

BYLAW NO. 18/014

A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO AMEND LAND USE BYLAW NO. 99/059

WHEREAS sections 191(1) and 639 of the *Municipal Government Act* empower a council both to pass and to amend a land use bylaw;

AND WHEREAS the federal government is proposing to pass the *Cannabis Act* not later than the summer of 2018;

NOW THEREFORE the Regional Municipality of Wood Buffalo, in council assembled, enacts as follows:

1. Land Use Bylaw No. 99/059 is amended as set out in sections 2 to 20 of this bylaw.
2. Section 10 is amended by adding the following definitions:

CANNABIS has the meaning given to it in the proposed *Cannabis Act* to be made law by the federal government.

CANNABIS ACT refers to *Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts*, 1st Session, 42nd Parliament, 2017.

SEPARATION DISTANCES means the minimum distance between the property lines of two properties as defined on the plan of subdivision registered with land titles office of Alberta.

ODOUR FROM CANNABIS PLANT means smell from fresh and dried Cannabis, Cannabis plants and products containing Cannabis.

CANNABIS RETAIL STORE means a development that is used exclusively for retail sales of Cannabis, products that contain Cannabis in any form or proportion and Cannabis accessories.

CANNABIS PRODUCTION AND DISTRIBUTION FACILITY means a development that is principally used for one or more of the following uses:

- (i) Growth, cultivation and production of Cannabis.
- (ii) Processing, testing, manufacturing and assembling of Cannabis and any products or medicines that contain Cannabis in any form or proportion.
- (iii) Storage, shipping, delivery and distribution of Cannabis or products containing Cannabis in any form or proportion.

3. Section 107.4 is amended by adding the following uses:

(g) Cannabis Retail Store

4. Section 108.4 is amended by adding the following uses:

(n) Cannabis Retail Store

5. Section 109.4 is amended by adding the following uses:

(m) Cannabis Retail Store

6. Section 110.4 is amended by adding the following uses:

(b) Cannabis Retail Store

7. Section 111.4 is amended by adding the following uses:

(h) Cannabis Retail Store

(i) Cannabis Production and Distribution Facility

8. Section 111.9 (d) is amended by adding the following uses

Cannabis Retail Store

9. Section 116.4 is amended by adding the following uses:

(c) Cannabis Retail Store

(d) Cannabis Production and Distribution Facility

10. Section 122 is amended by adding the following sections

122.3(1) Discretionary Uses- Planning Commission

The following are discretionary uses that may be approved by the Planning Commission:

(a) Cannabis Retail Store

11. Section 124.4 is amended by adding the following uses:

(d) Cannabis Retail Store

12. Section 128.4 is amended by adding the following uses:

(d) Cannabis Retail Store

(e) Cannabis Production and Distribution Facility

13. Section 204 is amended by adding the following sections

204.3(1) Discretionary Uses- Planning Commission

The following are discretionary uses that may be approved by the Planning Commission:

(a) Cannabis Retail Store

14. Section 117.4 (a) is deleted and replaced with the following

117.4 (a) Cannabis Retail Store

117.4 (b) Cannabis Production and Distribution Facility

15. Table 9.17-1 is deleted and replaced with the following

Table 9.17-1

Land Use Districts within the Franklin Avenue Re-Urbanization Zone:

Land Uses	PRA1 – Prairie West of Queen Mixed Use	PRA2 – Prairie East of Queen Mixed Use	FRA1 – Franklin Core
<ul style="list-style-type: none"> ● = Permitted Uses ○ = Discretionary Uses- Development Officer 		<ul style="list-style-type: none"> ○ = Discretionary Uses- Planning Commission 	
Food and Beverage Commercial	●	●	●
Institutional and Civic	●	●	●
Limited Commercial	○	○	○
Office Commercial	●	●	●
Park	●	●	●
Parking Lot/ Structure	●	●	●
Recreation Commercial	●	●	●
Residential	●	●	●
Restricted Commercial	○	○	○
Retail Commercial (<5,000 m ² GFA)	●	●	●
Retail Commercial, Large Format (>5,000 m ² GFA)	●		○
Service Commercial	●	●	●
Tourism Commercial	○	○	●
Home Occupation	●	●	●
Home Business	○	○	○
Accessory Surface Parking	●	●	●
Accessory Building or Use	●	●	●
Cannabis Retail Store	○	○	○

