

SUMMER VILLAGE OF GULL LAKE

BYLAW 346.2/18

Being a Bylaw to amend the Land Use Bylaw No. 346/12 for the Summer Village of Gull Lake in the Province of Alberta pursuant to the Municipal Government Act being Chapter M-26 of the Revised Statutes of Alberta 2000 and amendments thereto.

WHEREAS Council of the Summer Village of Gull Lake deems it beneficial and expedient to amend the said Bylaw No. 346/12;

NOW THEREFORE Council of the Summer Village of Gull Lake duly assembled enacts as follows:

Incomplete Application Related Changes

1. THAT Part III, Section 13 is amended by deleting subsection 13(2) and re-numbering subsections 13(3), 13(4) and 13(5) accordingly.

2. THAT PART III, Section 13 is amended by adding the following as subsection 13(5):

“Upon receipt of an application the Development Officer shall within 20 days determine whether the application is complete. An application is complete, if in the opinion of the Development Officer, the application contains the documents and other information necessary to review the application. The 20 day timeline may be extended if agreed upon in writing between the applicant and the Development Officer.”

3. THAT PART III, Section 13 is amended by adding the following as subsection 13(6):

“If the Development Officer deems a development permit application to be complete, the Development Officer shall issue a letter to the applicant indicating:

- a. The date the application was received and deemed complete,
- b. Confirmation the Development Authority will begin processing the application, and
- c. The date the 40 days to process the application expires.”

4. THAT PART III, Section 13 is amended by adding the following as subsection 13(7):

“If the Development Officer determines an application is incomplete, the Development Officer shall issue a notice in writing to the applicant, indicating the following:

- a. The application is considered incomplete,
- b. A detailed list of the outstanding documents and/or information required by the Development Officer in order for the application to be considered complete,
- c. The date which the required outstanding documents and/or information must be submitted to the Development Officer, as either set out in the notice, or as agreed upon between the applicant and Development Officer,

Prior to the expiry of the 20 day review period.”

5. THAT PART III, Section 13 is amended by adding the following as subsection 13(8):

“If the Development Officer determines that the information and documents submitted by the applicant at the request of the Development Officer are complete, the Development Officer must issue a letter to the applicant indicating:

 - a. The application is complete,
 - b. Confirmation the Development Authority will begin processing the application, and
 - c. The date the 40 days to process the application expires.”

6. THAT PART III, Section 13 is amended by adding the following as subsection 13(9):

“If the applicant fails to submit the outstanding information and documents requested by the Development Officer to complete the application on or before the date referred to in the notice issued to the applicant, the application is deemed to be refused.”

7. THAT PART III, Section 13 is amended by adding the following as subsection 13(10):

“If the application is deemed refused because the applicant failed to provide the Development Officer with the requested information, the Development Officer shall issue to the applicant a letter indicating the application has been refused and the reason(s) for the refusal, within 7 days of the expiry date.”

8. THAT PART III, Section 13 is amended by adding the following as subsection 13(11):

“Despite that the Development Officer has issued a letter acknowledging an application as complete, in the course of reviewing the application, the Development Authority may request additional information or documentation from the applicant that the Development Authority considers necessary to review the application.”

9. THAT PART III, Section 13 is amended by adding the following as subsection 13(12):

“If the Development Officer does not make a determination of an application’s completeness within 20 days of receiving the application, or within an alternative timeline agreed upon between the applicant and Development Officer, the application is deemed to be complete.”

10. THAT PART III, Section 13 is amended by adding the following as subsection 13(13):

“The Development Authority shall consider and decide on any application for a development permit, within 40 days of the date of issuance of a letter to an applicant indicating the application is complete, or within such longer period as the applicant may have agreed to in writing.”

