



THE MUNICIPAL DISTRICT OF OPPORTUNITY NO. 17

BYLAW 2018-03

BEING A BYLAW OF THE MUNICIPAL DISTRICT OF OPPORTUNITY NO. 17 TO AMEND BYLAW 2013-14, THE LAND USE BYLAW OF THE MUNICIPAL DISTRICT OF OPPORTUNITY NO. 17, AS AMENDED

WHEREAS Section 191 of the Municipal Government Act, RSA 2000 c M-26, provides that a Municipal Council may amend its Land Use Bylaw;

WHEREAS the Council of the Municipal District of Opportunity No. 17 deems it in the public interest to amend Bylaw 2013-14 being the Land Use Bylaw, as amended, as it affects certain lands;

NOW THEREFORE the Council of the Municipal District of Opportunity No 17, duly assembled, enacts as follows:

1. Bylaw 2013-14 being the Land Use Bylaw, as amended, is hereby further amended as follows:

A. That Part 1.3 Definitions are amended as follows:

“agroforestry” means the science and art of practicing and investigating both agricultural and forestry activities on an area of land. Activities may include: cultivating and forestry activities on an area of land. Activities may include: cultivating hybrid poplar, the establishment of an arboretum, planting of shelter-belts combining the harvesting and growing of trees with pasturing for livestock, or habitat enhancement for native wildlife species. **Agroforestry does not include cannabis production and distribution facilities or cannabis retail sales;**

“commercial use” means a business through which products, services, or entertainment are available to consumers, whether the general public or other commercial establishments, and does not include the manufacturing of products. Commercial use shall include animal hospitals, bed and breakfast establishments, business support services establishments, campgrounds, drive-in businesses, drive-in restaurants, eating and drinking establishments, entertainment establishments, general retail stores, greenhouses, health services, highway commercial uses, hotels, marinas, office uses, personal service shops, recreation camps, recreational vehicle campground, and resorts. **Commercial use does not include cannabis retail sales;**

“drinking establishment” means a development possessing a Class A Minors Prohibited liquor license, where the sale and consumption of liquor on site are open to the public and where alcohol, rather than food, is the predominant item consumed; A drinking establishment does not include an entertainment establishment **or cannabis lounge;**

“eating and drinking establishment” means a development where food and/or beverages are prepared and offered for sale to the public, for consumption within the premises, at an ancillary outdoor seating area on the site, or off the site. An eating and drinking establishment does not include either a drinking establishment or an entertainment establishment unless otherwise provided for in an approved development permit. **An eating and drinking establishment does not include cannabis lounge;**

“entertainment establishment” means a development where persons are entertained by music, theatre, or the like. An entertainment establishment includes theatre, dancing or cabaret entertainment, whether recorded or live. An eating and drinking establishment may contain within it an entertainment establishment, but only if specifically provided for in an approved development permit. **An entertainment establishment does not include cannabis lounge;**

“extensive agriculture” means the use of land or buildings, including one dwelling, for an agricultural operation, but not including intensive agriculture or a confined feeding operation which requires either a registration or an approval under Part 2 of the Agricultural Operations Practices act. **Extensive agriculture does not include cannabis production and distribution facilities.** This definition shall include agroforestry;

“general retail establishment” means a development where, among other goods, groceries, beverages, household goods, furniture, appliances, home improvement supplies, hardware, printed matter, confectionary, tobacco, pharmaceutical, personal care items, automotive parts and accessories, electronic equipment, recordings, office equipment, stationary, second hand goods, and similar goods are bought, rented, and/or sold, except for any and all types of alcoholic beverages or **cannabis**. Minor public services, such as postal services and film processing depots may also be provided;”

“greenhouse” means a commercial establishment, with or without a building, where vegetables, flowers and other plants are grown for sale as plants, and which may include a market garden or plant nursery.

