Village of Spring Lake
Bylaw No. 366

A BYLAW OF THE VILLAGE OF SPRING LAKE IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF AMENDING LAND USE BYLAW #325.

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

WHEREAS the Council for the Village of Spring Lake wishes to amend its Land Use Bylaw as it affects the use of Cannabis within the Village;

NOW THEREFORE, the Council of the Village of Spring Lake, duly assembled, and pursuant to the authority conferred upon it by the *Municipal Government Act,* R.S.A. 2000, c. M-26, as amended, enacts as follows:

1. **Bylaw #325,** the Land Use Bylaw of the Village of Spring Lake, as amended, is further amended as follows:

a) **PART ONE – GENERAL is amended as follows:**

i. **1.5 Interpretations** is revised by adding the following definitions:

"agricultural and natural resource development uses"

A. **Rural Farms** - means development for the primary production of farm products such as: dairy products; poultry products; cattle, hogs, sheep and other animals; wheat or other grains; and vegetables or other field crops in rural and peri-urban areas. This does not include Cannabis Production and Distribution, unless operating pursuant to a registration certificate issued by the Federal Government for personal production or designated personal production for medical cannabis.

B. **Urban Indoor Farms** – means the cultivation and harvesting of plant and/or animal products primarily within enclosed buildings for the primary purpose of wholesale or retail sales. Accessory activities may include on-site sales, composting of plants grown on-site, outdoor storage, and food packaging and processing. Typical activities include vertical farms, hydroponic systems and aquaponics systems. This use does not include Livestock Operations, Rural Farms, Recreational Acreage Farms, Urban Outdoor Agriculture, Urban Gardens, or Cannabis Production and Distribution, unless operating pursuant to a registration certificate issued by the Federal Government for personal production or designated personal production for medical cannabis.

C. **Urban Outdoor Farms** – means the cultivation and harvesting of plant and/or animal products in urban areas, primarily as an interim use on idle or under-used land for the primary purpose of wholesale or retail sales. Cultivation and harvesting may occur within unenclosed structures primarily lit by natural light and used for the extension of the growing season, such as cold frames and greenhouses. Accessory structures may include those used for the operation of the site. Accessory activities may include on-site sales, composting of plants grown on-site, or outdoor storage. This use does not include Livestock Operations, Rural Farms, Urban Gardens, or Cannabis Production and Distribution, unless operating pursuant to a registration certificate issued by the Federal Government for personal production or designated personal production for medical cannabis.

D. **Urban Gardens** – means the cultivation and harvesting of plant and/or animal products in urban areas for the primary purpose of beautification, education, recreation, or social or community programming. Accessory buildings or structures may include those used for the operation of the site and the extension of the growing season, such as cold frames and greenhouses. On-site sales and processing of plants or animal products are prohibited. Accessory activities may include outdoor storage or composting of plants grown on-site. Typical activities include community gardens. This use does not include Livestock Operations, Rural Farms, Recreational Acreage Farms, Urban Indoor Farms, Urban Outdoor Farms, or Cannabis Production and Distribution, unless operating pursuant to a registration certificate issued by the Federal Government for personal production or designated personal production for medical cannabis.

"cannabis" - means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the *Cannabis Act* and its regulations, as amended from time to time and includes edible products that contain cannabis.

"cannabis consumption facility" - means a development, or any part thereof, licensed to sell cannabis to the public for consumption within the premises.

"cannabis retail sales" - means a retail store licensed by the Province of Alberta where Cannabis and Cannabis Accessories are sold to individuals who attend the premises.

"cannabis production and distribution" - means a development in a stand-alone building used principally for one or more of the following activities as it relates to Cannabis:

- the production, cultivation, and growing of Cannabis;
- the processing of raw materials;
- the making, testing, manufacturing, assembling, destruction or in any way altering the chemical or physical properties of semi-finished or finished goods or products;
- the storage or trans-shipping of materials, goods, and products; or
- the distribution and sale of materials, goods, and products to Cannabis Retail stores.

Medical Cannabis Production and Distribution Facilities shall not include storefront retail sales.

"education service" – means the assembly for education, training, or instruction.

"greenhouse" – means the growing, storage and basic processing of fruits, vegetables, household and ornamental plants, and may include the sales or their products or by-products. This use does not include cannabis grown for medical or recreational purposes.

"outdoor eating establishment" - means a commercial development where food and beverages are prepared and served for consumption on-site by the public either outside or inside the confines of the establishment. This use does not include a Cannabis Consumption Facility.

"retail establishment or retail store" - means a development used for the retail sale of a wide variety of consumer goods including the following and such similar uses as, groceries and beverages, electronic goods, furniture and appliances, hardware and home improvement supplies, household goods, printed matter, confectionary, pharmaceutical and personal care items, office supplies, stationary, etc. This use does not include Cannabis Retail Sales.

