

BYLAW NO. 1472-18
OF THE
TOWN OF BONNYVILLE

BEING A BYLAW OF THE TOWN OF BONNYVILLE IN THE PROVINCE OF
ALBERTA TO AMEND LAND USE BYLAW NO. 1447-16

WHEREAS, the Municipal Council of the Town of Bonnyville has passed a Bylaw establishing Land Use; and

WHEREAS, the Municipal Council of the Town of Bonnyville deems it necessary to amend the said Land Use Bylaw No. 1447-16.

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE TOWN OF BONNYVILLE
DULY ASSEMBLED ENACTS AS FOLLOWS:**

1. That Bylaw No. 1447-16, being the Land Use Bylaw of the Town of Bonnyville, is hereby amended.
2. That the Land Use Bylaw No. 1447-16 be amended as follows:

2.1 Section 14 Definitions, add the following:

CANNABIS means, pursuant to the Cannabis Act (Canada) and its regulations, as amended from time to time, a cannabis plant and anything referred to, as follows:

- (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 the exclusions listed below;
- (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.

Exclusions of cannabis include:

- (i) a non-viable seed of a cannabis plant;
- (ii) a mature stalk, without any leaf, flower, seed or branch of such plant;
- (iii) fibre derived from a stalk referred to in (ii);
- (iv) the root or any part of the root of such a plant.

CANNABIS ACCESSORY means, pursuant to the Cannabis Act (Canada) and its regulations, as amended from time to time:

- (a) a thing, including rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers, that is represented to be used in the consumption of cannabis or a thing that is represented to be used in the production of cannabis; or



(b) a thing that is deemed to be represented to be used in the consumption or production of cannabis if the thing is sold at the same point of sale as cannabis.

CANNABIS LICENSE means a license under the Gaming, Liquor and Cannabis Act and its regulations, as amended from time to time, for the Province of Alberta, which authorizes the purchase, sale, transport, possession, storage or use of cannabis.

CANNABIS RETAIL STORE LICENSE means a business license for the operation of cannabis retail sales outlet issued by the Town of Bonnyville pursuant to the Town of Bonnyville Business License Bylaw and amendments thereto.

CANNABIS PLANT means a plant that belongs to the genus *Cannabis*.

CANNABIS RETAIL SALES means a retail store, licensed by the Province of Alberta, where non-medical cannabis and cannabis accessories are sold to individuals who attend at the premises. Cannabis products shall not be consumed on the retail sales premises. Cannabis retail sales shall not co-locate with the sales of alcohol, tobacco or pharmaceuticals.

MEDICAL CANNABIS means a substance used for medical purposes authorized by a license issued under federal legislation.

CANNABIS PRODUCTION FACILITY means a use where cannabis, medical or non-medical, is cultivated, processed, packaged, tested, destroyed, stored or loaded for shipping; where a license for all activities associated with a medical cannabis production is issued by Health Canada; and,

2.2 Section 14 Definitions, be amended to read:

GREENHOUSE AND PLANT NURSERIES means a development used for the growing, acclimatizing, propagating, harvesting, displaying and selling of bedding, household and ornamental plants or trees and may include accessory uses related to the storing, displaying and selling of gardening, nursery and related products. This facility does not include cannabis productions facility.

2.3 Part X Land Use Districts Provisions and Regulations be amended as follows:

Addition of Cannabis Retail Sales as a discretionary use to the following Sections:

Section 520 C1 – Central Commercial District
Section 521 C2 – Fringe Commercial District
Section 522 C3 – Highway Commercial District
Section 523 C4 – Shopping Centre Commercial District
Section 530 M1 – General Industrial District



Addition of Cannabis Production Facility as a discretionary use to the following Section:

Section 530 M1 – General Industrial District

2.4 Add the following after Section 221:

SECTION 222: CANNABIS RETAIL SALES ESTABLISHMENT

1. Unless otherwise approved by Council, a Cannabis Retail Sales establishment shall not be located in any residential district within the Town of Bonnyville. Any application for a Cannabis Retail Sales establishment shall be a discretionary use for a change of use, new commercial establishment in the designated land use district and will be subject to approval by the Municipal Planning Commission. Adjacent landowners within 150 metres of the property shall be notified of the application prior to the approval by MPC.
2. The separation distance shall be a straight line measures from the nearest point of that portion of a lot proposed to be used, either wholly or partially, as a Cannabis Retail Sales establishment to the nearest point of:
 - a) A lot used in whole or in part for another Cannabis Retail Sales establishment;
 - b) A lot used in whole or in part for any of the uses described in Section 222 (3); or
 - c) A residential land use district.
3. Cannabis Retail Sales establishments shall not be located on a parcel having a minimum radial separation distance of less than 150 metres from the boundary of:
 - a) a parcel accommodating a school as defined in the School Act, as amended from time to time;
 - b) a child care centre or children's recreation centre;
 - c) a provincial healthcare facility;
 - d) school reserve or municipal school reserve land as defined under the Municipal Government Act; or
 - e) public parks or playgrounds;
4. The Development Authority may conditionally approve a maximum 10% variance on the separation distance in subsection (3) for those instances where the Development Authority is of the opinion that:
 - a. The proposed location would not unduly interfere with the amenities of the neighbouring properties;
 - b. The boundary of the separation distance encompasses less than half of the proposed parcel;
 - c. The proposed development conforms to the prescribed use for the land or building pursuant to this Bylaw; and



