



**AMENDING LAND USE BYLAWS FOR PRODUCTION AND
RETAIL CANNABIS FACILITIES**

AAMDC CONVENTION

THINGS TO BE AWARE OF...



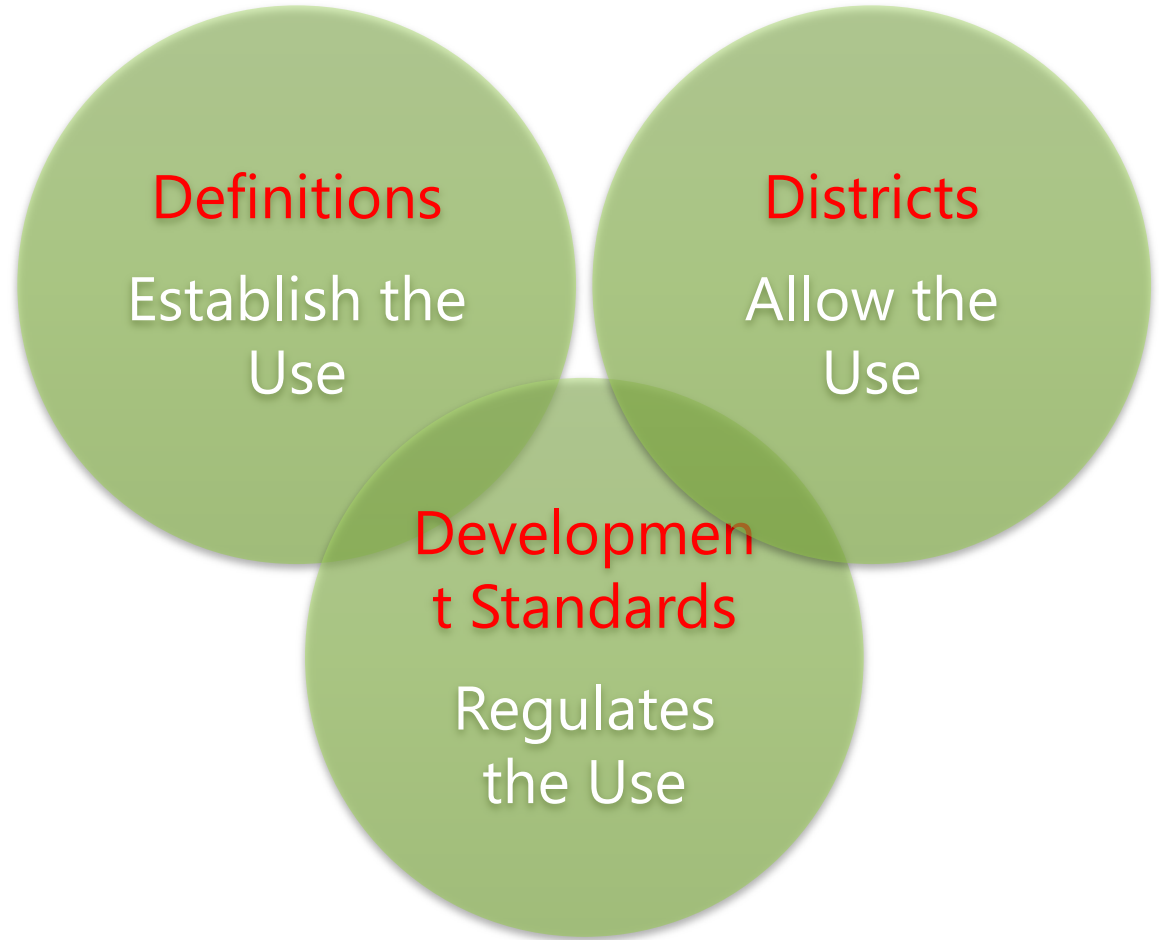
- ✿ The Municipality's Authority
- ✿ Different Approaches
- ✿ Pros and Cons of Each Approach
- ✿ Accessory Uses

LAND USE BYLAW REVIEW

Regulatory Planning Document

Carries out Planning Objectives

Balances Land Owner Rights and Community Interest



MUNICIPALITY'S AUTHORITY



DOING NOTHING



- ✿ Absorbed into existing uses.
- ✿ No Control
- ✿ Public Interest





CONVENTIONAL APPROACH

✱ **Establish Uses**

Use Class Definitions

✱ **List in Districts**

Where appropriate

Prohibits if not listed

✱ **Development Standards (Regs)**

Deals w Land Use Implications

Achieves planning objectives



Regulations

REGULATORY DEFINITION APPROACH

Defines and regulates
Cannot vary a definition



Definitions

Example

Alcohol Sales, where located no less than 500 metres from any other Alcohol Sales Use, means development used for the retail sale of any and all types of alcoholic beverages to the public. This Use Class may include retail sales of related products such as soft drinks and snack foods.

FUNDAMENTAL USE PROVISION APPROACH

- ✦ Requisite Qualifier
- ✦ Tied to Use
- ✦ Specific to the District
- ✦ Cannot be varied.



Rural Centre Commercial District

Permitted Use

Adult Entertainment Facility
Gas Bar
General Retail
Gun Shops
Restaurant

Discretionary Uses

Cannabis Lounge **Up to 200 m2 in GFA**
Drinking Establishment
Liquor Sales

STATUTORY DOCUMENTS

- Use your Statutory Documents
- Section 687(3)(a.2) MGA:
 - *“In determining an appeal, the subdivision and development appeal board must comply with any applicable statutory plans;...”*
- *“A Cannabis Retail use shall not be located within 100 metres from a property districted as residential in designated Hamlets”*

OTHER APPROACHES

- Direct Control
 - Proponent Driven
 - Pure Direct Control – No Appeal
 - Council Delegated DC – Limited Appeal
- Site Specific
 - Proponent amends Land Use Bylaw to allow use in the district but specific to one property (essentially a FUP)
- Overlays
 - Additional set of development standards laid over a geographic area.

ACCESSORY USES

Naturally or normally incidental, subordinate, and strictly devoted to the principal use or building.



ACCESSORY USES



ACCESSORY USES

11.1 Accessory Developments

1. Interpretation
 - a) Developments that are naturally or normally incidental, subordinate, and strictly devoted to the principal use is considered to be an Accessory Development;
 - b) An Accessory Development falls under the Use Class of its Principal Use and therefore is either Accessory to a Permitted Use or Accessory to a Discretionary Use.
2. Notwithstanding any other provision in this Bylaw, the following Uses, unless specifically listed as a Permitted or Discretionary Use in the Land Use District where the Parcel is located, are prohibited as Accessory Uses to any other use:
 - a) Automotive, Equipment, and Vehicle Services
 - b) Boarding House;
 - c) Detention and Correction Services;
 - d) General Industrial Manufacturing/Processing;
 - e) Group Home, Major;
 - f) Group Care Facility;
 - g) Horticultural Use;
 - h) Industrial Storage and Warehousing;

MOVING FORWARD

- It's coming – we need to do something, but not everything
- Establish Uses - Make sure your use definitions:
 - **Use Definitions** name, describe, characterize, and differentiate from other uses.
 - Goldie Locks Rule: Not too general and not too specific
- Stay within your holding pen (land use authority)
- Understand the Land Use Implications and the *personality* within your community
- Will proposed changes effectively deal with Land Use Implications in YOUR community?

Thank you