Greenhouse does not include cannabis production and distribution facilities;

“highway commercial” means a commercial use intended to serve the motoring public and includes, but is not limited to, service or gas stations, drive-in restaurants, and motels. **Highway commercial does not include cannabis retail sales;**

“home occupation” means any occupation, trade profession, or craft carried on by an occupant of a dwelling as a use secondary to the residential use of the building, and which does not change the character of or have any exterior evidence of such secondary use other than a sign as allowed in this Bylaw. For the purposes of this Bylaw, home occupations are divided into two sub-classifications – major home occupations and minor home occupations – with specific regulations for each as indicated in this Bylaw. A minor home occupation does not include any business which would normally attract more than five (5) clients per week, or the employment at the dwelling or ancillary buildings of any paid assistant, other than the occupants of the dwelling. A major home occupation may include a business which would normally attract more than five (5) clients per week, but does not include the employment at the dwelling or ancillary buildings of more than two (2) paid assistants, other than the occupant and the occupant’s family. **Minor home occupation and major home occupations do not include cannabis growth operations or cannabis retail sales;**

“industrial use, heavy” means a development which would be considered to be a light industrial use except that, in the opinion of the Development Authority, the development may not be able to co-exist compatibly in proximity to other uses or population concentrations due to: the potential for an adverse environmental impact beyond the immediate site of the medium industrial use; the potential for significant toxic or noxious by-products such as air or water-borne emissions; or the potential to emit significant noise, smoke, dust, odour, vibration ,etc., which may be offensive or hazardous to human health, safety or well-being. Heavy Industrial uses also include: the storage of toxic, flammable or explosive products in significant quantities; rendering plants, petro-chemical industrial establishments, and alfalfa processing plants or large-scale outdoor storage that is unsightly or visually offensive. **Heavy industrial use does not include cannabis growth operations;**

“industrial use, light” means a development which, in the opinion of the Development Authority, may be able to co-exist compatibly in proximity to other uses or population concentrations. Light industry is usually less capital intensive than heavy industry, and is more consumer-oriented than business-oriented. Light industries require only a small amount of raw materials, area and power. For further clarification it means where:

- (a) raw materials are processed, and/or
- (b) semi-finished or finished goods, products or equipment are manufactured and/or assembled, and/or
- (c) materials, goods and equipment normally associated with industrial or commercial business are cleaned, serviced, repaired, salvaged, and/or tested, and or
- (d) goods and equipment associated with personal or household use are cleaned, serviced, and/or repaired, and/or
- (e) materials, goods and equipment are stored and/or trans -shipped, and/or
- (f) materials, goods and equipment are distributed and/or sold to institutions and/or industrial and commercial businesses for their direct use and/or to general establishments and/or other retail establishments for resale to individual customers, and/or
- (g) personnel are trained in general industrial operations,

in such a manner, in the opinion of the Development Authority, that an adverse environmental impact is not created beyond the immediate site of the general industrial use, which does not produce significant toxic or noxious by-products, and which is compatible with other industrial and commercial uses in a concentrated setting. General industrial uses include motor vehicle body and paint shops, but do not include the preparation of food and/or beverages for direct sale to the public. **Light industrial uses do not include cannabis production and distribution facilities or cannabis retail sales.**

Any indoor display, office, technical or administrative support areas or any retail sale operations shall be accessory and subordinate to the general industrial use activities identified above. The floor area devoted to such accessory activities shall not exceed a total of thirty three percent (33%) of the total floor area of the building or buildings devoted to the general industrial use, except that this restriction shall not apply where, in the opinion of the Development Authority, a significant portion of the industrial activity naturally and normally takes place out of doors;

“industrial use, medium” means a development which may include indoor or outdoor storage and in the opinion of the Development Authority, the development may not be able to co-exist compatibly in proximity to other uses or population concentrations due to: the potential for on-site adverse environmental impacts; the potential for significant toxic or noxious by-products which may be offensive or hazardous to human

health, safety or well-being; the storage of toxic, flammable or explosive products in small quantities; or large-scale outdoor storage that is unsightly or visually offensive. Medium industrial uses may include manufacturing, transportation, warehousing; distribution and utilities. **Medium industrial uses do not include cannabis production and distribution facilities;**