- d. The adjacent property referrals advising of the possible separation variance do not object to the proposed variance.
5. Cannabis Retail Sales establishments shall not be located on a parcel having a minimum separation distance of less than 20 metres from the boundary of a property within a residential land use district.
6. All Cannabis Retail Sales establishments shall obtain a provincial license as required through the Alberta Gaming and Liquor Commission (AGLC) and shall adhere to all conditions of that license and any amendments to it.
7. Hours of operations for Cannabis Retail Sales establishments shall be as defined through the provincial license and regulations.
8. Consumption by public smoking or vaping of product from a Cannabis Retail Sales establishment shall be as per provincial legislation and shall be prohibited within:
 - a) Hospital property, school property or child care facility property;
 - b) Pursuant to the Town Smoking Bylaw or Provincial legislation, as amended from time to time, and whichever is greater, in or within the specified distance of:
 - i. Playgrounds
 - ii. Sports field or playing field
 - iii. Outdoor pool or splash park
 - iv. Skateboard and bicycle park
 - v. Zoo
 - vi. Outdoor theatre or grandstands
9. Cannabis Retail Sales establishments shall not be co-located in existing retail establishments which sell alcohol, tobacco or pharmaceuticals.
10. Cannabis-related activities shall be prohibited as a home-based business.
11. Signage:

Cannabis Retail Sales establishments shall limited to one (1) on-site sign for location identification purposes only, in the form of a wall mounted sign or freestanding sign. Cannabis Retail Sales establishments shall not be permitted to advertise their products, sales or location on any window signage, temporary or portable signage on site or off site. Detailed signage design pursuant to the requirements of Part IX of the Land Use Bylaw shall be submitted at the time a development permit application is applied for.
12. Cannabis Retail Sales establishments require one (1) parking space per 75 square metres of Gross Floor Area (GFA). **Note:** area required for warehousing of stock and that is inaccessible to the public shall not be included in the GFA calculation.



13. Proposed developments may require additional permits for building, electrical, plumbing and gas works. These shall be determined at the time of the development permit review. Final inspections for any of these works will be required prior to opening operation of the Cannabis Retail Sales establishment.
14. Cannabis Retail Sales establishments will be required to obtain a Cannabis Retail Store Business License from the Town of Bonnyville once the development permit is approved and any final inspections related to building renovations or construction have been completed and Occupancy is granted.

SECTION 223: CANNABIS PRODUCTION FACILITY

1. An application for a Cannabis Production Facility shall include a copy of the current license for the cannabis production facility as issued by Health Canada. The development and operation of a cannabis production facility shall at all times comply with all applicable legislation and regulatory requirements.
2. An application for a Cannabis Production Facility shall include the submission of a waste management plan (including the incineration of waste products), a water/waste water (including the quantity and characteristics of discharge material) and storm water management plan, and a ventilation plan prepared by a qualified professional. A cannabis production facility shall be developed and operated in accordance with all plans and other information provided to and approved by the Development Authority as part of the application for a development permit.
3. A Cannabis Production Facility shall only be located within the M1 - General Industrial District.
4. The Cannabis Production Facility use shall not operate in conjunction with or accessory to any other use.
5. The Cannabis Production Facility shall be located in a stand-alone building(s). A security suite may, at the discretion of the Development Authority, be permitted on the lot containing the use.
6. All processing, loading, receiving and shipping of cannabis and other goods, materials or supplies, garbage containers, storage containers and waste material must be contained within the building containing the use.
7. The Cannabis Production Facility shall include equipment installed and functional in order to remove odours from the air where it is discharged from the building as part of a ventilation system.
8. A Cannabis Production Facility that has been closed for a period of one (1) year shall be decommissioned and remediated in accordance with any applicable legislation and regulations.



3. That this Bylaw shall come into force and effect on the date of final reading.

INTRODUCED AND GIVEN FIRST READING this 22nd day of May, A.D., 2018.



Mayor

Chief Administrative Officer

AS ADVERTISED on the 28th day of May, 2018, the 4th day of June, A.D., 2018 in the
Bonnyville Nouvelle.

PUBLIC HEARING HELD AT THE TOWN HALL COUNCIL CHAMBERS on the 12th day of
June, A.D., 2018.



Mayor

Chief Administrative Officer

GIVEN SECOND READING this 10th day of July, A.D., 2018.



Mayor

Chief Administrative Officer

GIVEN THIRD AND FINAL READING this 10th day of July, A.D., 2018.



Mayor

Chief Administrative Officer