

**TOWN OF MILK RIVER
IN THE PROVINCE OF ALBERTA**

BYLAW NO. 1012

BEING a bylaw of the Town of Milk River in the Province of Alberta, to amend Bylaw No.997, being the municipal Land Use Bylaw.

WHEREAS the Council of the Town of Milk River wishes to amend the Land Use Bylaw to regulate retail cannabis sales and cannabis production facilities.

AND WHEREAS the purpose of proposed Bylaw No. 1012 is to classify a retail cannabis store as a discretionary use in the Retail/General Commercial – C-1 land use district and include a set of accompanying use specific standards, rename a medical marihuana production facility as a cannabis production facility and update the accompanying standards, and amend and include applicable definitions.

AND WHEREAS the municipality must prepare an amending bylaw and provide for its consideration at a public hearing.

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta, Chapter M-26, 2000, as amended, the Council of the Town of Milk River in the Province of Alberta duly assembled does hereby enact the following:

1. That Part 2 Land Use Districts and Regulations is amended to include a retail cannabis store as a Type A – Municipal Planning Commission Discretionary Use in the Retail/General Commercial – C1 land use district as follows:

Retail/General Commercial – C1, section (2) Discretionary Uses, Type A – Municipal Planning Commission – *add the use* “Retail cannabis store”

2. That Part 5 Use Specific Development Standards is amended to renumber sections 11 through 14 as 12 through 15, and include standards applicable to a retail cannabis store, inserted as section 11, as follows:

11. RETAIL CANNABIS STORE

- (1) A retail cannabis store shall not be approved if any portion of an exterior wall of the store is located within 100 m (328 ft) of:
 - (a) the boundary of a parcel of land on which a provincial health care facility is located,
 - (b) the boundary of a parcel of land containing a school (public or private), or
 - (c) the boundary of a parcel of land that is designated as school reserve (SR) or municipal and school reserve (MSR) under the *Municipal Government Act*.
- (2) A retail cannabis store shall not be approved if any portion of an exterior wall of the store is located within 100 m (328 ft) of another retail cannabis store (measured to the exterior wall).

- (3) All parking and loading area requirements shall be provided in accordance with Part 7 Off-Street Parking and Loading Area Requirements. The “Retail and service” category in Table 1 – Off-Street Parking Spaces of Part 7, shall be used to calculate off-street parking space requirements for a retail cannabis store.
3. That Part 5 Use Specific Development Standards is amended to renumber sections 3 through 5 as 4 through 6, and section 6 Medical Marihuana Production Facility is renumbered as section 3 and amended as follows (add the text shown in underlined italics; delete the text shown in ~~strikethrough~~):

6 3. MEDICAL MARIHUANA CANNABIS PRODUCTION FACILITY

- (1) A ~~medical marihuana~~ cannabis production facility may only be located on lands designated Direct Control – DC.
- (2) All use specific development standards shall be as specified in the Direct Control – DC bylaw.
- (3) The owner or applicant must provide as a condition of development a copy of the current licence for all activities associated with the cannabis production facility as issued by Health Canada.
- (4) The owner or applicant must obtain any other approval, permit, authorization, consent or licence that may be required to ensure compliance with applicable federal, provincial and other municipal legislation.
- (5) The development must be undertaken in a manner such that all of the processes and functions are fully enclosed within a building, including waste materials.
- (6) The development must include equipment designed and intended to remove odours from the air where it is discharged from the building as part of the ventilation system.
- (7) A public utility and waste management plan shall be submitted with the redesignation application that describes:
- (a) estimated volume of monthly water usage;
 - (b) incineration of waste products and airborne emissions, including smell;
 - (c) the quantity and characteristics of liquid and waste material discharged by the facility; and
 - (d) the method and location of collection and disposal of liquid and waste material.
4. That the term “Retail cannabis store” is added to Part 8 Definitions and defined as follows:
- Retail cannabis store** means a development involving the use of a building where cannabis and cannabis accessories, licensed by the Province of Alberta, are offered for sale to individuals who attend the premises for off-site consumption, and may include storage within the premises of cannabis and cannabis accessories sufficient only to service such a store.
5. That the term “Cannabis” and “Cannabis accessories” are added to Part 8 Definitions and defined as follows:

Cannabis means cannabis as defined in the in the *Cannabis Act* (Canada) and its regulations, as amended from time to time.

Cannabis accessory means cannabis accessory as defined in the *Cannabis Act* (Canada) and its regulations, as amended from time to time.

6. That the term "Provincial health care facility" is added to Part 8 Definitions and defined as follows:

Provincial health care facility means a hospital as defined in the *Hospitals Act*.