"retail store, drug paraphernalia" – means a development used for the retail sale of any product, equipment, thing or material of any kind primarily used or intended to be primarily used to produce, process, package, store, inject, ingest, inhale or otherwise introduce into the human body a controlled substance as defined in the Controlled Drugs and Substances Act, R.S.C. This Land Use does not include: a licensed pharmacy under Section 5 of the Pharmacy and Drug Act, R.S.A. 2000, c P-13; a medical practice, operated by a physician, dentist or pharmacist as defined in the Health Professions Act, R.S.A., c. H-7; or a veterinary practice, as defined in the Veterinary Profession Act, R.S.A. 2000, c. V-2.

ii. **1.5 Interpretations** is revised by removing the following definition:

"retail store"

b) **PART THREE – DEVELOPMENT PERMITS, RULES AND PROCEDURES is amended as follows:**

i. **3.4 Permission for Development** is revised by adding the following:

(19) The Development Authority shall determine the process for submitting, receiving, determining the completeness, and reviewing development permit applications for Cannabis Retail Sales and Cannabis Production and Distribution Facility.

c) **PART SIX – GENERAL PROVISIONS is amended as follows:**

i. **6.19 Home Occupations** is revised by adding the following:

3(j) This use does not include either a Cannabis Retail Store or a Cannabis Production and Distribution Facility.

d) **PART SIX – GENERAL PROVISIONS is amended by adding the follow sections and regulations:**

i. **6.30 Cannabis Retail Sales**

(1) Any site containing a Cannabis Retail Sales shall not be located less than 100 metres (328 feet) from any site being used as a public or private education services or a provincial health care facility at the time of the application for the Development Permit for the Cannabis Retail Sales. For the purposes of this subsection only:

a. the 100 metres (328 feet) separation distance shall be measured from the closest point of the subject site boundary to the closest point of another site boundary, and shall not be measured from the district boundaries or from the edges of the structures;
b. the term "public or private education services" is limited to early childhood education, elementary through high schools inclusively only, and does not include dance schools, driving schools or other commercial schools.

(2) Notwithstanding Section 3.4.9 of this Bylaw, a Development Authority shall not grant a variance to subsections 6.30(1)a or 6.30(1)b.

(3) The Development Authority may require lighting, signage, landscaping or screening measures that ensure the proposed development is compatible with adjacent or nearby residential, commercial, industrial or community services uses.

(4) Prior to the issuance of a development permit, the Development Authority may conduct a site assessment, taking into account land use impacts including, but not limited to, exterior illumination, landscaping, screens, signs and access.

(5) The Development Authority shall impose a condition on any development issued for Cannabis Retail Sales requiring that the development:

a. shall not commence until authorized by and compliant with all federal and provincial legislation; and
b. must commence within six (6) months of the date of approval of the development permit.

(6) For the purposes of Section 6.30(5)b, development commences when the Cannabis Retail Sales Use is established and/or begins operation.

ii. **6.31 CANNABIS PRODUCTION AND DISTRIBUTION FACILITY**

(1) Any site containing a Cannabis Production and Distribution Facility shall not be located within the following Land Use Districts under the Village of Spring Lake Land Use Bylaw #325, as amended:

i. Residential (Single Family (Class A)) District – R1A
ii. Residential (Single Family (Class B)) District – R1B
iii. Residential (Single Family (Class C)) District – R1C
iv. Residential (Single Family (Class D)) District – R1D
v. Commercial (Office, Retail and Service) District - C1
vi. Commercial Recreation District – CR
vii. Urban Services District – US
viii. Parks and Recreation District – P
ix. Urban Reserve District – UR

(2) For the purposes of this subsection only, the owner or applicant shall provide as a condition of development permit a copy of the current license and all subsequent license renewals for all activities associated with medical cannabis production issued by Health Canada.

(3) The owner or applicant shall obtain any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or municipal legislation.

(4) All processes and functions of the development shall be fully enclosed within a stand-alone building, including but not limited to all loading spaces and docks, garbage containers, storage and waste material.

(5) The development shall be a singular use and shall not be operated in conjunction with any other uses.

(6) The development shall include equipment designed and intended to remove odours from the air where it is discharged from the building as part of a ventilation system.

(7) The development shall be located a minimum of 100 metres (328 feet) away from any residential district.

(8) The Development Authority may require, as a condition of development permit approval, a waste management plan, completed by a qualified professional that details:
   a. the incineration of waste products and airborne emissions, including odours;
   b. the quantity and characteristics of liquid waste material discharged by the facility; and
   c. the method and location of collection and disposal of liquid and waste material.

(9) The minimum number of parking stalls shall be based on the requirements for a single industrial use as per Section 6.11.

(10) Fencing on the site shall be required, subject to the provisions of Section 6.5.

(11) Notwithstanding the provisions of Section 6.26 Signs, no sign shall be displayed on the site that identifies the use.

(12) The development may be subject to periodic inspections to ensure compliance with the Land Use Bylaw and the approved development permit and all other applicable Bylaws of the Village of Spring Lake.

e) **PART SEVEN – DISTRICTS REGULATIONS is amended as follows:**

i. That the following uses be added:

- Cannabis Retail Sales in the Commercial (Office, Retail and Service) District - C1 as a Discretionary Use.

If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed from the document and the remainder of the Bylaw is deemed to remain valid.

This Bylaw comes into force and take effect upon the date of the final reading thereof and signed in accordance with the *Municipal Government Act* and the earlier or later proclamation of both:

a. Bill C-45 of the House of Commons of Canada; and
b. Bill 26 of the Alberta Legislature.

READ A FIRST TIME this 11th day of September A.D., 2018.

Jason Sheu
Mayor

Emily Kwan
CAO

READ A SECOND TIME this 9th day of October, A.D., 2018.

Mayor

CAO

READ A THIRD TIME this 9th day of October, A.D., 2018.

Mayor

CAO