10 minute time limit for a speaker that has been established.
- ii) Informing that anyone speaking shall state their name for the record.

### **ITEM NO. 2. LAND USE AMENDMENT BYLAW NO. 17-2018**

- i) Explanation of Purpose of Proposed Bylaw No. 17-2018. \_\_\_
- ii) Presentation of Written or Oral Briefs **Against** the Proposed Bylaw No. 17-2018.
- iii) Presentation of Written or Oral Briefs **For** the Proposed Bylaw No. 17-2018.

### **ITEM NO. 3. CLOSE OF MEETING**

The Mayor shall declare the hearing closed and Council will deliberate the merits of the information and opinions provided at the Public Hearing.



<b>Council Request for Decision</b>	
<b>Meeting Date: September 10, 2018</b>	
<b>Subject:</b> Public Hearing Bylaw 17-2018 Land Use Bylaw Cannabis Uses	
<b>Recommendation:</b>	That Council accepts the information presented at the Public Hearing for Bylaw 17-2018.
<b>Background:</b>	<p>At the August 20, 2018 Council meeting RES 377/2018 was brought forward. "MOVED by Councilor Brewin that Council Authorizes the Notice of Motion to: Consider the Cannabis Land Use Bylaw Amendments Bylaw 17-2018 for a Public Hearing and First Reading, to take place at the September 10, 2018 Regular Council Meeting."</p> <p>In relation to the Land Use Bylaw Administration recommends the following:</p> <ol style="list-style-type: none"> <li>1. Cannabis Retail Sales is proposed as a discretionary use in the Downtown Commercial (DT) District and the Comprehensive Commercial District (CC) but not within 100m from any school and hospital use. These applications will require approval by the Municipal Planning Commission (MPC). There will be no discretion for MPC to grant variances to established separation distances.</li> <li>2. Cannabis Production and Distribution is proposed as a permitted use in the Medium Industrial district (M-2).</li> </ol>
<b>Legislation / Authority:</b>	<p>Section 692 of the MGA allows for amendments to the Land-Use Bylaw.</p> <p>Section 692 of the MGA requires Council to hold a public hearing before 2<sup>nd</sup> reading of a Bylaw.</p> <p>Section 606 of the MGA sets out the advertising requirements for a public hearing.</p>
<b>Strategic Plan Alignment:</b>	N/A
<b>Financial Implication:</b>	No financial implications at this time.



<b>Service Level / Staff Resource Implication:</b>	The staff resource implication is the time required by staff to review the proposed bylaw and prepare the advertisement and documents for Council and the Public Hearing.
<b>Justification:</b>	By accepting the information received from the Public Hearing, Council will be able to make a more informed decision on the proposed Bylaw 17-2018.
<b>Alternative(s):</b>	That Council does not accept the information from the Public Hearing for Bylaw 17-2018.

<b>Attachment(s):</b>	<p>Bylaw 17-2018</p> <p>Public Hearing Ad</p>
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<b>APPROVALS:</b>	
<b>Originated By:</b>	Phyllis Monks
<b>Chief Administrative Officer (CAO) or Designate:</b>	

**TOWN OF TABER  
BYLAW NO. 17-2018**

A BYLAW FOR THE PURPOSE OF AMENDING THE TOWN OF TABER LAND USE BYLAW IN ACCORDANCE WITH THE MUNICIPAL GOVERNMENT ACT, CHAPTER M-26, REVISED STATUTES OF ALBERTA 2000, AS AMENDED

**WHEREAS** the Town of Taber adopted Land Use Bylaw No. 14-2016;

**AND WHEREAS** Council wishes to amend Land Use Bylaw No. 14-2016 to make amendments to address upcoming changes to cannabis legislation.

**NOW THEREFORE**, the Council of the Town of Taber in the Province of Alberta, duly assembled in Council, hereby amends No. Bylaw 14-2016 as follows:

1. Within Part 5.0 replace the use definition for Cannabis Lounge and Cannabis Retail Sales with the following:

**Cannabis Lounge:** means development where the primary purpose of the facility is the sale of cannabis to the public, for the consumption within the premises that is authorized by the federal and provincial legislation.