“intensive agriculture” means an agricultural operation which operates on an intensive basis. Without restricting the generality of the foregoing, this shall include nurseries, greenhouses, and kennels, but not confined feeding operations or **cannabis production and distribution facilities;**

“liquor store” means a development or part of a development used for the retail sale of any and all types of alcoholic beverages to the public for consumption off premises. This use may include retail sales of related products such as soft drinks and snack foods. **A liquor store development does not include cannabis retail sales;**

“neighbourhood commercial development” means a development where goods and services are required by area residents or employees on a day to day basis are provided, bought or sold. The gross leasable area of a neighbourhood commercial development shall not exceed 275.0m² (2,960.0 ft²). Neighbourhood commercial developments shall include small food stores, drug stores, and variety stores selling confectionary, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware, and/or printed matter as well as small personal service shops. **Neighbourhood commercial development does not include cannabis retail sales;**

“private club” means a development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, with neither on-site dwellings nor hotel or motel rentable units. Private clubs may include eating and drinking establishments and rooms for assembly. **Private Club developments do not include cannabis lounge or cannabis retail sales;**

“rural industry” means an industry involving:

- (a) the initial processing or storage of farm, forestry or mineral product which because of odour, noise or inflammable material require large tracts of land for environmental protection, or
- (b) warehousing or storage of farm, forestry or mineral material, goods and processing or transportation equipment, or
- (c) natural resources processing industries whose location is tied to the resource, or
- (d) provision of large scale transportation and vehicle service facilities involved in the transportation of farm, forestry or mineral products, or
- (e) the growth or storage of medicinal or non-medicinal cannabis.**

“secondary commercial” means a commercial use that is secondary or subordinate in scale and intensity to the primary use on the site. Secondary commercial use shall not include: animal hospitals, highway commercial uses, hotels, marinas, liquor stores, drinking establishments, recreation camps, recreational vehicle campground, resorts, **cannabis retail sales**, or uses of similar intensity and scale;”

B. That Part 1.3 is amended to insert the following new 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 lounge” means a development where the primary purpose of the facility is the sale of cannabis to the eligible public, for the consumption within the premises that is authorized by provincial or federal legislation. This does not include cannabis production and distribution;

“cannabis retail sales” means a retail store licensed by the Province of Alberta where non-medicinal cannabis and cannabis accessories are sold to individuals who attend at the premises;

“cannabis production and distribution facility” means a development used principally for one or more of the following activities relating to cannabis:

- (a) The production, cultivation, harvesting, and growth of cannabis;**
- (b) The processing, trimming, drying, and curing of raw materials;**
- (c) The making, testing, manufacturing, assembling, packaging or in any way altering the chemical or physical properties of semi-finished or finished cannabis goods or products;**

- (d) The storage or shipping of materials, goods, or products, or;
- (e) The distribution and sales of materials, goods, and products to cannabis retail stores or to individual customers.

“industrial hemp production facility” means the use of land, buildings, or structures licensed and/or authorized to possess, sell, provide, ship, deliver, transport, destroy, produce, export and/or import industrial hemp, including related research, under the *Industrial Hemp Regulations* (SOR/98-156), as amended, or any subsequent legislation that may be enacted in substitution. This does not include cannabis retail sales or cannabis production and distribution facility;

“industrial hemp production facility premises” means a location registered under the *Industrial Hemp Regulations* (SOR/98-156) or as amended, as a licensed hemp production facility and includes all areas of the site that are used in the business operated at the site, including offices, kitchens, washrooms, storerooms and including all public and private areas and the landscaped areas located outside of the building or buildings, which accommodate the primary activities of the licensed industrial hemp production facility. This does not include cannabis retail sales or cannabis production and distribution facility;