11. THAT PART III, Section 13 is amended by re-numbering subsections 13(6), 13(7), 13(8), 13(9) and 13(10) according to the addition of sections made above:

12. THAT PART III, Section 13 is amended by replacing the of subsection 13(11) with the following and re-numbering to subsection 13(19):

“Where an application for a development permit has been refused, except for those applications refused as incomplete applications, the Development Officer shall refuse to accept another application for the same or a similar use on the same lot or site until 6 months have passed from the date of such refusal unless in the opinion of the Development Officer the reasons for refusal have been adequately addressed or the circumstances of the application have changed significantly.”

13. THAT PART III, Section 15 is amended by replacing the reference to “fourteen (14) days” with “twenty-one (21) days” in subsection 15(1);

14. THAT PART III, Section 15 is amended by replacing subsection 15(7) with the following:

“A decision of the Development Authority on an application for a development permit shall be given in writing and a copy of it sent by ordinary mail to the applicant on the same day the decision is made.”

15. THAT PART I, Section 2 is amended by adding the following definition:

“Subdivision Authority” means the person, persons or organization appointed pursuant to the Subdivision Authority Bylaw;”

16. THAT PART III, is amended by adding the following as Section 16 Permission for Subdivision Approval and re-numbering the existing Sections 16 through 19 accordingly:

1. “Upon receipt of an application the Subdivision Authority shall within 20 days determine whether the application is complete. An application is complete, if in the opinion of the Subdivision Authority, the application contains the documents and other information necessary to review the application. The 20 day timeline may be extended if agreed upon in writing between the applicant and the Subdivision Authority.
2. If the Subdivision Authority deems a subdivision application to be complete, the Subdivision Authority shall issue a letter to the applicant indicating:
 - a. The date the application was received and deemed complete,
 - b. Confirmation the Subdivision Authority will begin processing the application, and
 - c. The date the 60 days to process the application expires.
3. If the Subdivision Authority determines an application is incomplete, the Subdivision Authority shall issue a notice in writing to the applicant, indicating the following:
 - a. The application is considered incomplete,
 - b. A detailed list of the outstanding documents and/or information required by the Subdivision Authority in order for the application to be considered complete,
 - c. The date which the required outstanding documents and/or information must be submitted to the Subdivision Authority, as either set out in the notice, or as agreed upon between the applicant and Subdivision Authority,Prior to the expiry of the 20 day review period.

4. If the Subdivision Authority determines that the information and documents submitted by the applicant at the request of the Subdivision Authority are complete, the Subdivision Authority shall issue a letter to the applicant indicating:
 - a. The application is complete,
 - b. Confirmation the Subdivision Authority will begin processing the application, and
 - c. The date the 60 days to process the application expires.
5. If the applicant fails to submit the outstanding information and documents requested by the Subdivision Authority to complete the application on or before the date referred to in notice issued to the applicant, the application is deemed to be refused.
6. If the application is deemed refused because the applicant failed to provide the Subdivision Authority with the requested information, the Subdivision Authority shall issue to the applicant a letter indicating the application has been refused and the reason for the refusal, within 7 days of the expiry date.
7. Despite that the Subdivision Authority has issued a letter acknowledging an application as complete, in the course of reviewing the application, the Subdivision Authority may request additional information or documentation from the applicant that the Subdivision Authority considers necessary to review the application.
8. If the Subdivision Authority does not make a determination of an application's completeness within 20 days of receiving the application, or within an alternative timeline agreed upon between the applicant and Subdivision Authority, the application is deemed to be complete.
9. The Subdivision Authority shall consider and decide on any application for a subdivision approval, within 60 days of the date of issuance of a letter to an applicant indicating the application is complete, or within such longer period as the applicant may have agreed to in writing.”

17. THAT PART III is amended by deleting Section 20:

Cannabis Related Changes

18. THAT PART I, Section 2 Definitions is amended by adding the following definitions in alphabetical order:

“**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 a thing, including but not limited to, rolling paper or wraps, holders, pipes, water pipes, bongs and vaporizers, or any other thing described in the Cannabis Act (Canada) that is used in the consumption or production of cannabis.”

