

VILLAGE OF INNISFREE

BYLAW No. 646-20

BEING A BYLAW OF THE VILLAGE OF INNISFREE, IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING LAND USE BYLAW #628-17

WHEREAS the Municipal Government Act, R.S.A. 2000, c. M-26, as amended ("the Act") provides that a Municipal Council may amend its Land Use Bylaw;

AND WHEREAS the Council of the Village of Innisfree wishes to amend its Land Use Bylaw 628-17 as it affects certain lands;

NOW THEREFORE the Council of the Village of Innisfree, duly assembled, enacts as follows:

(1) Bylaw #628-17, the Village of Innisfree Land Use Bylaw, as amended, is hereby further amended as follows:

a. **Section 1.3** revised by deleting the definitions for Entertainment Establishment; Greenhouse; Health Service; Home Occupation and Hotel; in their entirety.

b. **Section 1.3** is further revised by inserting the following definitions in alphabetical order:

Agriculture, Extensive means the use of large areas of land to raise crops or livestock either separately or in conjunction with one another and includes buildings and other structures incidental to the operations and **may include the outdoor cultivation of industrial hemp, Cannabis Production and Distribution,**

Agriculture, Intensive means the use of proportionately small areas of land to raise crops or livestock, poultry, or other animals, or their products for market and includes buildings and other structures incidental to the operations. **This use does not include Cannabis Production and Distribution or Industrial Hemp Production and Distribution Facilities,**

Alcohol Retail Sales means an establishment or that part of an establishment possessing a Class D liquor license which is used for the retail sales of any and all types of alcoholic beverages to the public for consumption off premises. This use may include, as well as the sale of alcohol, the retail sales of related products such as soft drinks and snack foods. **This does not include Cannabis Retail Sales,**

Bar and Neighbourhood Pub means the use of a building, or a portion of a building, for the sale of alcoholic beverages to the public for consumption within the premises; bars and neighbourhood pubs typically have a limited menu and minors are prohibited from the establishment; typical uses include neighbourhood pubs, bars, beverage rooms, and cocktail lounges. **This use does not include a Cannabis Lounge,**

Cannabis means cannabis as defined in the *Cannabis Act*, S.C. 2018, c. 16, as amended, or replaced.

A. Cannabis includes:

- i. 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;
- ii. Any substance or mixture of substances that contains or has on it any part of such a plant;
- iii. Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

B. Cannabis does not include:

- i. a non-viable seed of a cannabis plant;
- ii. a mature stalk (without leaves, flowers, seeds, or branches) of a cannabis plant;
- iii. fibre derived from a mature cannabis stalk as referred to in subsection (ii), above;

- iv. the root or any part of the root of a cannabis plant;
- v. industrial hemp;

Cannabis, medical means cannabis that is obtained for medical purposes in accordance with applicable federal law,

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 Accessory Retail Sales means a retail outlet which specializes in the sale of cannabis accessories, drug paraphernalia related to consumption of cannabis, other recreational drugs, and new age herbs, as well as counterculture art, magazines, music, clothing and home décor. This does not include cannabis retail sales or cannabis production and distribution,

Cannabis Lounge means a development where the primary purpose of the facility is the sale of cannabis to the eligible 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 used principally for one or more of the following activities relating to cannabis:

- The licenced production, cultivation, and growth of cannabis;
- The licenced processing of raw materials;
- The licenced making, testing, manufacturing, assembling, or in any way altering the chemical or physical properties of semi-finished or finished cannabis goods or products;
- The licenced storage or shipping of materials, goods, or products, or;
- The licenced distribution and wholesale of materials, goods, and products to cannabis retail sales stores,

Cannabis Retail Sales means a licenced development used for the retail sales of cannabis that is authorized by provincial or federal legislation. This use may include retail sales of cannabis accessories, as defined in the *Cannabis Act*, S.C. 2018, c. 16, as amended or replaced. This use does not include cannabis production and distribution,

Club or Lodge means a building or a part of a building used as the premises of a social, cultural or entertainment organization, the use of which is open to the public, **but does not include a cannabis lounge,**

Club or Lodge, Private means a building or a part of a building used as the premises of a social, cultural or entertainment organization which is characterized by private and exclusive membership,

Convenience Retail Store means a retail store that has a limited quantity of food and consumer products, is small in size, and has extended hours of operation. **This use does not include Cannabis Retail Sales,**

Entertainment Establishment means a premises or a business establishment providing entertainment where the majority of patrons are seated and where food or beverage may be offered for sale as an ancillary use, typical uses include theatres, dinner theatres and comedy clubs, but does not include **a Cannabis Lounge,**

