

BYLAW NO. 430/2022
A BYLAW TO AMEND BYLAW NO. 374/2014 KNOWN
AS THE ZONING BYLAW

Pursuant to Section 46(3) of *The Planning and Development Act, 2007*, the Council of the Town of Balgonie, in the Province of Saskatchewan, enacts to amend Bylaw No. 374/2014 as follows:

A. Section 2 Definitions is amended by:

- i. Deleting the definition for Agricultural and replacing it with:

Agricultural: A use of land, buildings or structures for the purpose of animal husbandry, fallow, field crops, forestry, market gardening, pasturage, private greenhouses and includes the growing, packing, treating, storing and sale of produce produced on the premises and other similar uses customarily carried on in the field of general agricultural, but does not include cannabis operations.

- ii. Adding the following definition directly after the definition for Campground:

Cannabis: As defined in *The Cannabis Control (Saskatchewan) Act*.

- iii. Adding the following definition directly after the definition for Cannabis:

Cannabis Micro-Cultivation Facility: A federally licensed small-scale facility for the growing of cannabis plants and harvesting of product from the plants where all plant growth activities are carried out indoors and the facility includes a maximum 200 m² of total canopy space including multiple surfaces, of which meets the requirements of the federal government for micro-production facility.

- iv. Adding the following definition directly after the definition for Cannabis Micro-Cultivation Facility:

Cannabis Plant: Means a plant that belongs to the genus *Cannabis*.

- v. Adding the following definition directly after the definition for Cannabis Plant:

Cannabis Processing: The manufacturing, packaging, and labelling of cannabis products destined for direct sale to provincially authorized distributors or wholesalers and for ultimate sale to consumers for recreational or medicinal purposes.

- vi. Adding the following definition directly after the definition for Cannabis Processing:

Cannabis Production Facility: A federally licensed facility for the growing of cannabis plants and harvesting of product from those plants where all plant growth activities are carried out indoors; excludes processing.

- vii. Adding the following definition directly after the definition for Cannabis Production Facility:

Cannabis Retail Operation/Outlet: A retail business operating from a storefront operation and authorized by *The Cannabis Control (Saskatchewan) Act* selling any part of the cannabis plant, processed or unprocessed, including any derivative, concentrate, or edible product originating from the cannabis plant.

- viii. Deleting the definition for Greenhouse, Commercial and replacing it with:

Greenhouse, Commercial: A building for the growing of flowers, plants, shrubs, trees and similar vegetation that are not necessarily transplanted outdoors on the same site, but are sold directly at wholesale or retail from the site, but does not include the growth or sale of cannabis.

B. Section 4 General Regulations is amended by adding the following development standards directly after subsection 4.41:

4.42 Development Standards for Cannabis Retail Operation

4.42.1 A retail operation shall comply with all requirements of the federal and provincial cannabis legislation. Applicants shall provide proof of all required operating licenses as part of the permit application or as a condition of permit approval.

4.42.2 A retail operation shall, in no way, interfere with the amenities or change the character of the neighbourhood nor shall it interfere with or affect the use and enjoyment of adjacent properties.

4.42.3 Subject to provincial, federal, and municipal regulations, a retail operation may, be ancillary to a cannabis production facility.

4.42.4 In the event of a discrepancy between the Town's regulations and those of the federal or provincial government, the more stringent regulation shall apply.

4.42.5 As a condition of development permit approval, Council may require additional security measures including but not limited to fencing, limited entrance to the building, etc.

4.42.6 Council shall consider the compatibility of all neighbouring land uses with the proposed cannabis retail operation before issuing a decision.

4.42.7 Council may apply any additional conditions or development standards deemed necessary, based on the application, to maintain the health, safety, and general welfare of the public.

4.42.8 Any change to increase the form or intensity of the use as approved shall require a new development permit.

4.42.9 Setbacks:

- a) Cannabis retail operations/outlets shall be set back a distance of 200 metres (565 feet) from the following:
 - i. High schools
 - ii. Elementary schools
 - iii. Parks/playgrounds
 - iv. Public recreational facilities
 - v. Daycare centres
 - vi. Community centres and youth centres
 - vii. Places of worship
 - viii. Other cannabis retail stores
- b) Setbacks shall be measured from the property line of the proposed retail store site to the nearest property line of any of the above listed uses.

C. Section 4 General Regulations is amended by adding the following development standards directly after subsection 4.42:

4.43 Development Standards for Cannabis Production and Micro-Cultivation Facilities:

4.43.1 The building and site shall display a high visual quality and shall be integrated into the surrounding environment by virtue of appropriate design, location and landscaping.

4.43.2 A cannabis production facility shall comply with all federal and provincial regulations. Applicants shall provide proof of all required operating licenses as part of the permit application or as a condition of permit approval.

4.43.3 Any potential nuisances, including but not limited to, noise, odour, traffic, or dust, shall be identified in the permit application. Council may require the proponent to include a nuisance mitigation plan as part of the application.

4.43.4 Council shall consider the compatibility of all neighbouring land uses with the proposed cannabis production facility before issuing a decision.

4.43.5 All buildings and structures associated with the operation shall comply with the applicable building codes, regulations and related standards.

4.43.6 As a condition of development permit approval, Council may require additional security measures including but not limited to fencing, locking gate, limited site access, etc.

4.43.7 Any change to the operation as approved, including but not limited to an increase in size or intensity, the addition of new buildings or additions to existing buildings, shall require a new development permit.

4.43.8 Any structural or electrical alterations to the building(s) must comply with the National Building Code of Canada and all other applicable codes and regulations.

D. Section 5.10 High Profile Commercial District-HPC, 5.10.2 Discretionary Uses is amended by adding the following after (k) Intermodal freight containers:

l) Cannabis retail operations

READ A FIRST TIME THIS _____ DAY OF _____, 2022.

READ A SECOND TIME THIS _____ DAY OF _____, 2022.

READ A THIRD TIME AND PASSED THIS _____ DAY OF _____, 2022.

MAYOR

SEAL

ADMINISTRATOR

Certified a true copy of Bylaw No. 430/2022
passed by resolution of Council on the ____ day of
_____, 2022.

Administrator