

**TOWN OF THORSBY**  
**BYLAW 2019-05**

**BEING A BYLAW TO AMEND BYLAW 2017-02 LAND USE BYLAW**

**WHEREAS** in accordance with the Municipal Government Act, Statutes of Alberta, 2000 Chapter M-26, Part 17, Division 5 Section 639 the Municipal Council of the Town of Thorsby has adopted a Land Use Bylaw 2017-02 and

**WHEREAS** the Council deems it to be in the public interest to amend Land Use Bylaw 2017-02: and

**NOW THEREFORE** the Council of the Town of Thorsby duly assembled hereby enacts as follows:

**THAT** Land Use Bylaw 2017-02 of the Town of Thorsby be amended by:

**2.2 DEFINITIONS**

- (24 a) **“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.
- (24b) **“Cannabis Accessory”** means a thing, including rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers, that is represented to be used in the consumption of cannabis or a thing that is represented to be used in the production of cannabis, if the thing is sold at the same point of sale as cannabis.
- (24c) **“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.
- (24d) **“Cannabis production and distribution facility”** means development in a stand-alone building used principally for one or more of the following activities as it relates to Cannabis:
- production, cultivation and grown of Cannabis
  - The processing of raw materials
  - The making, testing, manufacturing, assembling or in any way altering the chemical or physical properties of semi-finished or finished goods or products;
  - The storage or trans-shipping materials, goods and product’ 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
- (24e) **“Cannabis plant”** means a plant that belongs to the genus Cannabis.
- (63a) **“Health Care facility”** means a AHS hospital, AHS clinic or a Canadian licensed medical practitioners office
- (114a) **“Playground structure”** public playground structure is limited to playgrounds that are located in municipally parks or recreation areas, and may include playground equipment/structures, bike tracks, skateboard parks, spray parks and outdoor fitness equipment installations.

## **PART 9 – SPECIFIC USE REGULATIONS**

Addition:

### **9.1(A) CANNABIS PRODUCTION AND DISTRIBUTION SYSTEMS**

- (1) A development permit is required.
- (2) A cannabis production and distribution facility shall operate under applicable federal/provincial legislation and regulation. Annual proof of valid licensing and the activities as approved thereunder shall be provided to the Town.
- (3) Cannabis Production and distribution facilities shall meet the minimum separation distance of 300m from residential parcel, Alberta Health Services facility, school property or childcare site facility.
  - (a) The minimum separation distance shall be established by measuring the shortest distance between the property lines of a residential parcel and a cannabis production and distribution facility parcel.
- (4) All licensed processes and functions shall be fully enclosed within a standalone building(s).
- (5) No odour, smoke or air borne particles inherent to the nature of operations shall be determinable beyond the legal boundaries of the parcel.
- (6) An applicant shall demonstrate the ability to comply with municipal water allotments or prove a licensed source of water. Water modeling may be required.
- (7) Landscaping and screening shall be completed to the satisfaction of the Development Authority.
- (8) The Development Authority may impose the following conditions pertaining to a cannabis production and distribution system:
  - (a) setbacks from roads, residential uses, and other developments;
  - (b) delivery route requirements and location of access to the lands; and
  - (c) provision of a waste management plan completed by a qualified environmental engineering professional that includes detail on:
    - (i) the incineration of waste products and airborne emissions, including smell;
    - (ii) the quantity and characteristics of liquid and waste material discharged by the facility; and
    - (iii) the method and location of collection and disposal of liquid and waste material.
- (9) Portable Storage Container(s) as an Accessory Building shall only be allowed in land use districts where they are listed as a permitted or discretionary use and after approval of any required development permit submissions have been approved by the development authority.
- (10) The exterior finish should match or compliment the exterior finish of the principal building or be screened from view to the satisfaction of the Development Authority.

### **9.1 (B) CANNABIS RETAIL STORES**

- (1) A development permit is required.
- (2) The location must be minimum of 100m from any school, Health Care facility and playground structures; or as may be amended under federal or provincial legislation.

- (3) The 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 edge of the structures.
- (4) The location must be 100m from a child care facility that is already in place at the time of the application. If future day care applies for a permit after the approval of the cannabis retail store, it will not affect the approved cannabis retail sales location.
- (5) Only cannabis and cannabis related accessories can be sold at the business
- (6) There is no right to appeal any variations of the distances listed above.
- (7) The owner shall obtain any other approval, permit authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or municipal legislation. Annual proof of valid permit authorization, consent or licensing and the activities as approved thereunder shall be provided to the Town.
- (8) The development may be subject to periodic inspections to ensure compliance with the Land Use Bylaw and the approved development permit and the bylaws of the Town of Thorsby

**Figure 9.1(B) 1** displays the map showing area in C1 Commercial where cannabis sales **may not** be located



## 12.8 CENTRAL COMMERCIAL (C1)

**Table 12.8.1**

To be amended to include under Discretionary Uses

- Cannabis Retail Store

READ A FIRST TIME THIS 12th DAY OF February, 2019

READ A SECOND TIME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019

READ A THIRD TIME AND PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019

\_\_\_\_\_  
Rod Raymond, Mayor

\_\_\_\_\_  
Christine Burke, Town Manager

\_\_\_\_\_  
Date Adopted

DRAFT