Farmer's Market means development used for sale of goods by multiple vendors renting tables or spaces in an enclosed building; vendors may vary from day to day, although the general layout of space to be rented remains the same; the goods sold are generally household items, crafts, food products or concessions, plants, clothing and furniture. **This use does not include Cannabis Retail Sales,**

Garden Centre means a building, a structure, and lands associated therewith, for the sale of plants, shrubs, trees or similar vegetation together with gardening tools and implements which are sold at retail from such building or lot to the general public. **This use does not include Cannabis Production and Distribution,**

Greenhouse means a building or structure intended for the cultivation of plants, shrubs and trees and is not a retail operation. **This use does not include Cannabis Production and Distribution;**

Health Services means the use of a building, or a portion of a building, for supplying physical and mental health services on an out-patient basis; typical uses include medical and dental offices, clinics, and counselling services, **and medical cannabis clinics,**

Home Occupation means any occupation trade, profession, or craft carried out by an occupant of a residential building as a use secondary to the residential use of the building, and which does not change the character thereof or have any exterior evidence of such secondary use other than a small name plate, not exceeding 0.2 metres in area. A home occupation does not include the keeping of a stock in trade, **Cannabis Production and Distribution, Cannabis Retail Sales**, or the employment of more than one paid assistant other than the occupant and the occupant's family,

Hotel means an establishment used primarily for sleeping accommodations provided for a fee on a daily basis, accessible only through a central lobby with on site parking; the building may also contain accessory commercial, and food and beverage service uses, **but shall not include a Cannabis Lounge or Cannabis Retail Sales**,

Industrial Hemp means a cannabis plant – or any part of that plant – in which the concentration of THC is 0.3% w/w or less in the flowering heads and leaves, as defined in *Industrial Hemp Regulations*, SOR/2018-145, as amended or replaced,

Industrial Hemp Production and Distribution Facility means the use of land, buildings or structures licensed and/or authorized to process, sell, provide, ship, deliver, transport, destroy, export and/or import industrial hemp, including indoor production and related research, under the *Industrial Hemp Regulations*, SOR/2018-145, as amended or replaced. This use does not include: cannabis retail sales establishments, cannabis production and distribution, or the outdoor cultivation of industrial hemp,

Manufacturing means the use of land, buildings or structures for the purpose of assembly, making, preparing, inspecting, finishing, treating, altering, repairing, storing or adapting for sale of any goods, substance, article, thing or service, **and may include medium or large scale Cannabis Production and Distribution and a medium or large scale Industrial Hemp Production and Distribution Facility**,

Manufacturing, Light means the limited range of manufacturing activities which do not involve the use of large scale industrial equipment or operations **and may include small scale Cannabis Production and Distribution or a small scale Industrial Hemp Production and Distribution Facility**,

Recreation Facility, Indoor means facilities which are available to the public for sports and active recreation conducted indoors; typical uses include athletic clubs, health and fitness clubs, curling, roller skating and hockey rinks, public swimming pools, bowling alleys, racquet clubs, arenas, and billiard halls. **This use does not include a Cannabis Lounge**,

Restaurant, Fast Food means an establishment that includes the preparation and sale of food for consumption on the premises or by take-out, is not licensed by the Alberta Gaming, Liquor, and Cannabis Commission, does not provide entertainment, and usually incorporates a drive through window. **This use does not include a Cannabis Lounge**,

Restaurant, Major means an establishment that is equipped with a full kitchen and preparation area and provides prepared foods and beverages for consumption on the premises or by take-out, that is licensed by the Alberta Gaming, Liquor, and Cannabis Commission, and that does not prohibit minors from any portion of the establishment. **This use does not include a Cannabis Lounge**,

Restaurant, Minor means as establishment that provides limited types of food and beverage for consumption on the premises or by take-out, that is not licensed by the Alberta Gaming, Liquor, and Cannabis Commission, and that typically relies on walk-in clientele; typical uses include coffee, donut, bagel, sandwich, ice cream and dessert shops. **This use does not include a Cannabis Lounge**,

Retail Store means a building, or part of a building, where goods, wares, merchandise, substances, articles or things are stored and are for sale at retail price and includes storage on the premises of limited quantities of such goods, wares, merchandise, substances, articles, or things sufficient only to service such store but does not include **Alcohol Retail Sales, Cannabis Retail Sales** or any retail outlet otherwise defined in this Bylaw,

- c. **PART 3 – ADMINISTRATIVE** – is hereby amended by inserting the following parts after **Section 3.1.1**:

“3.1.2 In addition to the information requirements indicated in **Section 3.1.1**, the Development Authority may require an applicant for a subdivision or development permit for **Cannabis Production and Distribution** to submit any or all of the following information, prepared by a qualified professional, with the application:

- (a) Waste Management Plan;
- (b) Environmental Assessment;
- (c) Traffic Impact Assessment;
- (d) Water/Wastewater Report;
- (e) Storm Water Management Plan; and/or
- (f) Any additional study or assessment necessary to address specific concerns at the discretion of the Subdivision or Development Authority.”