“**Cannabis Production and Distribution** means an establishment used principally for one or more of the following activities as it relates to Cannabis:

- (a) The production, cultivation, and growth of Cannabis;

- (b) The processing of raw materials;
- (c) The making, testing, manufacturing, assembling or in any way altering the chemical or physical properties of semi-finished or finished goods and products;
- (d) The storage or transshipping of materials, goods and products; or
- (e) The distribution and sale of materials, goods and products to Cannabis Retail Sales stores or to individual customers.”

“**Cannabis Lounges** means an establishment where the primary purpose of the facility is the sale of cannabis and cannabis accessories to the public, for consumption of cannabis within the premises that is authorized by provincial or federal legislation. This use does not include Cannabis Production and Distribution.”

“**Cannabis Retail Sales** means an establishment used for the retail sale of cannabis and cannabis accessories that is authorized by provincial or federal legislation. This use does not include Cannabis Production and Distribution.”

“**Medical Cannabis** means a substance used for medical purpose authorized by a licence issued under the federal government’s Access to Cannabis for Medical Purposes Regulations, or any subsequent legislation which may be enacted in substitution.”

“**Medical Cannabis Counselling** means a use where counselling on medical cannabis is provided by persons who are not medical professionals, and that may include the ancillary retail sale or rental of cannabis accessories.”

“**Medical Cannabis Production Facility** means any building in which an activity authorized by the Access to Cannabis for Medical Purposes Regulations, or any successor or replacement legislation or regulation, is or may be conducted including such activities as growing, processing, labeling and packaging, storing and transporting of cannabis.”

19. THAT PART I Section 2 Definitions is amended by adding the text below to the definition for Home Occupation:

“This does not include Cannabis Retail Sales, Cannabis Production and Distribution or Medical Cannabis Counselling.”

20. THAT PART V is amended by adding the following as Section 52 Cannabis Retail Sales:

- 1) A cannabis retail sales use shall not be located within 800m of the following:
 - a) Centennial Park located on Lot 1, Plan 1857EO, Part of the NW 23-40-28-4 and Lots 2 through 9, Plan 2352S; and
 - b) The Summer Village Community Hall site located on Lots 3A through 5A, Plan 3689KS. For the purposes of this subsection only the 800m distance shall be measured from the closest point of the cannabis retail sales use to the closest point of any of the parcels or subject sites listed above. The Development Authority shall not grant a variance to reduce the separation distance.
- 2) 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.

- 3) 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 transparency 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.
- 4) No outdoor storage relating to cannabis retail sales shall be allowed.
- 5) No nuisances, including but not limited to odour, noise, or light, shall be emitted.
- 6) Drive through facilities and windows are not permitted.
- 7) Onsite parking shall be provided at a rate of 5 parking stalls per 100 m² (1,076 ft²) of floor area.
- 8) The Development Authority shall not grant a variance to any standard that applies to a cannabis retail sales use.
- 9) 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.

R-1 District and Related Changes

21. THAT PART IV, Section 22 is amended by replacing the purpose statement with the following:

The purpose of this District is to provide an area for low-density residential Development in the form of Detached Dwellings and compatible Uses, herein listed. Use of the area contained within the Front Yard of any Parcel which abuts Gull Lake or Accreted Land for any purpose other than natural landscaping and paths is prohibited.

22. THAT PART I, Section 2 Definitions is amended by adding the following definition in alphabetical order:

“**Development Line** means a line drawn parallel to the rear parcel boundary of any parcel abutting Gull Lake or Accreted Land and measured a distance of 60 m from the rear parcel boundary and which establishes the limits of the developable area of the parcel for building construction, site improvements, fencing, formal landscaping, vehicle parking and storage, and outdoor storage of any item.”

