

BYLAW NO. 14-2018

A BYLAW OF THE CITY OF LLOYDMINSTER IN THE PROVINCES OF ALBERTA AND SASKATCHEWAN TO AMEND THE CITY OF LLOYDMINSTER LAND USE BYLAW 5-2016 TO INCLUDE CANNABIS RELATED USES AND DEFINITIONS.

WHEREAS the Council of the City of Lloydminster in the Provinces of Alberta and Saskatchewan hereby enacts as follows.

That Bylaw No. 5-2016 entitled "The Land Use Bylaw of the City of Lloydminster", is hereby amended in the manner set forth:

1. The City of Lloydminster Land Use Bylaw, Bylaw No. 5-2016, is hereby amended by adding the following new definitions to Section 1.4 (General Definitions):

City Owned Recreational Facilities means any building owned by The City of Lloydminster that is used for recreation purposes.

2. The City of Lloydminster Land Use Bylaw, Bylaw No. 5-2016, is hereby amended by adding the following new definitions to Section 1.5 (Use Class 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 Infused Product means a product infused with cannabis that is intended for use or consumption other than by smoking, including but not limited to edible products, ointments and tinctures.

Cannabis Related Use means cannabis related development and uses including but not limited to production, production wholesale, distribution, retail and consumption of cannabis products in and form whatsoever.

Cannabis Retail Sales means a retail store licensed by the Province of Alberta or Province of Saskatchewan where Cannabis and/or Cannabis Accessories are sold to individuals who attend at the premises.

Cannabis Retail Store: Major means Development used for Cannabis Retail Sales. This Use does not include sale of Cannabis Infused Products, Cannabis Production and Distribution Facility or Vaping Lounge. Retail store shall be greater than 186 m². (2002 sq. ft.)



Cannabis Retail Store: Minor means Development used for Cannabis Retail Sales. This Use does not include sale of Cannabis Infused Products, Cannabis Production and Distribution Facility or Vaping Lounge. Retail store shall be less than 186 m2. (2002 sq. ft.)

Commercial Cannabis Production Program means a postsecondary educational program that focuses on growing cannabis, cannabis regulations, standards and legal requirements for licensed producers.

Vaping Lounge means Development where the primary purpose of the facility is for the use of an electronic cigarette, vaporizer, or any other heated smoking equipment used to vaporize any substance whether or not it contains nicotine; cannabis vaping within the premises is permitted so long as it is authorized by and carried out in accordance with provincial and federal legislation. This Use does not include the sale of Cannabis Infused Products, Cannabis Retail Sales or a Cannabis Production and Distribution Facility. This use class does include a hookah lounge.

3. The City of Lloydminster Land Use Bylaw, Bylaw No. 5-2016, is hereby amended by amending the following definitions to Section 1.5 (Use Class Definitions):

Accessory Building or Use means a use, separate Building, or Structure normally incidental, subordinate, exclusively devoted to and located on the same Lot as the Principal Use, Building, or Structure. *This use does not include Cannabis Retail Sales, sale of Cannabis Infused Products or a Cannabis Production and Distribution Facility.*

Home Based Business, Major means development consisting of the use of an approved Dwelling or Accessory Building by a resident of that Dwelling for a business that may generate more than one business visit per day. *This use does not include any Cannabis Related Uses.*

Home Based Business, Minor means Development consisting of the use of an approved Dwelling by a resident of that Dwelling for a home office that shall not require more than one business visit per day at the Dwelling. *This use does not include any Cannabis Related Uses.*

Alcohol Sales means Development used for the retail sales of alcoholic beverages to the public. This Use Class may include, but is not limited to, Accessory retail sales of related products. *This use does not include Cannabis Retail Sales, sale of Cannabis Infused Products or a Cannabis Production and Distribution Facility.*

Commercial School means Development used for training and instruction in a specific trade, skill or service for the financial gain of the individual or company owning the school. *This use does not include Commercial Cannabis Production Program.*

Drive-in Service means Development used for banking services, dry-cleaning, or for Specialty Food Services, which are provided in a manner that allows for rapid customer service. *This use does not include Cannabis Retail Sales, sales of Cannabis Infused Products or Cannabis Production and Distribution.*

Hardware and Home Improvement Store means a retail store primarily engaged in the sale of basic hardware lines. This Development may also supply landscape



material such as trees, shrubs, plants, and household supplies. If outdoor storage is required, it shall be screened from public view. *This use does not include Cannabis Retail Sales or a Cannabis Production and Distribution Facility.*

