

VILLAGE OF BRETON

BYLAW NO. 22-03

A BYLAW FOR THE VILLAGE OF BRETON TO AMEND THE LAND USE BYLAW 13-02 FOR THE ADDITION OF CANNABIS RETAIL SALES.

WHEREAS, the House of Commons has given three readings to the *Cannabis Act* (Bill C-45, *An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts*, Passed June 19, 2018) which permits persons to possess cannabis if purchased from an authorized person;

WHEREAS, the Province of Alberta has Passed *An Act to Control and Regulate Cannabis* on Nov. 30, 2017 to allow AGLC to manage the oversight and distribution of cannabis and establish provincial offences related to youth possession and the use of cannabis in public and cars;

WHEREAS, under the authority of the current *Municipal Government Act*, RSA 2000, Chapter M-26 (current version June 17, 2021) and future amendments thereto, in Part 17, Council must pass a bylaw to revise an existing bylaw;

WHEREAS, the Municipal Council of the Village of Breton deems it necessary to impose additional restrictions on the sale of Cannabis within the Village; and

WHEREAS, the Municipal Council of the Village of Breton deems it desirous to amend the Land Use Bylaw to add Cannabis Retail Sales;

NOW THEREFORE, the Municipal Council of the Village of Breton, duly assembled, enacts as follows:

PURPOSE

1. The purpose of this Bylaw is to amend Village of Breton Land Use Bylaw 13-02, to include provisions for the retail sale of cannabis and cannabis products within the Village.
2. Land Use Bylaw 13-02 is amended by changing, within PART VI - DEFINITIONS, *SECTION 48 DEFINITIONS* to read *SECTION 49 DEFINITIONS*.
3. The following shall be added, in alphabetical order, to *SECTION 49 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 Retail Store(s)/Sales” – means a retail store licensed by the Province of Alberta where Cannabis and Cannabis Accessories are sold to individuals who attend at the premises.

4. The words “This definition does not include Cannabis Retail Store(s)/Sales.” are added to the following definitions contained within Land Use Bylaw 13-02 *SECTION 49 DEFINITIONS*:

“Convenience Retail Store”
“Drive-In Business”
“Eating and Drink Establishment”
“Home Occupation”
“Indoor Eating Establishment”
“Outdoor Eating Establishment”
“Retail Store”
“Service Station”

5. Land Use Bylaw 13-02 is amended by adding, within PART II – THE ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS, *SECTION 19 C-1 COMMERCIAL – Central Business District (Retail and Service)*, *SECTION 22 M-1 GENERAL INDUSTRIAL* “Cannabis Retail Store” as a Permitted Use.
6. Land Use Bylaw 13-02 is amended by adding, within PART II – THE ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS, *SECTION 20 C-3 COMMERCIAL – Vehicle Oriented*, *SECTION 21 C-MX COMMERCIAL/INDUSTRIAL MIXED DISTRICT* “Cannabis Retail Store” as a Discretionary Use.
7. Land Use Bylaw 13-02 is amended, within PART V – SUPPLEMENTARY REGULATIONS, by adding the following:

SECTION 48 CANNABIS RETAIL STORE(S)/SALES

- (1) Any cannabis retail store requires a Development Permit approved by the Village of Breton, and shall meet all applicable requirements of the respective district in which it is located.
- (2) A cannabis retail store shall:
 - (a) Not be located within 100 meters of the boundary of any existing or proposed hospital;
 - (b) Not be located within 100 meters from the boundary of any:
 - (i) School or school reserve lands;
 - (ii) Playground; or
 - (iii) Sports field
- (3) An applicant that applies for a Development Permit for a cannabis retail store shall be required to:
 - (a) Produce evidence that the location meets the provincial requirements for minimum separation distances from:
 - (i) Schools;
 - (ii) Municipal school reserve parcels;
 - (iii) School reserve parcels; and
 - (iv) Provincial health care facilities;
 - (b) Produce evidence that the location meets the municipally required setbacks noted in foregoing section (2);
 - (c) Obtain the prerequisite provincial license prior to occupancy;