23. THAT PART IV, Section 22 is amended by deleting the following from the list of Discretionary Uses:

Churches
Excavation, Stripping and Grading
Parking Facilities for Uses within this District
Public and Quasi-Public Uses

24. THAT PART IV, Section 22(3) (c) is amended by replacing the existing text with the following:

(c) Minimum Front Yard:

- (i) 7.5 m (24.60 ft.) for residential uses on parcels not abutting Gull Lake or Accreted Land,
- (ii) For parcels abutting Gull Lake or Accreted Land and having a parcel depth greater than 67.5 m , all that portion of the parcel lying between the front parcel boundary and the development line or 7.5 m (24.60 ft.) from the front parcel boundary, whichever distance is greater,
- (iii) For parcels abutting Gull Lake or Accreted Land and having a parcel depth less than 67.5 m, 7.5 m (24.60 ft.) from the front parcel boundary,
- (iv) As required by the Development Authority for other listed uses.

25. THAT PART IV, Section 22(4) is amended by adding the following as subsection (a):

Development Line and Developable Areas of Parcel

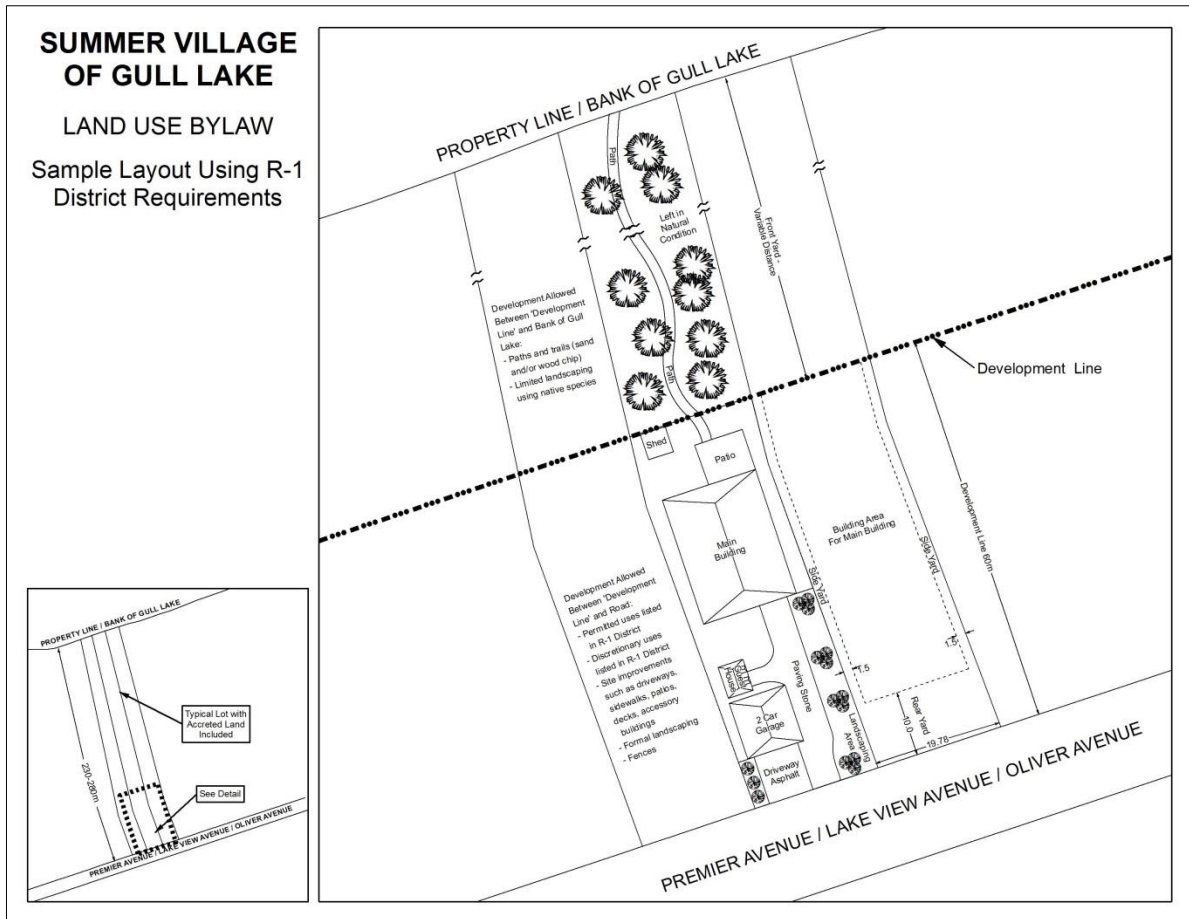
- (i) For all parcels having a property line abutting the north or west limit of the right of way for Premier Avenue or Lake View Avenue or Oliver Avenue or Stuart Avenue, building construction, site improvements, private wastewater systems, fencing, signage, formal landscaping, recreational vehicle parking and use, vehicle parking and storage, and outdoor storage of any item, shall be restricted to the portion of the parcel that is between the property line closest to or abutting the road right of way and the Development Line.
- (ii) For all parcels having a property line abutting the north or west limit of the right of way for Premier Avenue or Lake View Avenue or Oliver Avenue or Stuart Avenue, development of the portion of the parcel that is between the property line closest to or abutting Gull Lake and the Development Line shall be limited to natural landscaping using native species of vegetation and natural paths and trails that use sand or wood chips as the walking surface.

