



## **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, JULY 15, 2019 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. 12-2019**

- i) Explanation of Purpose of Proposed Bylaw No. 12-2019.
- ii) Presentation of Written or Oral Briefs **Against** the Proposed Bylaw No. 12-2019.
- iii) Presentation of Written or Oral Briefs **For** the Proposed Bylaw No. 12-2019.

### **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.



## Council Request for Decision

**Meeting Date: July 15, 2019**

**Subject:**

Land Use Bylaw Textual Amendment Bylaw 12-2019 - Public Hearing

**Recommendation:**

Council accepts the information provided at this Public Hearing for consideration.

**Background:**

At the June 24, 2019 regular Council meeting RES. 317/2019 “MOVED by Councillor Bekkering that Council gives First Reading to Bylaw 12-2019, as presented” was passed. Advertising has occurred in the July 3 and 10 Taber Times and this Public Hearing is a required part of the process for a land use bylaw amendment to move forward.

In September 2018 Council gave third reading to Bylaw 17-2018 amending the Land Use Bylaw 14-2016 to allow for Cannabis Production and Distribution as a permitted use in the Medium Industrial District (M-2).

Administration has received expressions of interest regarding possible opportunities for Cannabis production facilities in the Light Industrial District (M-1). In order to facilitate development opportunities an amendment to the land use bylaw would be required to allow for any proposals to be considered. For this reason, Administration is proposing to add the use to the M-1 district as a discretionary use. This would allow for a development permit application to be processed by the Municipal Planning Commission as the authority for discretionary permits.

When Bylaw 17-2018 was passed a clause was included that indicated, “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”. This adds some additional ability for the Development Authority to request any additional design considerations that might be deemed necessary on a case by case basis, but make it reasonable for this use to be included in the M-1 district.

As Cannabis Production and Distribution has occurred in other communities the impacts of this type of development have shown to be minimal.



Administration and Council would use this opportunity to hear from any members of the public who have concerns or are in support of this bylaw amendment.

**Legislation / Authority:**

Section 692(1) of the MGA requires a Public Hearing to be held prior to approving any amendments to a Land Use Bylaw.

**Strategic Plan Alignment:**

Develop Community & Promote Growth – Review Town Policies and regulations that pertain to development.

**Financial Implication:**

Costs of advertising. Possible revenue from development relating to this change in use.

**Service Level / Staff Resource Implication:**

Land use bylaw amendments fall under the regular duties of the Planning Department.

**Justification:**

This will allow those parties who have made requests to the department to consider development in the light industrial district to move forward with Development Permit application.

**Alternative(s):**

Council could refuse to accept the information provided at this public hearing.



Attachment(s): Bylaw 17-2018 - initial changes to Cannabis Production  
Existing M-1 District  
Bylaw 12-2019  
Light Industrial District Map  
Taber Times Ad July 3 & 10

**APPROVALS:**

**Originated By:**  
Phyllis Monks

**Chief Administrative Officer (CAO) or Designate:** \_\_\_\_\_

**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. 417/2018      **READ** a first time this 10<sup>th</sup> day of September, 2018.  
RES. 449/2018      **READ** a second time this 24<sup>th</sup> day of September, 2018.  
RES. 450/2018      **READ** a third time this 24<sup>th</sup> day of September, 2018.



Mayor



Chief Administrative Officer





## 4.10 LIGHT INDUSTRIAL DISTRICT (M-1)

### 4.10.1 Purpose

The purpose of this district is to provide for a wide range of lower impact industrial uses, which retain any adverse impacts within a building, together with storage and commercial uses that complement and support the industrial area.