Lounges mean Development where the primary purpose of the facility is the sale of alcoholic beverages to the public, for consumption within the premises. This Use Class typically has a menu and minors are prohibited from patronizing the establishment during at least some portion of the hours of operation. *This use does not include Vaping Lounge, Cannabis Retail Sales, sale of Cannabis Infused Products or a Cannabis Production and Distribution Facility.*

Cannabis Production and Distribution Facility means a use where cannabis is cultivated, processed, packaged, tested, destroyed, stored or loaded for shipping; where a license for all activities associated with a cannabis production is issued by Health Canada.

Market means Development used for the sale of new or used goods by multiple vendors in an enclosed building or outdoor space. Such operations are usually conducted on weekends and holidays. *This use does not include Cannabis Retail Sales or sale of Cannabis Infused Products.*

Nightclub means Development where the primary purpose of the facility is the sale of alcoholic beverages to the public, for consumption within the premises. This Use typically has a menu from a partially equipped kitchen and prohibits minors from lawfully utilizing the facility. *This use class does not include Adult Entertainment Vaping Lounge, sale of Cannabis Infused Products or a Cannabis Production and Distribution Facility.*

Restaurant means Development where the primary purpose of the facility is the sale of prepared foods and beverages to the public, for consumption within the premises or off the Site. Minors are never prohibited from any portion of the establishment at any time during the hours of operation. *This use does not include Vaping Lounge, Cannabis Retail Sales, sale of Cannabis Infused Products or Cannabis Production and Distribution Facility.*

Retail Stores means Development used for the retail sale of goods and services from within an enclosed building. This Use class does not include Developments used for the sale of gasoline, new or used vehicles, heavy agricultural and industrial equipment or Developments defined as Warehouse Sales, *Cannabis Retail Sales, sale of Cannabis Infused Products or a Cannabis Production and Distribution Facility*

Specialty Food Services means Development where limited types of prepared foods and beverages, excluding alcoholic beverages, are offered for sale to the public, for consumption within the premises or off the Site. *This use does not include Cannabis Retail Sales or sale of Cannabis Infused Products.*

Industrial Uses, General means Development used principally for, but not limited to, one or more of the following activities: the processing of raw materials; the manufacturing or assembling of semi-finished or finished goods, products or equipment; the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses, where such operations have impacts that would make them incompatible in non-industrial Districts; the storage or transshipping of materials, goods and equipment; the



distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses; or the training of personnel in general industrial operations. Any indoor display, office, technical or administrative support areas or any retail sale operations shall be Accessory to the General Industrial Use. *This use does not include Cannabis Retail Sales, Cannabis Infused Products or a Cannabis Production and Distribution Facility.*

Manufacturing Establishment means Development used for small-scale On-site production, manufacturing, and assembly of semi-finished or finished goods, products or equipment. All On-site production is contained within the confines of the principle building or its Accessory Buildings. *This use does not include Cannabis Retail Sales, sale of Cannabis Infused Products or a Cannabis Production and Distribution Facility.*

Warehousing means Development used for the indoor storage and/or distribution of goods and merchandise, excluding any hazardous materials. *This use class does not include Cannabis Retail Sales, the sale of Cannabis Infused Products or a Cannabis Production and Distribution Facility.*

Health Services means Development used for the provision of physical and mental Health Services on an out-patient basis. Services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative or counseling nature provided by a person duly licensed or registered under Alberta and/or Saskatchewan law. This use class includes medical cannabis clinics and cannabis counseling services. *This use class does not include Cannabis Retail Sales, the sale of Cannabis Infused Products or a Cannabis Production and Distribution Facility.*

Farming means Development for engaging in the practice of raising field crops and Livestock. This Use shall not include intensive agricultural operations such as feedlots or a *Cannabis Production and Distribution Facility.*

Greenhouses and Plant Nurseries means Development used primarily for the raising, storage and sale of bedding, household and ornamental plants and related accessories. *This use class does not include Cannabis Retail Sales, the sale of Cannabis Infused Products or Cannabis Production and Distribution cannabis clinics and cannabis counseling services.*

4. The City of Lloydminster Land Use Bylaw, Bylaw No. 5-2016, is hereby amended by adding the following to Section 5.0 (Special Regulations):

Cannabis Retail Sales

Development Officer may require lighting, signage or screening measures to ensure the proposed development is compatible with nearby uses.

