



## BYLAW NO. 08-2018

**THIS BEING A BYLAW OF THE VILLAGE OF WABAMUN, IN THE PROVINCE OF ALBERTA, TO AMEND THE VILLAGE OF WABAMUN LAND USE BYLAW 07-2010.**

**WHEREAS,** Section 639 of the *Municipal Government Act*, RSA 2000, Chapter M26 provides for a municipality to adopt a Land Use By-Law, and

**WHEREAS,** Section 640 of the *Municipal Government Act*, RSA 2000, Chapter M26 provides for a municipality to prohibit or regulate and control the use and development of land and buildings in a municipality, and

**WHEREAS,** The Council of the Village of Wabamun deems it necessary to amend the Village of Wabamun Land Use Bylaw No. 07-2010;

**NOW THEREFORE,** the Council of the Village of Wabamun, in the Province of Alberta, duly assembled, that Land Use Bylaw 07-2010 is amended as follows:

1. **Section 6 - SPECIAL PROVISIONS** is amended by adding the following:

### **6.8 CANNABIS RELATED USES**

- a. A retail cannabis store shall not be carried on in conjunction with, or accessory to, any other use
- b. A cannabis production and distribution facility shall not be carried on in conjunction with, or accessory to, any other use
- c. A cannabis consumption establishment shall not be carried on in conjunction with, or accessory to, any other use
- d. There shall be a minimum separation distance of 100.0 m between all exterior walls of a retail cannabis store, a cannabis production and distribution facility, or a cannabis consumption establishment, and a parcel that contains a school.
- e. There shall be a minimum separation distance of 50.0 m between all exterior walls of a retail cannabis store, a cannabis production and distribution facility, or a cannabis consumption establishment, and a parcel that contains playground equipment.
- f. Before granting a development permit for Cannabis Retail Sales where the use is discretionary, the Development Officer shall:
  - (i) notify, in writing, property owners and users within 50 meters of all exterior walls of the proposed site of the Cannabis Retail Sales use that the application for the Cannabis Retail Sales use has been received and give the property owners and users 10 days to provide

written comments to the Development Officer with respect to the proposed Cannabis Retail Sales application;  
(ii.) advise the applicant for the development permit for the Cannabis Retail Sales use that their application will not be considered completed until the time given to the property owners and users to provide written comment on the proposed development has expired;  
and  
(iii) consider the comments received from the property owners and users prior to making a decision on the development permit application.”

- g. The growing or cultivating of up to four cannabis plants per residence for personal use (from licensed seeds or seedlings) will be allowed within the main dwelling only. No growing for personal use is allowed outdoors or in accessory buildings, recreational vehicles or garages unless the garage is attached to the main dwelling. Renters, condo-dwellers and those who live in multi-family dwellings might be restricted from growing cannabis in their homes based on rules established in rental agreements or condominium bylaws. Individuals wishing to cultivate a limited amount of legal cannabis for personal use must do so themselves and may not designate another person to do so for them. The only exception will continue to be for individuals who have been authorized by their healthcare practitioner to use cannabis for medical purposes. In these situations, they may, if they are unable to cultivate their own cannabis, designate an individual to do so for them. This ensures that an individual who may be physically unable to cultivate their own cannabis for medical purposes can continue to have reasonable access to cannabis for medical purposes

2. **Section 6 - SPECIAL PROVISIONS** is amended by adding the following:

**6.9 OUTDOOR EATING ESTABLISHMENT (SEASONAL)**

- (1) The issuance of a development permit for an Outdoor Eating Establishment (Seasonal), as defined in this Bylaw, shall be in accordance with the following regulations:
  - (a) The minimum floor area of the eating establishment shall be 12 m<sup>2</sup> (128.0 ft.<sup>2</sup>).
  - (b) Parking requirements shall be at the discretion of the Development Authority who will have regard for the availability of on street parking adjacent to the proposed development.
  - (c) The following information must be provided with the application:
    - i. site plan showing all existing buildings, outdoor eating area and setbacks,
    - ii. layout of the furniture including signage, tables, chairs, placement and number of planters, and all other accessories,
    - iii. location, structure and dimensions of any portable walls/barriers,
    - iv. location of all doorways, windows and service openings,
    - v. length of restaurant/café frontage,
    - vi. distance from property line to curb,
    - vii. proposed width and length of sidewalk seating/café, and
    - viii. proposed total area of sidewalk seating/café.