“3.1.3 In addition to the information requirements indicated in **Section 3.1.2**, the Development Authority or Subdivision Authority shall require an applicant for subdivision or a development permit for **Cannabis Retail Sales**, to include with the application the following information:

- (a) a map identifying the distance from the proposed development to all property boundaries of:
 - (i) buildings containing a school or a boundary of a parcel of land on which a school is located;
 - (ii) parcels of land that are designated as School Reserve or Municipal and School Reserve under the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended;
 - (iii) provincial health care facilities or the boundary of a parcel of land on which the facilities are located; and
 - (iv) any other development or land use required by the Alberta Gaming, Liquor, and Cannabis Commission;”

“3.1.4 In addition to the information requirements indicated in **Section 3.1.3**, the Development Authority or Subdivision Authority may require an applicant for subdivision or a development permit for the development of an **Industrial Hemp Production and Distribution Facility** to provide the following information, prepared by a qualified professional, with the application:

- (a) Waste Management Plan;
- (b) Environmental Assessment;
- (c) Traffic Impact Assessment;
- (d) Water/Wastewater Report;
- (e) Storm Water Management Plan; and
- (f) Any additional study or assessment necessary to address specific concerns identified by the Development Authority and/or Subdivision Authority in the course of their review of the application.”

- d. **PART 9.10 – CANNABIS PRODUCTION AND DISTRIBUTION** – is hereby amended by inserting the following sections after Section 9.9.4:

“(1) Special Requirements for Cannabis Production and Distribution

Regulations within this section apply to the production and development of licensed cannabis for medical and non-medical purposes.

- (a) Cannabis production and distribution developments shall not be permitted unless all applicable licensing and approvals have been provided by the provincial and federal governments.
- (b) A copy of the current license(s) and/or approvals for a proposed cannabis production and distribution development, as issued by the provincial and/or federal government, shall be provided to the Development Authority with the development permit application or as a condition of development permit approval.
- (c) The design of buildings on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.
- (d) Hours of operation may be restricted as a condition of the development permit issued by Development Authority.

- (e) The illumination of parking areas, walkways, signs, and other structures associated with cannabis production and distribution development shall be arranged to meet the requirements under municipal, provincial and federal regulations.
- (f) The minimum required lot size shall be at the discretion of the Development Authority.
- (g) Parking and loading requirements for cannabis production and distribution developments shall be provided based on the requirements for an industrial use in **Section 9.4** of this Bylaw, and any applicable requirements in provincial and federal regulations, as amended.
- (h) Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
- (i) Applications for subdivision of land for this use may be required to include the information required by the Development Authority in **Section 4.1**.
- (j) Landscaping requirements shall be at the discretion of the Development Authority.
- (k) On site buffering measures may be required for all cannabis production and distribution facilities. Buffers may include a combination of: setbacks, landscaping, and fencing to mitigate the impacts on adjacent lots.
- (l) The minimum required setback from any watercourse or water body shall be 30.0 m (98.0 ft.).
- (m) The development shall be designed to minimize any exposure or disturbance to the surrounding area including, but not limited to, dust, pollution, noise, odour, or any other related land use nuisance effects.
- (n) A building or structure used for security purposes for a cannabis production and distribution development may be located in the front yard and must comply with the required minimum setbacks in the applicable district.
- (o) No outdoor storage of goods, material, or supplies shall be permitted.
- (p) Cannabis production and distribution developments shall meet security and premises requirements as required under provincial and federal legislation.
- (q) All activities related to the cannabis production and distribution shall occur within fully enclosed stand-alone building(s), including but not limited to loading, receiving, and shipping of cannabis and any other goods, materials, and supplies.”