“medicinal cannabis” means cannabis prescribed by a health care practitioner as defined by provincial or federal legislation;

“medical cannabis clinic” means any business or enterprise whether or not operated for profit intended to serve as a means of distributing or providing cannabis for medical purposes as defined by provincial or federal legislation;

“non-medicinal cannabis” means cannabis not prescribed by a health care practitioner as defined by provincial or federal legislation;

- C. That Part 8 is amended to insert the following new subsections after subsection “BUILDING EXTERIORS IN WABASCA DOWNTOWN” and the balance of the part is renumbered accordingly:

CANNABIS PRODUCTION AND DISTRIBUTION DEVELOPMENTS

Regulations within this section apply to the production and development of cannabis for medicinal and non-medicinal purposes.

- (1) No cannabis production and distribution development may be permitted unless all applicable licensing and approvals have been provided for by the provincial and federal governments.
- (2) Cannabis production and distribution developments shall comply with all Land Use Bylaw and policy requirements as well as all applicable Federal and Provincial regulations including:
 - (a) The sale of cannabis in accordance with the Access to Cannabis for Medical Purposes Regulations, as amended, or any subsequent legislation that may be enacted.
- (3) Where provisions in this section or are in conflict with the regulations of any district or any section of this Bylaw, the provisions of this section shall take precedence and be applied in addition to the regulations of the district and other applicable sections of this Bylaw.
- (4) Any cannabis production and distribution development must comply with the following requirements, in addition to any other municipal or provincial regulations or requirements:
 - (a) A cannabis production and distribution development must meet all applicable requirements of the identified district, which allows for the use.
 - (b) Only facilities licensed by the provincial or federal governments will be permitted.
 - (c) A copy of the license(s) for the cannabis production and distribution development as issued by the provincial and/or federal government shall be provided to the Development Authority.
 - (d) A cannabis production and distribution development may not operate in conjunction with another approved use on the lot(s) or parcel(s).
 - (e) Cannabis products must not be smoked, ingested, or otherwise consumed on the premises of a cannabis production and distribution development.
 - (f) The cannabis production and distribution development must not permit any person who is not an adult to be present anywhere on the cannabis production and distribution development premises, unless accompanying an adult authorized user to the designated waiting area(s).
- (5) The Development Authority may require an applicant for a Development Permit for a cannabis production and distribution development to have any or all of the following information be prepared by a qualified professional and have it included with the application:

- (a) Waste Management Plan
 - (b) Environmental Assessment
 - (c) Traffic Impact Assessment
 - (d) Water/Wastewater Report
 - (e) Storm Water Management Plan
 - (f) Any additional study or assessment necessary to address specific concerns at the discretion of the Development Authority.
- (6) Cannabis production and distribution development must include suitable landscaping and parking requirements, as determined by the Development Authority. Parking shall comply with regulations of this Bylaw and meet all servicing standards of the municipality.
- (7) Cannabis production and distribution development shall meet security and premises requirements as required under provincial and federal legislation.
- (8) The design of the buildings and the landscaping on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.
- (9) The development shall be designed to minimize any exposure or disturbance to the surrounding area including, but not limited to, dust, pollution, noise, odour, or any other related land use nuisance effects.
- (10) No outdoor storage of goods, material, or supplies shall be permitted.
- (11) Garbage containers and waste material shall be contained within an enclosed and locked building.
- (12) Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
- (13) All activities related to the cannabis production and distribution development shall occur within fully enclosed stand-alone building(s), including but not limited to loading, receiving, and shipping of cannabis and any other goods, materials, and supplies.
- (14) Hours of operation shall be restricted as a condition of the development permit issued by The Development Authority.
- (15) A School Site, for the purposes of this section, means the lot(s) or parcel(s) on which either a day care or a public education facility is situated, including those wherein "institutional" is listed as a permitted use.
- (16) A Residential Parcel, for the purposes of this section, means any parcel wherein a "dwelling" is listed as a permitted use excepting those wherein a "dwelling unit" is listed and described as accessory to the use or accessory to the principal use.
- (17) A cannabis production and distribution development's exterior lighting and noise levels shall satisfy the following requirements:
 - (a) The illumination of parking areas, walkways, signs, and other structures associated with cannabis production and distribution development shall be arranged to meet the requirements under provincial and federal regulations.
 - (b) Noise from facilities shall not exceed that allowed under the Land Use Bylaw or any other bylaw and/or policy of the municipality and the requirements under provincial and federal regulations.
- (18) The development permit application for a cannabis production and distribution development, shall; in addition to the above noted requirements, include the following additional information:
 - (a) The distance between the proposed facility and all school sites within the municipality. A school site, for the purposes of this section, means the lot(s) or parcel(s) on which either a day care or a public education facility is situated, including those wherein "institutional" is listed as a permitted use.
 - (b) The distance between the proposed facility and the nearest residential development or lot. A residential lot, for the purposes of this section, means any lot wherein a "dwelling" is listed as a permitted use excepting those uses wherein a "dwelling unit" is listed and described as accessory to the use or accessory to the principal use.
- (19) A cannabis production and distribution development shall meet the minimum separation distance of 0.8 km (0.5 miles) between an existing Dwelling, School Site, or Residential Parcel and the cannabis production and distribution development. The minimum separation distance between an existing Residential lot or School Site and a cannabis production and distribution development shall be established by measuring the shortest

distance between the boundary of a Residential Parcel or School Site and the boundary of the cannabis production and distribution development.

- (20) A Dwelling, Residential Parcel, or School Site constructed or created after the approval of a cannabis production and distribution development shall not be considered a Dwelling, Residential Parcel, or School Site.
- (21) A building or structure used for security purposes for a cannabis production and distribution development may be located in the front yard and must comply with the required minimum setbacks.
- (22) On site buffering measures shall be required for all cannabis production and distribution developments. Buffers may include a combination of space separation, vegetation, and fencing to mitigate the impacts on adjacent lots.
- (23) A site, building or structure established, operated, or maintained as a cannabis production and distribution development shall comply with the provisions made for in any applicable Municipal, Provincial, and Federal regulations as per this Bylaw.
- (24) This is not exclusive and shall not prevent the municipality from exercising any other remedy available under the law, nor shall the provisions of this section prohibit or restrict other Federal or Provincial law or policy to be enacted upon.

CANNABIS RETAIL SALES

Regulations within this section apply to the sale of cannabis for non-medical purposes.

- (1) No cannabis retail sale development may be permitted unless all applicable licensing and approvals have been provided for by the provincial and federal governments.
- (2) Cannabis retail sale developments shall comply with all Land Use Bylaw and policy requirements as well as all applicable Federal and Provincial regulations including:
 - (a) The production of cannabis in accordance with the Access to Cannabis for Medical Purposes Regulations, as amended, or any subsequent legislation that may be enacted.
- (3) Where provisions in this section or are in conflict with the regulations of any district or any section of this Bylaw, the provisions of this section shall take precedence and be applied in addition to the regulations of the district and other applicable sections of this Bylaw.
- (4) Any cannabis retail sale development must comply with the following requirements, in addition to any other municipal or provincial regulations or requirements:
 - (a) A cannabis retail sale development must meet all applicable requirements of the identified district, which allows for the use.
 - (b) Only facilities licensed by the provincial or federal governments will be permitted.
 - (c) A copy of the license(s) for the cannabis retail store development as issued by the provincial and/or federal government shall be provided to the Development Authority.
 - (d) Cannabis products must not be smoked, ingested, or otherwise consumed on the Premises of a cannabis retail sale development.
 - (e) The cannabis retail sale development must not permit any person who is not an adult to be present anywhere in the cannabis retail sale building.
- (5) The Development Authority may require an applicant for a Development Permit for a cannabis retail sale development to have any or all of the following information be prepared by a qualified professional and have it included with the application:
 - (a) Waste Management Plan
 - (b) Environmental Assessment
 - (c) Traffic Impact Assessment
 - (d) Water/Wastewater Report
 - (e) Storm Water Management Plan
 - (f) Any additional study or assessment necessary to address specific concerns at the discretion of the Development Authority.