3. **Section 6 - SPECIAL PROVISIONS** is amended by adding the following:

**6.10 OUTDOOR AMUSEMENT ESTABLISHMENT**

- (2) The issuance of a development permit for an Outdoor Amusement Establishment, as defined in this Bylaw, shall be in accordance with the following regulations:
- (a) Parking requirements shall be at the discretion of the Development Authority who will have regard for the availability of on street parking adjacent to the proposed development.
  - (b) The following information must be provided with the application:
    - i. site plan showing all existing buildings, outdoor amusement area and setbacks,
    - ii. layout of the furniture including signage and all other accessories,
    - iii. location, structure and dimensions of any portable walls/barriers,
    - iv. location of all doorways, windows and service openings,

4. **Section 6 – SPECIAL PROVISIONS** is amended by adding the following:

**6.11 FENCES**

- (a) A fence in a residential district that does not extend past the front of the dwelling shall be no higher than 6’ in height
- (b) A fence in a residential district that extends past the front of the home shall be no higher than 3’
- (c) A fence in a residential district on corner properties shall be at the discretion of the development authority
- (d) Fences in all other zoning districts shall be at the discretion of the development authority
- (e) All fences must be constructed of new materials with a finished look which doesn’t detract from adjoining properties

5. **Section 7.6 C1 – COMMERCIAL** – is amended by adding the following Discretionary Use: **“Retail Cannabis Store”**

6. **Section 7.6 C1 - COMMERCIAL** – is amended by adding the following Permitted Uses: **“Outdoor Amusement Establishment”** and **“Outdoor Eating Establishment (Seasonal)”**

7. **Section 7.7 C2 – LAKEFRONT COMMERCIAL** – is amended by adding the following Discretionary Use: **“Retail Cannabis Store”**

8. **Section 7.11 VC – VILLAGE CENTRE** – is amended by adding the following Discretionary Use: **“Retail Cannabis Store”**

9. **Section 1.5 – INTERPRETATION** is amended by adding the following new definitions in alphabetical order:

**“CANNABIS”** – means cannabis as defined in the *Cannabis Act* (Canada) and its regulations and any amendments or substitutions thereof.

**“CANNABIS CONSUMPTION ESTABLISHMENT”** – means a development that is authorized by the Province of Alberta where cannabis is served for consumption on the premises. This use does not include adult entertainment uses, retail cannabis store, or cannabis production and distribution facility.

**“CANNABIS PRODUCTION AND DISTRIBUTION FACILITY”** – means a building where any of the following activities occur, excepting personal use exemptions as defined in the *Act to Control and Regulate Cannabis* and its regulations, and any amendments or substitutions thereof:

- (a) The processing of cannabis;
- (b) The making, testing, manufacturing, assembling, or in any way altering the chemical or physical properties of semi-finished or finished goods and products related to cannabis;
- (c) The storage, warehousing, and/or transportation of cannabis; and
- (d) The distribution and wholesale of materials, goods and products to retail cannabis stores.

This use does not include a retail cannabis store or a cannabis consumption establishment.

**“EATING AND DRINKING ESTABLISHMENT”** – means a development designed to make and/or serve food or beverages, this does not include the production of, serving of or consumption of cannabis related products

**“MANUFACTURING PLANT”** – means a development engaged in secondary processing, assembly and packaging where no excessive atmospheric emissions, vibrations and noise are produced and the use does not create an excessive load on municipal utilities. Limited product display, retail sales, offices and instructional classes accessory to the principal use may be permitted in this use class. This use does not include cannabis production and distribution facilities.

**“OUTDOOR EATING ESTABLISHMENT (SEASONAL)”** - means an establishment where food and drink are normally consumed either outside or inside the confines of the establishment, and which operates between May 1st and October 31st of a calendar year, this does not include the production of, serving of or consumption of cannabis related products

**“OUTDOOR AMUSEMENT ESTABLISHMENT”** - means a development providing facilities for entertainment and amusement activities which primarily take place outdoors, where patrons are primarily participants. Typical uses include amusement parks, amphitheatres, carnivals, go-cart tracks, and miniature golf courses;

**“PLAYGROUND EQUIPMENT”** – means recreation equipment including, but not limited to, structures such as swings, slides, climbing apparatus, skate board and BMX riding equipment. For further clarity benches and garbage receptacles are not considered playground equipment

**“RETAIL CANNABIS STORE”** – means a retail store licensed by the Province of Alberta to sell cannabis. Offices and instructional classes accessory to the principal use may be permitted. This does not include cannabis production and distribution or a cannabis consumption establishment.