### 4.10.2 Uses

Permitted Uses	Discretionary Uses
<p>(1) The following are permitted uses:</p> <ul style="list-style-type: none"> <li>• Agricultural Machinery/Equipment Sales and Services</li> <li>• Agricultural Service and Supply Establishment</li> <li>• Auction Mart</li> <li>• Auction Room</li> <li>• Automobile Supply</li> <li>• Building Supply Outlet</li> <li>• Contracting Services, Minor</li> <li>• Data Duplicating Shop</li> <li>• Dry Cleaning and Laundry Depot</li> <li>• Dry Cleaner</li> <li>• Equipment Rental and Repair</li> <li>• Nursery and Garden Store</li> <li>• Office</li> <li>• Research Facility</li> <li>• Storage, Indoor</li> <li>• Vehicle Wash</li> <li>• Veterinary Clinic</li> <li>• Warehouse</li> </ul>	<p>(2) The following are discretionary uses:</p> <ul style="list-style-type: none"> <li>• Accessory Use</li> <li>• Agricultural Processing</li> <li>• Automobile Service</li> <li>• Automotive Sales</li> <li>• Bulk Sales Establishment</li> <li>• Caterer</li> <li>• Communication Tower</li> <li>• Convenience Food Store</li> <li>• Drive-through</li> <li>• Dry Cleaning and Laundry Plant</li> <li>• Eating Establishment</li> <li>• Electrical and Electronic Products Industry</li> <li>• Electricity Production</li> <li>• Food and/or Beverage Service Facility</li> <li>• Gas Bar</li> <li>• Industry/Manufacturing, Small Scale</li> <li>• Oilfield Support Service</li> <li>• Post-Secondary School</li> <li>• Printing Establishment</li> <li>• Printing, Reproduction and Data Processing Industry</li> <li>• Private School</li> <li>• Public Use</li> <li>• Restaurant, Small</li> <li>• Restaurant, Take-out</li> <li>• Sign – Class C</li> <li>• Sign – Class D</li> <li>• Storage, Outdoor</li> <li>• Truck Stop</li> <li>• Warehouse Store</li> </ul>

#### 4.10.3 Standards

Subdivision Standards	
Minimum Parcel Area	900.0 m <sup>2</sup>
Minimum Parcel Width	25.0 m

Development Standards	
Minimum Front Yard	7.0 m
Minimum Rear Yard	7.0 m
Minimum Interior Side Yard	3.0 m
Minimum Exterior Side Yard	3.5 m
Maximum Building Height	12.0 m
Maximum Building Coverage	50.0%
Minimum Landscaped Area	10.0%

#### 4.10.4 Additional Standards

<b>Nuisance Factors:</b>	<p>The Development Authority may:</p> <ul style="list-style-type: none"> <li>(a) approve a discretionary use where it is determined that any nuisance factors extending outside a building will not have a significant adverse impact on adjacent properties;</li> <li>(b) approve a discretionary use subject to the introduction of mitigation measures to address significant adverse nuisance factors that extend outside of a building; or</li> <li>(c) refuse a discretionary use where it is determined that any nuisance factors extending outside of a building will have a significant adverse impact on adjacent properties.</li> </ul>
<b>Storage of Hazardous Goods and Materials:</b>	The storage of hazardous goods and materials shall not be allowed.



Light pink denotes Light industrial district (M-1)





# Town of Taber

ALL PERSONS WISHING TO ATTEND AS A DELEGATION OR A MEMBER OF THE PUBLIC FOR A COUNCIL MEETING ARE TO UTILIZE THE MAIN ENTRANCE DOORS ON 50TH STREET TO GAIN ACCESS TO THE COUNCIL CHAMBER AREA.

ALL AGENDAS AND MINUTES CAN BE FOUND AT  
[WWW.TABER.CA](http://WWW.TABER.CA) UNDER "YOUR GOVERNMENT"

## REGULAR/SPECIAL COUNCIL MEETING

REGULAR MEETING OF COUNCIL TO BE HELD MONDAY, JULY 15, 2019  
AT 3:30 PM IN THE TOWN COUNCIL CHAMBERS

REGULAR MEETING OF COUNCIL TO BE HELD MONDAY, AUGUST 19, 2019  
AT 3:30 PM IN THE TOWN COUNCIL CHAMBERS

## BOARD/COMMITTEE/COMMISSION MEETINGS

MUNICIPAL PLANNING COMMISSION MEETING TO BE HELD  
MONDAY, JULY 8, 2019 AT 1:30 PM IN THE TOWN COUNCIL CHAMBERS

RECREATION BOARD MEETING TO BE HELD  
THURSDAY, AUGUST 1, 2019 AT 5:30 PM IN THE TOWN COUNCIL CHAMBERS

MUNICIPAL PLANNING COMMISSION MEETING TO BE HELD  
MONDAY, AUGUST 12, 2019 AT 1:30 PM IN THE TOWN COUNCIL CHAMBERS

## Public Notice Town of Taber Proposed Bylaw 12-2019

The Town of Taber is proposing to make a textual amendment to Land Use Bylaw 14-2016. If proposed Bylaw 12-2019 is passed, the Land Use Bylaw will add Cannabis Production and Distribution as a discretionary use to the Light Industrial (M-1) District. Meaning any applications for this use in this proposed district would have to be reviewed by the Municipal Planning Commission for approvals.

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, July 15th, 2019, 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 12-2019 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 July 15th, 2019.

Grace Noble

Development Officer

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