**Cannabis Retail Sales:** means development used for the retail of cannabis that is authorized by provincial or federal legislation. Retail Sales also includes a development where cannabis is: promoted, advocated, and/or where paraphernalia used in the consumption of cannabis is sold or provided. This use does not include cannabis production and distribution.

2. Add the following to Part 3.0 in accordance with the alphabetical order of the section:

**3.2 Cannabis Uses**

1. For the purposes of this section, 'Cannabis Uses' shall include Cannabis Lounges, Cannabis Retail Sales and Cannabis Production and Distribution Facility.
2. The Development Authority for all discretionary Cannabis Uses shall be the Municipal Planning Commission.
3. Cannabis Uses shall be stand-alone uses and cannot be combined with another use. However, a Cannabis Retail Sales can occur in a multi-tenant building or as part of a mixed-use development assuming there is no common entry or way of passing from one unit to another.

4. Cannabis Uses shall be separated by 100m from the following uses: Hospital, Post-Secondary School, Private School, Elementary School, and Secondary School. For the purposes of this subsection:
  - a. Separation distance shall be measured from the closest point of the subject site boundary to the closest point of another site boundary, and shall not be measured from edge of structures.
  - b. The Development Authority shall not grant variances to the established separation distances.
  
5. In all instances where a Cannabis Use is a discretionary use, the Development Authority may, at its discretion, require any additional specific design requirements or measures that ensure that development provides a safe environment that is compatible with adjacent or nearby uses, including but not limited to façade design, lighting, signage, screening measures, building orientation and access, and measures to prevent nuisances such as odor.
  
6. Unless specifically addressed in this bylaw, Cannabis Related Uses shall comply with all Federal and Provincial Legislation and Alberta Gaming and Liquor (AGLC) regulations.
  
7. Amend the land use districts within Part 4.0 as outlined in the table below:

<b>Land Use District</b>	<b>Discretionary Uses</b>
Downtown Commercial District (DT)	ADD <ul style="list-style-type: none"> <li>• Cannabis Lounge</li> <li>• Cannabis Retail Sales</li> </ul>
Comprehensive Commercial District (CC)	ADD <ul style="list-style-type: none"> <li>• Cannabis Lounge</li> <li>• Cannabis Retail Sales</li> </ul>
<b>Land Use District</b>	<b>Permitted Uses</b>
Medium Industrial District (M2)	ADD <ul style="list-style-type: none"> <li>• Cannabis Production and Distribution</li> </ul>

8. The remainder of Bylaw 14-2016 is not amended by this Bylaw 17-2018 and remains in full force and effect.

9. It is the intention of the Town Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is further the intention of the Town Council that if any provision of the Bylaw be declared invalid, all other provisions thereof shall remain valid and enforceable.

RES.           **READ** a first time this XX<sup>th</sup> day of XXXXXX, 2018.

RES.           **READ** a second time this XX<sup>th</sup> day of XXXXXXXX, 2018.

RES.           **READ** a third time this XX<sup>th</sup> day of XXXXX, 2018.

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Mayor

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Chief Administrative Officer

**Public Notice**  
**Town of Taber**  
**Proposed Bylaw 17-2018**

The Town of Taber is proposing amend the Land Use Bylaw 14-2016 to add cannabis uses. If proposed Bylaw 17-2018 is passed, the Land Use Bylaw will add Cannabis Retail Sales as a discretionary use to the Comprehensive Commercial (CC) and Downtown Commercial (DT) districts. The amendment will also add Cannabis Production and Distribution as a permitted use to the Medium Industrial (M-2) District.

If you are for or opposed to this amendment or would like to express a concern about it, Council would like to hear from you. On Monday, **September 10<sup>th</sup>, 2018 at 3:30 pm**, Council will hold a PUBLIC HEARING in the Town of Taber Council Chambers to consider the proposed Land Use Bylaw Amendment. Copies of the amending Bylaw 17-2018 may be obtained at the Town of Taber Administration building. If you are unable to attend the public hearing but would like to submit your comments/concerns in writing, please submit them to the Town Office no later than noon on September 10<sup>th</sup>, 2018.

Emily Hembrough  
Planning & Economic Development Clerk  
Phone: (403)-223-5500 ext. 6009  
Email: [emily.hembrough@taber.ca](mailto:emily.hembrough@taber.ca)