The Development Officer, shall determine the process for submitting, receiving, and reviewing Development Permit Applications for Cannabis Retail Sales. The Development Officer shall determine what documentation is required for an application to be considered complete.

A Crime Prevention Through Environmental Design (CPTED) Assessment may be required by the Development Officer and shall be reviewed by the Development



Officer prior to the issuance of a Development Permit to ensure that development on the Site provides a safe environment, taking into account land use impacts including but not limited to: exterior illumination, landscaping, screening, signs and access.

Cannabis Retail Sales shall have a separation distance of 100 metres from the boundary of a site with a school, provincial health care facilities, public parks and city owned recreation facilities.

The Development Officer may grant up to a 15% variance on the size of the retail store and the separation distance requirements from Parks and City owned recreation facilities.

Cannabis related Uses must comply with all applicable federal, provincial and municipal legislation, regulations, bylaws, authorizations, licenses and other requirements, which apply to the use from time to time.

Parking requirements are as per Table 4.15.6.

In addition to the sign requirement in Section 4.20 the following shall be included as it relates to store advertising and signage. Advertising will be allowed inside only and advertising is restricted to location where no minors will view.

5. The City of Lloydminster Land Use Bylaw, Bylaw No. 5-2016, is hereby amended by adding the following to Part III Section 7.0 (Commercial Districts):

7.1 Central Commercial (C1) District:

7.1.2.1 Permitted Uses:

38. Cannabis Retail Sales; Minor

7.2 Highway Corridor Commercial (C2) District:

7.2.2.1 Permitted Uses:

39. Cannabis Retail Sales; Minor

7.4 Commercial Shopping Centre (C4) District:

7.4.2.1 Permitted Uses:

32. Cannabis Retail Sales; Minor

7.5 Service Commercial (C5) District:

7.4.2.1 Permitted Uses:

35. Cannabis Retail Sales; Minor

6. The City of Lloydminster Land Use Bylaw, Bylaw No. 5-2016, is hereby amended by adding the following to Part III Section 8.0 (Industrial Districts):

8.1 Light Industrial (L1) District:

8.1.2.1 Permitted Uses:

33. Cannabis Retail Sales; Minor

34. Cannabis Retail Sales; Major

8.1.2.2 Discretionary Uses:

25. Cannabis Production and Distribution Facility

8.2 Medium Industrial (L2) District:

8.2.2.1 Permitted Uses:



- 35. Cannabis Retail Sales; Minor
- 36. Cannabis Retail Sales; Major
- 8.2.2.2 Discretionary Uses:
 - 16. Cannabis Production and Distribution Facility

- 8.3 Heavy Industrial (L3) District:
 - 8.3.2.2 Discretionary Uses:
 - 9. Cannabis Production and Distribution Facility

- 7. The City of Lloydminster Land Use Bylaw, Bylaw No. 5-2016, is hereby amended by adding the following to Part V Direct Control Districts:

Section DC2

- 6.2.2.2 Discretionary Uses:
 - 10. Cannabis Retail Sales; Minor

Section DC3

- DC3.3.2 Discretionary Uses:
 - 3. Cannabis Retail Sales; Minor

Section DC4

- DC4.3.2 Discretionary Uses:
 - 12. Cannabis Retail Sales; Minor

Section DC5

- DC5.3.2 Discretionary Uses:
 - 4. Cannabis Retail Sales; Minor

- 8. The City of Lloydminster Land Use Bylaw, Bylaw No. 5-2016, is hereby amended by deleting all references to "Marihuana" and replacing them with Cannabis".
- 9. If any section, subsection, sentence, clause or phrase of this bylaw, or of the City of Lloydminster Land Use Bylaw as amended by this bylaw, is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this bylaw or of the City of Lloydminster Land Use Bylaw as so amended.

This Bylaw shall come into force and effect upon the final passing thereof.

INTRODUCED AND READ a first time this 16 Day of April, 2018, A.D.



PUBLIC HEARING held this 14 Day of May, 2018, A.D.

READ a second time this 11 Day of June, 2018, A.D.

READ a third time this 11 Day of June, 2018, A.D.

Date signed JUN 18 2018

Date signed JUN 14 2018


MAYOR


CITY CLERK