26. THAT PART IV, Section 22(8) is amended by adding:

“The width of any path between the Development Line and the property line closest to Gull Lake shall not exceed 4.75m (15 ft).”

27. THAT PART IV, Section 22 is amended by adding the following graphic and text after subsection 22(8):

Drawing Showing Application of Development Line and Development Area Requirements
(for illustration purposes only – see text for exact requirements)



28. THAT PART V, Section 44(1) (e) is amended by adding the following as subsection (vi):

“Land between Gull Lake and the Development Line.”

29. THAT PART V, Section 27(1) (e) is amended by replacing “61 m (200.13 ft.)” with “60 m”:

30. THAT the Land Use District Map is amended by changing the designation on the parcels or portions of parcels listed below from “Environmental Open Space (EOS) District” to “Low Density Residential (R-1) District” as shown on the attached Schedule A:

Lot 1A, Block B, Plan 162 2211 through to and including Lot 12B, Block B, Plan 162 2211

Lot 1B, Block C, Plan 162 2211 through to and including Lot 10A, Block C, Plan 162 2211

Lot 10C, Block 2, Plan 162 2212 through to and including Lot 33A, Block 2, Plan 162 2212

Recreational Vehicle Changes

31. THAT PART IV, subsection 36(2) is amended by replacing the existing text with the following:

“No more than one (1) Recreational Vehicle, holiday trailer, motor home or camper may be parked on a parcel within a Residential District where a main building exists on the parcel. Where there is no main building on the parcel, there shall be no Recreation Vehicle, holiday trailer, motor home or camper parked on the parcel. No Recreation Vehicle, holiday trailer, motor home or camper shall be used for living and/or sleeping accommodation for an accumulative period of time greater than thirty (30) days per annum. Utility trailers and truck campers attached to a box of a truck are not included in this provision.”

32. THAT PART I, Section 2 is amended by adding the following to the end of the definition of accessory building:

“...and includes, but is not limited to, detached garages and sheds.”

33. THAT this Bylaw shall take effect on the date of the third and final reading and upon signing by the Mayor and Chief Administrative Officer.

READ a first time in Council assembled this ____ day of _____, 2018

READ a second time in Council assembled this ____ day of _____, 2018

READ a third and final time in Council assembled this ____ day of _____, 2018

Mayor

Chief Administrative Officer

SCHEDULE A – BYLAW NO. 346.2/18