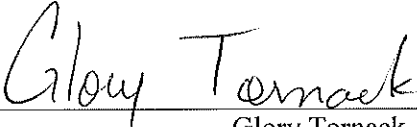
- (d) Maintain the provincial license in good standing; and
 - (e) Comply with all provincial requirements.
- (4) The conditions of a Development Permit approved for the development of a cannabis retail store, in addition to those listed in PART III - DEVELOPMENT PERMITS AND CONTRAVENTION, include:
- (a) A copy of the retail cannabis license issued by Alberta Gaming, Liquor and Cannabis Commission shall be provided to the Village prior to occupancy;
 - (b) Occupancy shall not occur until authorized by and compliant with all federal or provincial legislation;
 - (c) The maximum operating hours of a cannabis retail store shall be ten o'clock in the morning (10:00 am) to ten o'clock in the evening (10:00 pm), seven (7) days per week, excluding those dates of closure mandated by the Province of Alberta;
 - (d) Advertising and goods inside the premises of a cannabis retail store shall not be visible from the outside;
 - (e) Use of banner signs and inflatable advertising shall be prohibited;
 - (f) A cannabis retail store may be established within a Shopping Centre;
 - (g) The public entrance to the cannabis retail store must be direct to the outdoors and customer access to the premises is limited to a store-front that is visible from the street;
 - (h) Customer access to the cannabis retail store from any lane or alley is strictly prohibited;
 - (i) The site requires lighting, landscaping or screening measures that ensure the proposed development is compatible with adjacent or nearby uses and comply with Crime Prevention Through Environmental Design measures;
 - (j) Parking shall be provided in accordance with the parking requirements for a retail store and the parking requirements for the district in which it is located;
 - (k) No customer parking shall be located at the rear of the cannabis retail store premises;
 - (l) No outdoor storage of cannabis goods, materials, or supplies shall be allowed on the site;
 - (m) The use shall not emit nuisances including, but not limited to, odour, noise or light, which may have a negative impact to adjacent sites or the surrounding area;

- (5) No variance for the proposed development of a cannabis retail store shall be granted by the Development Authority. Any proposed variance shall require approval of Village Council.
- (6) The separation distance between cannabis retail stores and those land uses described in Sections (2) and (3) shall be determined by measuring a straight line from the closest point on the lot line of the lot on which the proposed cannabis retail store is to be located to the closest point on the lot line of the lot on which the other specified use is located. The separation distance shall not be measured from district boundaries or walls of any building.
- (7) Before granting a development permit for cannabis retail sales where the use is discretionary, the Development Officer shall:
 - (a) Notify, in writing, property owners and users within 50 meters of the proposed site of the cannabis retail sales use that the application for the cannabis retail sales use has been received and give the property owners and users 30 days to provide written comments to the Development Officer with respect to the proposed cannabis retail sales application;
 - (b) Advise the applicant for the development permit for the Cannabis Retail Sales use that their application will not be considered completed until the time given to the property owners and users to provide written comment on the proposed development has expired; and
 - (c) Consider the comments received from the property owners and users prior to making a decision on the development permit application.

EFFECTIVE

This bylaw shall come into force and have effect upon Third and Final Reading.

Read a first time on this 9th day of March, 2022.



Glory Tornack, Mayor

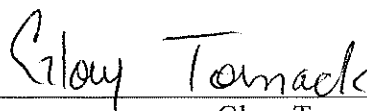


Gail Postnikoff, Acting CAO

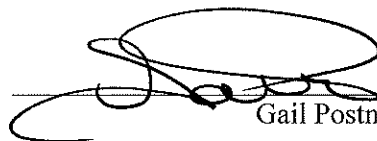
Public Hearing held on this 13th day of April, 2022.

Read a second time on this 13th day of April, 2022.

Read a third and final time on this 13th day of April, 2022.

A handwritten signature in cursive script that reads "Glory Tornack".

Glory Tornack, Mayor

A handwritten signature in cursive script that reads "Gail Postnikoff".

Gail Postnikoff, Acting CAO