**“RETAIL STORE”** – means a building where goods, wares, or merchandise are

stored, offered or kept for sale or rental and includes storage on or about the store premises of limited quantities of such goods, ware, or merchandise sufficient only to service such store but does not include any retail outlet otherwise listed or defined in this Bylaw. This use class includes, but is not limited to, second hand shops, liquidation, stores, food stores, drug stores, clothing stores, sporting goods stores, private lending libraries, the sale of electronic cigarettes and other similar uses. This use class does not include adult entertainment uses or retail cannabis stores.

10. **Section 1.5 – INTERPRETATION** is amended by deleting the existing definition for “Home Occupation, Major” and ‘Home Occupation, Minor” and adding the following new definitions in its place:

**“HOME OCCUPATION, MAJOR”** – means any business, occupation, trade, profession, or craft that is carried on as a secondary use within a dwelling by a least one permanent resident of said dwelling, and which increases traffic circulation in the neighbourhood in which it is located. A major home occupation does not change the character of the dwelling in which it is located or have any exterior evidence of secondary use other than a small sign as provided for in this Bylaw. A major home occupation does not include day homes, cannabis consumption establishments, cannabis production and distribution facilities, retail cannabis stores and animal breeding and/or boarding facilities.

**"HOME OCCUPATION, MINOR"** - means any business, occupation, trade, profession, or craft that is carried on as a secondary use within a dwelling by at least one permanent resident of said dwelling, and which does not increase traffic circulation in the neighbourhood in which it is located. A minor home occupation does not include day homes, cannabis consumption establishments, cannabis production and distribution facilities, retail cannabis stores and does not change the character of the dwelling in which it is located or have any exterior evidence of secondary use other than a small sign as provided for in this Bylaw;

11. **Section 1.5 – INTERPRETATION** is amended by deleting the existing definition for "Drive In Business" and adding the following new definitions in its place:

**“DRIVE IN BUSINESS”** - means an establishment which normally provides service to customers travelling in motor vehicles driven onto the site, this definition does not include Cannabis Retail Stores or Cannabis Consumption Establishments

12. **Section 7.1 R1 – RESIDENTIAL – SINGLE UNIT (FRAME)** – is amended by deleting 7.1 (7) (a) and 7.1 (7) (b) and adding the following new clause in its place:

(7) Minimum Parcel Width

- (a) Parcel width for a single detached unit shall be:
  - (i) no less than 15.0 m (49.2 ft.)
- (b) Parcel width for each half of a duplex dwelling shall be:
  - (i) no less than 7.6 m (24.9 ft.) per unit

13. **Section 7.2 R2 – RESIDENTIAL – SINGLE UNIT (MIXED)** – is amended by deleting 7.2

(7) (b) and adding the following new clause in its place:

- (b) Parcel width for each half of a duplex dwelling shall be:
  - (i) no less than 7.6 m (24.9 ft.) per unit; and

14. **Section 7.6 C1 – COMMERCIAL** – is amended by deleting 7.6 (9) (b) and adding the following new clause in its place:

Notwithstanding the location of parking, the main doors of any new commercial building shall front onto the street with the exception of gas bars and service stations which shall be at the discretion of the development authority.

15. **Section 7.6 C1 – COMMERCIAL** – is amended by deleting 7.6 (10) (a) and adding the following new clause in its place:

Manufactured, or portable buildings shall not be permitted in this district except as approved by permit by the Development Authority and only for a period not to exceed twelve (12) months during construction of a permanent facility that has received development permit approval.

This Bylaw comes into full force and effect upon third and final reading.

READ A FIRST TIME IN COUNCIL THIS 21st DAY OF AUGUST, 2018

PUBLIC HEARING HELD SEPTEMBER 18, 2018

READ A SECOND TIME IN COUNCIL THIS 2ND DAY OF OCTOBER, 2018

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 2ND DAY OF OCTOBER, 2018

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Signed by the CEO this date

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CHIEF ELECTED OFFICIAL

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Signed by the CAO this date

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CHIEF ADMINISTRATIVE OFFICER

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