7. That the following definitions in Part 8 Definitions are amended as follows (add the text shown in underlined italics; delete the text shown in ~~strikethrough~~):

Home occupation means an occupation, trade, profession or craft carried on by an occupant of a residential building as a secondary use to the residential use of the building and does not change the character of the building or lot. See Part 5, section 5 for definitions of Home occupation A and Home occupation B. This use does not include sale of cannabis and cannabis accessories, which is classified as a "Retail cannabis store".

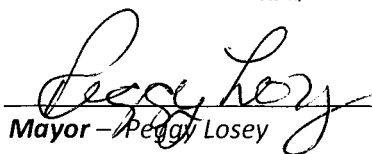
Intensive horticulture means a development involving the use of land or buildings for the high yield production of specialty crops and may include on-site sales. This use includes greenhouses, hydroponic or market gardens, fish farms, mushroom and sod farms. ~~Medical marijuana production facilities are not included in this definition.~~ This use does not include production of cannabis.

~~Medical marijuana~~ **Cannabis production facility** means a development where ~~medical marijuana~~ federally licensed cannabis is grown, processed, packaged, tested, researched, destroyed, stored, and or loaded for shipping. A ~~medical marijuana~~ cannabis production facility may only be located on lands designated Direct Control – DC.

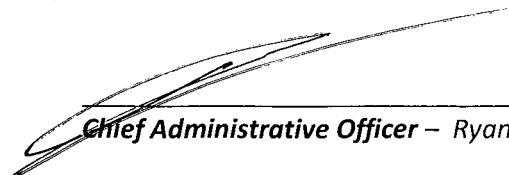
Retail sales outlets refer to uses involved in selling small quantities of goods or commodities for personal or household consumption, e.g., grocery store, hardware store, restaurant. This use does not include sale of cannabis and cannabis accessories, which is classified as a "Retail cannabis store".

8. That the Table of Contents of Bylaw No. 997 is updated accordingly.
9. Bylaw No. 997 is hereby amended and a consolidated version reflecting the amendment is authorized to be prepared, including formatting, page numbering and any necessary section numbering throughout.
10. This bylaw shall come into effect upon third and final reading hereof.

READ a first time this 11th day of June, 2018.



Mayor – Peggy Losey



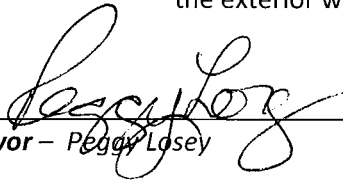
Chief Administrative Officer – Ryan Leuzinger

READ a **second** time this 13th day of August, 2018, as amended.

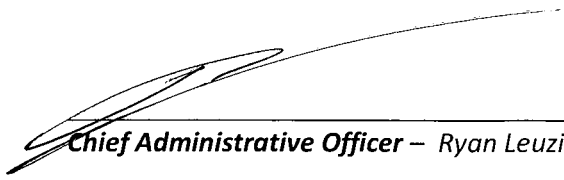
That Part 5, section 11(2) is amended to increase the minimum setback between retail cannabis stores from 100 metres to 300 metres to read as follows:

11. RETAIL CANNABIS STORE

- (2) A retail cannabis store shall not be approved if any portion of an exterior wall of the store is located within 300 m (984 ft) of another retail cannabis store (measured to the exterior wall).

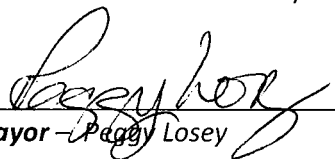


Mayor – Peggy Losey

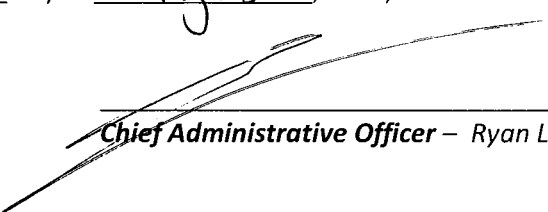


Chief Administrative Officer – Ryan Leuzinger

READ a **third** time and finally PASSED this 13th day of August, 2018, as amended.



Mayor – Peggy Losey



Chief Administrative Officer – Ryan Leuzinger

In accordance with section 692(6) of the Municipal Government Act, the following clerical error in section 7 of Bylaw No. 1012, which is deemed to not materially affect the bylaw in principle or substance, is corrected:

Delete the reference to “Retail sales outlets” and the accompanying definition:

Retail sales outlets refer to uses involved in selling small quantities of goods or commodities for personal or household consumption, e.g., grocery store, hardware store, restaurant. *This use does not include sale of cannabis and cannabis accessories, which is classified as a “Retail cannabis store”.*

And replace with the correct reference to “Retail outlet” and its definition:

Retail outlet means a building where goods, wares, merchandise, substances, articles or things are stored, offered or kept for sale at retail, and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, articles or things, sufficient only to service such a store. *This use does not include sale of cannabis and cannabis accessories, which is classified as a “Retail cannabis store”.*