- (6) Cannabis retail sale development must include suitable landscaping and parking requirements, as determined by the Development Authority. Parking shall comply with regulations of this Bylaw and meet all servicing standards of the municipality.
- (7) Cannabis retail sale development shall meet security and premises requirements as required under provincial and federal legislation.
- (8) The design of the buildings and the landscaping on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.
- (9) The development shall be designed to minimize any exposure or disturbance to the surrounding area including, but not limited to, dust, pollution, noise, odour, or any other related land use nuisance effects.
- (10) No outdoor storage of goods, material, or supplies shall be permitted.
- (11) Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
- (12) Hours of operation shall be restricted as a condition of the development permit issued by The Development Authority.
- (13) A cannabis retail sale development's exterior lighting and noise levels shall satisfy the following requirements:
 - (a) The illumination of parking areas, walkways, signs, and other structures associated with cannabis retail sale development shall be arranged to meet the requirements under provincial and federal regulations.
 - (b) Noise from facilities shall not exceed that allowed under the Land Use Bylaw or any other bylaw and/or policy of the municipality and the requirements under provincial and federal regulations.
- (14) Cannabis retail sales as defined in this Bylaw shall be prohibited:
 - (a) within 100m (328.1 ft.) from a public education facility;
 - (b) within 100m (328.1 ft.) from a health service;
 - (c) within 100m (328.1 ft.) from a public park;
 - (d) within 100m (328.1 ft.) from a day care facility;
 - (e) within 100m (328.1 ft.) from a recreational use; and
 - (f) within 200m (656.2 ft.) from approved cannabis retail sales.
- (15) A public education facility, health service, public park, day care facility, or recreational use constructed or created after the approval of a cannabis retail sale development shall not be considered public education facility, health service, public park, day care facility, or recreational use.
- (16) The separation distance between cannabis retail sales use and the uses listed in 8.10 subsection (14) shall be determined by measuring a straight line from the closest point on the lot line of the lot on which the proposed cannabis retail sales use is located to the closest point on the lot line of the lot on which the other specified use is located. The separation distance shall not be measured from district boundaries or walls of buildings.
- (17) A site, building or structure established, operated, or maintained as a cannabis retail sale development shall comply with the provisions made for in any applicable Municipal, Provincial, and Federal regulations as per this Bylaw.
- (18) This is not exclusive and shall not prevent the municipality from exercising any other remedy available under the law, nor shall the provisions of this section prohibit or restrict other Federal or Provincial law or policy to be enacted upon.

D. The use cannabis retail sales is added to the list of discretionary uses in the following districts

- (a) C1 – Commercial District
- (b) C2 – Commercial District
- (c) C3 – Commercial District
- (d) CH – Highway Commercial District
- (e) DC – Direct Control District

E. The use cannabis production and distribution facility is added to the list of discretionary uses in the following districts

(a) M1 – Industrial District

This Bylaw comes into effect upon the date of the final Reading thereof.

READ A FIRST TIME this ~~11th~~ ^{11th} day of April, A.D. 2018.



Marcel D. Auger, Reeve



Chief Administrative Officer

PUBLIC HEARING held on 11th day of May, A.D. 2018.

READ A SECOND TIME this 11th day of May, A.D. 2018.



Marcel D. Auger, Reeve



Chief Administrative Officer

READ A THIRD TIME AND PASSED this 11th day of May, A.D. 2018.



Marcel D. Auger, Reeve



Chief Administrative Officer