

**TOWN OF TOFIELD
BYLAW 1290**

**BEING A BYLAW OF THE TOWN OF TOFIELD IN THE PROVINCE OF ALBERTA,
FOR THE PURPOSE OF AMENDING BYLAW NO. 1222, AS AMENDED, BEING
THE LAND USE BYLAW.**

WHEREAS it is deemed advisable to amend the Land Use Bylaw;

NOW THEREFORE, the Council of the Town of Tofield, duly assembled, pursuant to the authority conferred upon in by the *Municipal Government Act, R.S.A. 2000, C. M-26*, and amendments thereto, enacts as follows:

1. That Bylaw 1222 be amended as follows:

a) PART ONE – GENERAL

Section 1.3 Definitions:

Insert the following new definition after (5) **"airport"**:

- (6) **"Alcohol Retail Sales"** – means a development used for the retail sale of any and all types of alcohol and associated products, to the general public. This includes a liquor store or a wine or beer store.

Renumber all subsequent definitions accordingly, from (7) **"amenity area"** to (14) **"campground"**.

Insert the following new definitions after (14) **"campground"**:

- (15) **"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 (Canada) and its regulations as amended from time to time and includes edible products that contain cannabis.

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

- (17) **"cannabis lounge/café"** – means 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, bars and neighborhood pubs, nightclubs, private clubs, etc.

- (18) **"cannabis production and distribution"** – means development used principally for one or more of the following activities as it related to cannabis:

- a. The production, cultivation, and 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 good and products;
- d. The storage or transshipping of materials, goods and products; or
- e. The distribution and materials, goods and products to cannabis retail sales stores or to individual customers.

TOWN OF TOFIELD
BYLAW 1290

- (19) **"cannabis retail sales"** – means a development used as a retail store, licensed by the Province of Alberta, where non-medical cannabis and cannabis accessories are sold to individuals who attend at the premises. This does not include cannabis production and distribution.

Renumber all subsequent definitions accordingly, from (20) **"car wash"** to the end of Section 1.3.

Amend the following definitions:

- i) "eating and drinking establishment" definition:

Insert **"This definition does not include cannabis retail sales or cannabis lounge/café."** after the last sentence.

- ii) "entertainment establishment" definition:

Insert **"This definition does not include cannabis retail sales or cannabis lounge/café."** after the last sentence.

- iii) "general retail establishment" definition:

Insert **"This definition does not include alcohol retail sales or cannabis retail sales."** after the last sentence.

- iv) "greenhouse" definition

Insert **"This definition does not include cannabis retail sales or cannabis production and distribution."** after the last sentence.

- v) "health service" definition:

Insert **"This definition does not include cannabis retail sales."** after the last sentence.

- vi) "home occupation" definition:

Add: **"(c) A home occupation, major or minor, shall not include cannabis retail sales or cannabis production and distribution."**

- vii) "industry/manufacturing – large scale" definition:

Insert after "...means an industry engaged...elsewhere in the Bylaw. **"This definition does not include cannabis production and distribution."**

- viii) "industry/Manufacturing – small scale" definition:

Insert after "...means an industry...materials into a new product. **"This definition does not include cannabis production and distribution"**.

- ix) "personal service shop" definition:

Insert after "...means a development...but not health services **"and cannabis retail sales"**

x) "restaurant" definition

Insert **"This definition does not include a cannabis lounge/café."**
after the last sentence.

b) PART SIX – GENERAL PROVISIONS

Insert the following after 6.1 ACCESSORY BUILDING

6.2 ALCOHOL RETAIL SALES

(1) Alcohol Retail Sales shall not be located adjacent to any site being used for public or private education or religious assembly.

(2) Alcohol Retail Sales located adjacent to any site being used for outdoor or indoor recreation shall be required to install uniform fencing around the perimeter of the site, with no pedestrian or vehicular access permitted between the sites.

(3) Alcohol retail sales shall not be located within 50 metres from a Cannabis retail sales site.

(4) The separation distance between Alcohol retail sales and Cannabis retail sales shall be measured from the closest point of the exterior wall of the building in which the proposed Alcohol retail sales use is located to the closest point of the exterior wall of the building in which the Cannabis retail sales is located. The separation distance shall not be measured from district boundaries.

Renumber BASEMENT SUITES and BED AND BREAKFAST ESTABLISHMENTS as 6.3 and 6.4 respectively.

Insert the following after 6.4 BED AND BREAKFAST ESTABLISHMENTS

6.5 CANNABIS RETAIL SALES

(1) Cannabis retail sales shall not be located within 100 metres of a provincial health care facility; a school or a parcel of land designated as school reserves or as amended from time to time by the Province of Alberta.

(2) Cannabis retail sales shall not be permitted to co-locate with retail outlets dealing with pharmaceuticals, tobacco or alcohol, or as amended from time to time by the Province of Alberta.

(3) Cannabis retail sales shall not be located within 50 metres from an Alcohol retail sales site.

(4) Cannabis retail sales located adjacent to any site being used for public outdoor or indoor recreation shall be required to install uniform fencing around the perimeter of the site, with no

pedestrian or vehicular access permitted between the sites.

(5) Cannabis retail sales shall not be located within 100 metres of any site being used for public assembly or any site being used for a daycare or after school care.

(6) Cannabis retail sales shall not be located within 50 metres of any other cannabis retail sales outlet.

(7) The hours of operation shall not extend beyond 10:00 am – 2:00 am, or as amended from time to time by the Province of Alberta.

(8) The number of parking spaces required shall be in accordance with Section 6.12 Figure 5 - "General Retail Establishment".

(9) A development authority must not issue a development permit if the proposed development does not comply with the applicable requirements of regulations under the Gaming, Liquor and Cannabis Act, respecting the location of premises described in a cannabis licence and distances between those premises and other premises.

(10) The separation distance between Cannabis retail sales and any of the uses identified in (1), (3) and (5) above shall be measured from the closest point of the exterior wall of the building in which the proposed Cannabis retail sales use is located to the closest point of the exterior wall of the building in which the other use is located. The separation distance shall not be measured from district boundaries.

Renumber from 6.6 COMMUNICATION TOWERS to the end of the Part 6.

c) PART SEVEN – LAND USE DISTRICTS

(1) Section 7.6 Commercial District – C1

a) Insert under (1) Permitted Uses

- (j) Alcohol Retail Sales
- (k) Cannabis Retail Sales

b) Insert under (3) Development Standards

(k) Refer to the General Provisions and Sign requirements of this Bylaw which may affect development in this District.

- (i) Alcohol Retail Sales
- (j) Cannabis Retail Sales

a) Insert under (3) Development Standards

(g) Refer to the General Provisions and Sign requirements of this Bylaw which may affect development in this District.

(2) Section 7.8 Industrial District – M

a) Insert under (1) Permitted Uses

- (j) Cannabis Production and Distribution

2. This bylaw comes into effect after third reading and upon being signed.

READ a first time this _____ day of _____, 2018.

PUBLIC HEARING HELD this _____ day of _____, 2018.

READ a second time this _____ day of _____, 2018.

READ a third time and finally passed this _____ day of _____, 2018.

MAYOR

CHIEF ADMINISTRATIVE OFFICER