“(2) Special Requirements for Cannabis Retail Sales Establishments

- (a) Cannabis retail sales developments shall not be permitted unless all applicable licensing and approvals have been provided by the provincial and federal governments.
- (b) A copy of the current license(s) and/or approvals for a proposed cannabis retail sales development, as issued by the provincial and/or federal government, shall be provided to the Development Authority with the development permit application or as a condition of development permit approval.
- (c) The design of buildings on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.
- (d) Hours of operation may be restricted as a condition of the development permit issued by Development Authority.
- (e) The illumination of parking areas, walkways, signs, and other structures associated with cannabis production and distribution development shall be arranged to meet the requirements under municipal, provincial and federal regulations.
- (f) The minimum required lot size shall be at the discretion of the Development Authority.
- (g) Parking and loading requirements for cannabis retail sales shall be provided based on the requirements for a commercial use in **Section 9.4 and 9.5** of this Bylaw,

and any applicable requirements in provincial and federal regulations, as amended.

- (h) Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
- (i) Applications for subdivision of land for this use may be required to include the information required by the Development Authority in **Section 4.1**.
- (j) Landscaping requirements shall be at the discretion of the Development Authority.
- (k) No outdoor storage of goods, material, or supplies shall be permitted.
- (l) Cannabis retail sales developments shall meet security and premises requirements as required under provincial and federal legislation.
- (m) Cannabis retail sales establishments, as defined in this Bylaw, shall be prohibited from locating within 100.0 m (328.1 ft.) of a public education facility, a provincial health care facility, or a parcel of land that is designated School Reserve, or Municipal and School Reserve.
- (n) A public education facility, a provincial health care facility, or a parcel of land that is designated as School Reserve, or Municipal and School Reserve shall not be approved within 100.0 m (328.1 ft.) of an approved cannabis retail sales establishment.
- (o) The separation distance between the cannabis retail sales establishment and the uses listed in **Section 2(m)** and **2(n)** shall be determined by measuring a straight line from the outer wall of the proposed cannabis retail sales establishment to the closest point on the lot containing the sensitive use.”

“(3) Special Requirements for Industrial Hemp Production & Distribution Facility

- (a) Industrial hemp production and distribution facilities shall not be permitted unless all applicable licensing and approvals have been provided by the provincial and federal governments.
- (b) A copy of the current license(s) and/or approvals for a proposed industrial hemp production and distribution facility, as issued by the federal government, shall be provided to the Development Authority with the development permit application or as a condition of development permit approval.
- (c) The design of buildings on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.
- (d) Hours of operation may be restricted as a condition of the development permit issued by Development Authority.
- (e) The illumination of parking areas, walkways, signs, and other structures associated with industrial hemp production and distribution development shall be arranged to meet the requirements under municipal, provincial and federal regulations.
- (f) The minimum required lot size shall be at the discretion of the Development Authority.
- (g) Parking and loading requirements for an industrial hemp production and distribution facility shall be provided based on the requirements for an industrial use in **Section 9.4 and 9.5** of this Bylaw, and any applicable requirements in provincial and federal regulations, as amended.
- (h) Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
- (i) Applications for subdivision of land for this use may be required to include the information required by the Development Authority in **Section 4.1**.
- (j) Landscaping requirements shall be at the discretion of the Development Authority.
- (k) On site buffering measures may be required for all industrial hemp production and distribution facilities. Buffers may include a combination of: setbacks, landscaping, and fencing to mitigate the impacts on adjacent lots.

- (l) Minimum setback from any watercourse or water body shall be 30.0 m (98.0 ft.).
 - (m) The development shall be designed to minimize any exposure or disturbance to the surrounding area including, but not limited to, dust, pollution, noise, odour, or any other related land use nuisance effects.
 - (n) A building or structure used for security purposes for a hemp production and distribution facility may be located in the front yard and must comply with the required minimum setbacks in the applicable district.”
- e. **Section 6.4.2** – Central Business District Commercial (C1) is revised by inserting the following Permitted Uses in alphabetical order:
Alcohol Retail Sales;
Cannabis Accessory Retail Sales; and
Cannabis Retail Sales;
- f. **Section 9.5.2** – Regional Commercial District (C2) is revised by inserting the following Permitted Uses in alphabetical order:
Alcohol Retail Sales;
Cannabis Accessory Retail Sales; and
Cannabis Retail Sales;
- g. **Section 9.7.3** – Industrial Business Park District (IB-1) is revised by inserting the following Discretionary Uses in alphabetical order:
Cannabis Production and Distribution; and
Industrial Hemp Production and Distribution Facility;

READ a first time this ____ day of _____, 2020.

PUBLIC HEARING held on this ____ day of _____, 2020.

READ a Second time this ____ day of _____, 2020.

READ a Third time this ____ day of _____, 2020.

MAYOR

CHIEF ADMINISTRATIVE OFFICER