

TOWN OF WAINWRIGHT

BYLAW NO. 2018 - 08

A BYLAW TO AMEND LAND USE BYLAW 2009-02

PURSUANT to the Municipal Government Act R.S.A. 2000, Chapter M-26, as amended, the Council of the Town of Wainwright, in the Province of Alberta, duly assembled, does hereby enact:

Bylaw 2009-02, the Land Use Bylaw, be amended by adding/altering the following:

SECTION 1.2.4 – DEFINITIONS

Added or altered the following definitions:

CANNABIS – means a cannabis plant and anything referred to in a) b) and c) but does not include anything referred to in d), e), f) and g).

- a) Any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not, other than a part of the plant referred to in Schedule 2,
- b) Any substance or mixture of substances that contains or has on it any part of such a plant,
- c) Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained,
- d) A non-viable seed of a cannabis plant,
- e) A mature stalk, without any leaf, flower, seed or branch, of such a plant.
- f) Fibre derived from a mature stalk, without any leaf, flower, seed or branch, of such a plant,
- g) The root or any part of the root of such a plant.

CANNABIS ACCESSORY – means a thing that is commonly used in the consumption or production of cannabis. A Cannabis Accessory includes, but is not limited to, rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers.

CANNABIS LOUNGES – means development where the primary purpose of the facility is the sale of Cannabis to the public, for the consumption within the premises that is authorized by provincial or federal legislation.

CANNABIS STORE – means development used for the retail sale of Cannabis that is authorized by provincial or federal legislation. This Use will include retail sales of cannabis and cannabis accessories as approved by the Alberta Gaming, Liquor and Cannabis Commission and must have a provincial retail Cannabis license. This Use does not include Cannabis Production and Distribution.

EATING AND DRINKING ESTABLISHMENT – means land or a *building* where prepared foods and alcoholic and/or non-alcoholic beverages are offered for sale to the public for consumption on or off the *site* excluding *cannabis lounges*.

GREEN SPACE – means an area of grass, trees, or other vegetation set apart for aesthetic purposes in an otherwise urban environment.

HOSPITAL – means a facility providing room, board, and surgical or other medical treatment for the sick, injured or infirm including outpatient services, accessory staff residences, ambulance bays, and

helipads. Typical uses include *hospitals* or provincial health care facility, sanatoria, convalescent homes, isolation facilities, psychiatric *hospitals*, and detoxification centers.

PARK – means land developed for recreational activities that invite the public and includes picnic areas, playgrounds, pedestrian and bicycle paths, and associated public washrooms. Park designation may be established by the Parks & Recreation Board’s authority.

PLAYGROUND – means an area used for outdoor play or recreation, equipped with structures for children, such as slides and swings.

RETAIL – means land or a *building* where goods, merchandise, substances, articles, and other materials, are offered for sale at *retail* to the general public but excludes *adult entertainment establishments, automotive sales and service, building supplies, bulk fuel storage and sales, cannabis, equipment rental and sales, gas bars and liquor stores.*

SCHOOL – means a place of instruction offering courses of study. Included in the category are public, private, separate and post-secondary institutions. Does not include home schooling in a residential district.

PART 3 – LAND USE DISTRICTS AND REGULATIONS

Added the term “*Cannabis Store*” to the following land use districts as a discretionary use:

Section 3.9.2(2) Uses (C1 – Central Commercial)

Section 3.10.2(2) Uses (C2 – Secondary Commercial)

Section 3.11.2(2) Uses (C3 – Highway Commercial)

Section 3.11A.2(2) Uses (C4 – Secondary Highway Commercial)

Section 3.12.2(2) Uses (M1 – Light Industrial)

Section 3.13.2(2) Uses (M2 – Heavy Industrial)

PART 4 – GENERAL DEVELOPMENT REGULATIONS

Section 4.1.7(2) Off-Street Parking – General Regulations

Where the *Municipal Planning Commission* deems the off-street parking requirements impractical to enforce, the *Municipal Planning Commission* may deny the application.

Section 4.5.4(10) Home Occupation (Including Home Office

The selling of retail *cannabis*, tobacco and/or alcohol will not be permitted in residential zones and therefore no home occupation or home office licenses will be approved. The selling of retail *cannabis*, tobacco and/or alcohol will not be permitted in residential zones and therefore no home occupation or home office licenses will be approved.

Section 4.5.5A Liquor Store

- (1) Any site containing a liquor store must not be located within 100m(328ft) of a site that contains any of the following uses:
 - (a) School
 - (b) Child care facility
 - (c) Hospital

- (d) Recreational facility
- (e) Library
- (f) Playground
- (g) a parcel of land designated as school reserve

(2) Distances are measured from closest property lines.

Section 4.5.5B Cannabis Store

(1) In all Commercial and Industrial Districts, a Cannabis Store must not be located within 100m (328ft) of a site that contains any of the following uses:

- (a) School
- (b) Child care facility
- (c) Hospital
- (d) Recreational facility
- (e) Library
- (f) Playground
- (g) a parcel of land designated as school reserve

(2) Distances are measured from closest property lines. In all Commercial and Industrial Districts, a *Cannabis Store* must not be located within 200m (656ft) of a site that contains any other *Cannabis Store*. Distances are measured from closest property lines.

(3) A *Cannabis Store* must be a permanent freestanding building without another business, or in a building with other businesses if:

- (a) *Cannabis Store* has its own entrance, common wall that is
- (b) not transparent, own receiving and storage, own point of sale, signs prohibiting minors.
- (c) No access between *Cannabis Store* and other business.

READ a First Time in Council this 3rd day of July, A.D., 2018.

Mayor

Chief Administrative Officer

Advertised the 6th and 13th days of July, 2018 in *The Star*.

PUBLIC HEARING held the 7th day of August, 2018.

READ a Second Time in Council this ___ day of _____, A.D., 2018.

Mayor

Chief Administrative Officer

READ a Third Time in Council and Finally Passed this ____ day of _____, A.D., 2018.

Mayor

Chief Administrative Officer

This bylaw will take effect on September 12, 2018.