16. Table 9.18- is deleted and replaced with the following

Table 9.18-1 Land Use Districts within the Neighbourhood Stabilization Zone (BL 14/032)

Land Use Districts		
Land Uses	SR1 South Riverfront	LBL-C Longboard Landing Commercial
● = Permitted Use ○ = Discretionary Use ◉ = Discretionary Uses- Planning Commission		
Food and Beverage Commercial		●
Institutional and Civic	○	○
Live-Work		○
Office Commercial	●	
Secondary Office Commercial		●
Park	●	
Parking Lot/ Structure	●	●
Residential	●	●
Retail Commercial (<5,000m ² GFA)	●	●
Home Occupation	●	●
Home Business	○	○
Accessory Surface Parking	●	●
Accessory Building or Use	○	○
Cannabis Retail Store	◉	◉

17. Section 8.4.1 MD Main Street District under Part 8 is amended by adding the following sections

8.4.1.1 (1) Discretionary Uses- Planning Commission

The following are discretionary uses that may be approved by the Planning Commission:

- (a) Cannabis Retail Store

18. Section 8.4.2 MDD Mixed Development District under Part 8 is amended by adding the following sections

8.4.2.1 (1) Discretionary Uses- Planning Commission

The following are discretionary uses that may be approved by the Planning Commission:

(a) Cannabis Retail Store

19. Section 8.4.4 WD Waterfront District under Part 8 is amended by adding the following sections

8.4.4.1(1) Discretionary Uses- Planning Commission

The following are discretionary uses that may be approved by the Planning Commission:

(a) Cannabis Retail Store

20. Section 8.4.7. TCD Town Centre District under Part 8 is amended by adding the following sections

8.4.7.2 (1) Discretionary Uses- Planning Commission

The following are discretionary uses that may be approved by the Planning Commission:

(a) Cannabis Retail Store

21. Part 5 - General Regulations is amended by adding the following sections:

93B. Cannabis

93B.1 Cannabis Retail Stores:

a) Separation Distance

1. A site containing a Cannabis Retail Store in the Urban Service Area shall be located 150 meters away from the boundary of the parcel of land that is used for one or more of the following:

- i. Elementary School;
- ii. Junior High School;
- iii. High School;
- iv. College;

- v. Hospital;
- vi. Child Care Facility; and
- vii. Alcohol and Drug Rehabilitation Center.

- 2. A site containing a Cannabis Retail Store in the Rural Service Area and Hamlets shall be located:

100 meters away from the boundary of the parcel of land that is used for one of more of the following:

- i. Elementary School;
- ii. Junior High School;
- iii. High School; and
- iv. Park.

- b) Subject to the development permit application for a Cannabis Retail Store meeting all other requirements, the Development Authority can vary the separation distances by up to 10 %.
- c) A Cannabis Retail Store must not be located on a parcel abutting an existing property that is being used for residential purposes on its main floor, but can be allowed on the main floor of a mixed-use building.

93B.2 Cannabis Production and Distribution Facility

- a) Separation Distance

- 1. A site containing a Cannabis Production and Distribution Facility shall be located 300 meters away from the boundary of the parcel of land that is used for one or more of the following:

- i. Elementary School;
- ii. Junior High School;
- iii. High School;
- iv. College;
- v. Hospital;
- vi. Child Care Facility;

- vii. Alcohol and Drug Rehabilitation Center; and
- viii. Residential Building.

- b) Subject to development permit application for Cannabis Production and Distribution Facility meeting all other requirements, the Development Authority can vary the separation distances by up to 10 %.

93B.3 Location of up to four (4) plants per household for personal use

- a) In Single Family Housing (including single detached, semidetached and row houses) up to four (4) Cannabis plants (for personal consumption) can be grown inside the house, in any legally permitted accessory structure or in a fenced backyard.
- b) In Multi-Family Housing such as apartments and building condominiums, up to four (4) Cannabis plants can be grown within the private unit only. Growing Cannabis plants on Common Property (including common property-exclusive use such as balconies) is not permitted.

22. This bylaw comes into effect when it is passed.

READ a first time this 12th day of June, A.D. 2018.

READ a second time this 9th day of July, A.D. 2018.

READ a third and final time this 9th day of July, A.D. 2018.

SIGNED and PASSED this 9th day of July, A.D. 2018.