



BYLAW NO. 201/2018

TOWN OF BENTLEY

**A BYLAW OF THE TOWN OF BENTLEY, IN THE PROVINCE OF ALBERTA TO
AMEND LAND USE BYLAW NO. 189/2016**

WHEREAS, Section 639 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, provides that every municipality must pass a land use bylaw; and

WHEREAS, the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, permits a Council to pass a bylaw to amend the Land Use Bylaw; and

WHEREAS, the Council of the Town of Bentley deems it necessary and expedient to amend Land Use Bylaw Number 189/2016;

NOW THEREFORE, COUNCIL OF THE TOWN OF BENTLEY DULY ASSEMBLED ENACTS AS FOLLOWS:

1. THAT Schedule B Section 6 Miscellaneous be amended by adding the following text as subsection 6(17):

6(17) Cannabis Retail Sales

6(17).1 Distance from Schools and Public Libraries

- (a) *A cannabis retail sales use shall not be located within 10m of any building being used for a public library, or 100m of any building or any lot being used for a private or public education or any lot designated as School Reserve or Municipal and School Reserve at the time of application for approval of the cannabis retail sales use. For the purposes of this subsection only:*
 - (i) *The 10m distance shall be measured from the closest point of the cannabis retail sales use to the closest point of the building or part of a building being used by a public library;*
 - (ii) *The 100m distance shall be measured from the closest point of the cannabis retail sales use to the closest point of the boundary of the lot being used for private or public education use;*
 - (iii) *The 100m distance shall be measured from the closest point of the cannabis retail sales use to the closest point of the boundary of the lot designated as School Reserve or Municipal and School Reserve*

- (iv) *The term "Public library" is limited to the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for public use, and does not include private libraries, museums or art galleries;*
- (v) *The term "public or private education" is limited to elementary through to high schools, and does not include dance schools, driving schools or other forms of commercial schools;*
- (vi) *The terms "school reserve" and "municipal and school reserve" means those parcels with the suffix "SR" or "MSR" in accordance with the Municipal Government Act; and*
- (vii) *The Development Authority shall not grant a variance to reduce the separation distance.*

6(17).2 Distance from Provincial Health Care Facility

- (a) *A cannabis retail sales use shall not be located within 100m of any building or any lot used for a provincial health care facility. For the purposes of this subsection only:*
 - (i) *The 100m distance shall be measured from the closest point of the cannabis retail sales use to the closest point of the boundary of the lot being used for a provincial health care facility;*
 - (ii) *The term "provincial health care facility" means an approved hospital as defined by the Hospitals Act; and*
 - (iii) *The Development Authority shall not grant a variance to reduce the separation distance.*

6(17).3 Co-Location with Other Uses

- (a) *Cannabis retail sales shall not be co-located with, or approved in combination with, any other use within the same building designed to house a single tenant or the same commercial bay of a building designed to house multiple tenants.*

6(17).4 Cannabis retail sales shall include design elements and considerations that readily allow for natural surveillance and the promotion of a safe urban environment, which, to the satisfaction of the Development Authority, includes the following requirements:

- (a) *Customer access to the store is limited to a store front that is visible from the street, or a parking lot, or the interior hallway of a mall;*
- (b) *The exterior of all stores shall have as much visibility from the street as possible;*

- (c) *Outdoor lighting shall be designed to ensure a well-lit exterior for pedestrians and illumination of the property; and*
- (d) *Landscaping shall consist of low-growing shrubs or trees with a sufficiently high canopy to maintain natural surveillance between heights of 1m and 2.5m above grade.*
- 6(17).5 *No outdoor storage relating to cannabis retail sales shall be allowed.*
- 6(17).6 *All solid waste containers shall be identified and secured to the satisfaction of the Development Authority.*
- 6(17).7 *All loading facilities shall be provided and secured to the satisfaction of the Development Authority.*
- 6(17).8 *No nuisances, including but not limited to odour, noise, or light, shall be emitted.*
- 6(17).9 *Drive through facilities and windows are not permitted.*
- 6(17).10 *Hours of operation for cannabis retail sales shall be limited to the hours between 10:00 am and 11:00 pm.*
- 6(17).10 *Onsite parking shall be provided at a rate of 3.5 parking stalls per 100 m² (1,076 ft²) of floor area, or to the satisfaction of the Development Authority.*
- 6(17).11 *The Development Authority shall not grant a variance to any standard that applies to a cannabis retail sales use.*
- 6(17).12 *In addition to the requirements for a development permit application, the applicant proposing a cannabis retail sales development shall provide:*
 - (a) *A drawing illustrating the proposed location of the cannabis retail sales and its distance from any other use or facility that requires a distance separation under this Land Use Bylaw or the provincial legislation; and*
 - (b) *Written confirmation from the Alberta Gaming, Liquor and Cannabis Commission (AGLC) that the applicant has satisfied the AGLC requirements to be a person eligible to sell cannabis in Alberta.*
- 2. THAT Schedule C: Land Use District Regulations Central Commercial District (C) be amended by including the following use alphabetically under Discretionary Uses:

"Cannabis Retail Sales"
- 3. THAT Schedule C: Land Use District Regulations Light Industrial District (I1) be amended by including the following use alphabetically under Discretionary Uses:

"Cannabis Retail Sales"

4. THAT Schedule C: Land Use District Regulations Heavy Industrial District (I2) be amended by including the following use alphabetically under Discretionary Uses:

"Cannabis Retail Sales"

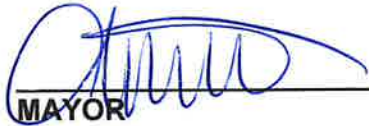
5. THAT this bylaw takes effect October 24, 2018.

Read a First time in Council this 25th day of September, 2018

Read a Second time in Council this 23rd day of October, 2018

Read a Third time in Council this 23rd day of October, 2018

TOWN OF BENTLEY


MAYOR


CHIEF ADMINISTRATIVE OFFICER