



## TOWN OF FOX CREEK

### BYLAW NO. 807-2018

BEING A BYLAW OF TOWN OF FOX CREEK IN THE PROVINCE OF ALBERTA TO AMEND LAND USE BYLAW NO. 778-2016

**WHEREAS** the *Municipal Government Act*, RSA 2000, c. M-26, authorizes council to pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

**AND WHEREAS** the *Municipal Government Act* authorizes council in its Land Use Bylaw to prohibit or regulate and control the use and development of land and buildings in the Town of Fox Creek;

**AND WHEREAS** Bill C-45, *The Cannabis Act*, provides for legal access to cannabis and for the federal control and regulation of its production, distribution and sale, and will come into force on a day or days to be fixed by Order of the Governor in Council;

**AND WHEREAS** Bill 26, *An Act to Control and Regulate Cannabis*, establishes a framework for the distribution of sale of cannabis within the Province of Alberta, and will come into force upon proclamation;

**AND WHEREAS** the Town of Fox Creek Bylaw No. 778-2016 does not currently contain provisions to address cannabis related uses and development of land and buildings, which uses and development the Town intends to regulate and control in the interest of public health and safety and to achieve the orderly, economic and beneficial development and use of land;

**NOW THEREFORE** the Council of the Town of Fox Creek in the Province of Alberta hereby enacts as follows.

1. The Town of Fox Creek Land Use Bylaw No. 778-2016 (the "Land Use Bylaw"), is hereby amended by adding the following new definitions to Section 9.1 in accordance with the alphabetical order of the list:

**"CANNABIS"** means a cannabis plant, fresh cannabis, dried cannabis, cannabis oil, 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 LOUNGE"** means a 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. This use does not include Cannabis Production and Distribution.

**"CANNABIS PRODUCTION AND DISTRIBUTION"** means a development or use involving any one or more of the following as it relates to Cannabis:

- a. the production, cultivation or growth of Cannabis;
- b. the processing of raw materials;
- c. the making, testing, manufacturing, assembling or in any way altering the chemical or physical properties of semi-finished or finished goods and products;

- d. the packing, storage or transportation of materials, goods or products, or;
- e. the distribution or sale of materials, goods or products to Cannabis Retail Stores or to individual customers.

**“CANNABIS RETAIL”** means a retail store licensed by the Province of Alberta where Cannabis is sold, and where the consumption of Cannabis must not occur. This use may include the ancillary retail sale or rental of merchandise but does not include Cannabis Production and Distribution.

2. The Land Use Bylaw is hereby amended by deleting the definitions of “Convenience Food Store”, “Greenhouse/Plant Nursery”, “Home Occupation, Major”, “Home Occupation, Minor”, “Industry/Manufacturing” and “Retail Store”, from Section 9.1 in their entirety, and replacing them with the following in accordance with the alphabetical order of the list:

**“CONVENIENCE FOOD STORE”** means a retail operation that specializes in convenience type items such as groceries, soft drinks and other similar goods. Convenience Food Store does not include Cannabis Retail.

**“GREENHOUSE/PLANT NURSERY”** means a development for the growing, harvesting, storage, and/or selling of plants and may include accessory uses related to the storing, displaying, and selling of related products. Greenhouse/Plant Nursery does not include Cannabis Production and Distribution or Cannabis Retail.

**“HOME OCCUPATION, MAJOR”** means a home occupation use whose scale and type require outdoor storage for materials, mobile equipment or vehicles and may produce nuisances that require regulation. For the purposes of clarification, this includes such uses as the storage of equipment, trucks and related vehicles, trucking operations, construction equipment storage and other similar uses. Home Occupation, Major does not include Cannabis Lounge, Cannabis Retail, or Cannabis Production and Distribution.

**“HOME OCCUPATION, MINOR”** means a home occupation use which does not alter the residential character of the property or negatively affect surrounding residential properties, and is limited to the confines of the residence. For the purposes of clarification, this includes such uses as hairdressing, accounting, cosmetic sales, sewing and other similar uses. Home Occupation, Minor does not include Cannabis Lounge, Cannabis Retail, or Cannabis Production and Distribution.

**“INDUSTRY/MANUFACTURING”** means an industry engaged in:

- (a) the assembly, processing, manufacture, cleaning, testing, repairing, storage or distribution of various materials into a new product;
- (b) the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses, or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible elsewhere; or
- (c) the training of personnel in industrial operations.

Industry/Manufacturing does not include Cannabis Production and Distribution.

**“RETAIL STORE”** means a development used for the retail sale of consumer goods to the public from within an enclosed building. A retail

store shall generally be less than 1,000 m2 (10,800 ft2) in floor area.  
Retail Store does not include Cannabis Retail.

3. Section 92.2 of the Land Use Bylaw is amended to add "Cannabis Retail" to the list of Discretionary Uses in the Central Business District (C-1), in accordance with the alphabetical order of the list.
4. Section 93.2 of the Land Use Bylaw is amended to add "Cannabis Retail" to the list of Discretionary Uses in the Downtown Mixed Use District (C-1A), in accordance with the alphabetical order of the list.
5. Section 95.2 of the Land Use Bylaw is amended to add "Cannabis Retail" to the list of Discretionary Uses in the Highway Commercial District (C-3), in accordance with the alphabetical order of the list.
6. Section 96.2 of the Land Use Bylaw is amended to add "Cannabis Production and Distribution" to the list of Discretionary Uses in the Industrial District (M-1), in accordance with the alphabetical order of the list.
7. Section 97.2 of the Land Use Bylaw is amended to add "Cannabis Production and Distribution" to the list of Discretionary Uses in the Heavy Industrial District (M-2), in accordance with the alphabetical order of the list.
8. If any section, subsection, sentence, clause or phrase of this bylaw, or of the Land Use Bylaw as amended by this bylaw, is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this bylaw or of the Land Use Bylaw as so amended.
9. This Bylaw shall come into force and effect upon the third and final reading of this Bylaw.

INTRODUCED AND READ a first time this 23 day of April, 2018.

PUBLIC HEARING held this 14 day of May, 2018.

READ a second time this 14 day of May, 2018.

READ a third and final time this 14 day of May, 2018.

  
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Mayor

  
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Chief Administrative Officer