

**BYLAW 2592/LUO/18**

**BEING A BYLAW OF THE TOWN OF STONY PLAIN IN THE PROVINCE OF ALBERTA  
FOR THE PURPOSE OF AMENDING LAND USE BYLAW 2576/LUO/17**

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WHEREAS the Municipal Government Act 2000 requires a Council to adopt a land use bylaw;

AND WHEREAS a public hearing was held on July 10, 2017 for Bylaw 2576/LUO/17 “The Land Use Bylaw” and The Land Use Bylaw was adopted by Council on July 10, 2017;

NOW THEREFORE it is deemed advisable to amend the Land Use Bylaw 2576/LUO/17 as follows:

1. That this Bylaw 2592/LUO/18 be cited as “Cannabis Land Use Bylaw Amendment.”
2. That in Part 6 – Definitions, the following definitions be added:

**“Cannabis**

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 Accessory**

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”

**“Cannabis Consumption Facility**

a development, or any part thereof, licensed to sell cannabis to the public for consumption within the premises”

**“Cannabis Retail Sale**

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 Facility**

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-shipment of materials, goods and products; or the distribution and sale of materials, goods and products to cannabis retail stores; which does not include cannabis retail sales”

**“Outdoor Eating Establishment**

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, which does not include cannabis consumption facility”

**“Agriculture, Rural Farm**

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; which 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”

**“Agriculture, Urban Indoor Farm**

the cultivation and harvesting of plant or animal products primarily within enclosed buildings for the primary purpose of wholesale or retail sales; for which 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; and which 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”

**“Agriculture, Urban Outdoor Farm**

the cultivation and harvesting of plant 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; for which

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; and which 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”

**“Agriculture, Urban Garden**

the cultivation and harvesting of plant or animal products in urban areas for the primary purpose of beautification, education, recreation, or social or community programming; for which 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; and which 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”

3. That in Part 6 – Definitions, the following definitions are amended:

From:

**“Agriculture**

the rearing of livestock or the production of crops”

to:

**“Agriculture**

the rearing of livestock or the production of crops, which includes and is limited to rural farm, urban indoor farm, urban outdoor farm and urban garden”

From:

**“Retail Store**

where goods are offered for sale to customers, and includes artisan shops”

to:

**“Retail Store**

where goods are offered for sale to customers, and includes artisan shops, which does not include cannabis retail sales”

From:

**“Greenhouse**

the growing, storage and basic processing of fruits, vegetables, household and ornamental plants, and may include the sales of their products or by-products”

to:

**“Greenhouse**

the growing, storage and basic processing of fruits, vegetables, household and ornamental plants, and may include the sales of their products or by-products, which does not include cannabis grown for medical or recreational purposes”

4. That in Part 1 1.2.0 Powers and Duties of the Development Authority Section 1.2.2 Development Permit Issuance the following be added:  
“4. The Development Authority will determine the process for submitting, receiving, determining completeness and reviewing development permit applications for cannabis retail sales.”
5. That in Part 2 Districts, the following land uses be added:

“Cannabis retail sales” to:

- C1 – Local Commercial District as a Discretionary Use;
- C2 – General Commercial District as a Discretionary Use;
- C3 – Central Mixed Use District as a Discretionary Use;
- M1 – Business Industrial District as a Discretionary Use;

“Cannabis production and distribution facility” to:

- M1 - Business Industrial District as a Discretionary Use;
- FD – Future Development District as a Discretionary Use;

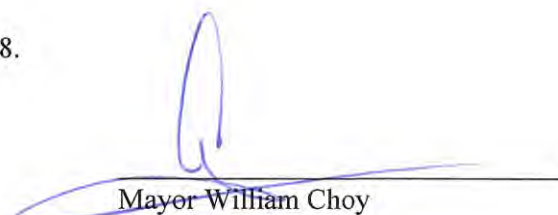
“Outdoor eating establishment” to:

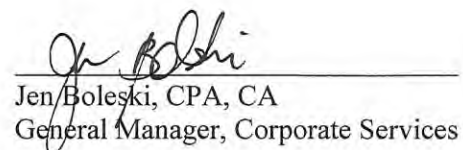
- C1 – Local Commercial District as a Permitted Use;
- C2 – General Commercial District as a Permitted Use;
- C3 – Central Mixed Use District as a Permitted Use;
- M1 – Business Industrial District as a Discretionary Use;
- R8 – High Density Residential District as a Discretionary Use;
- P1 – Parks District as a Discretionary Use;
- P2 – Community Services District as a Discretionary Use.

6. That in Part 2 Districts, Section 2.11.2 C2 – General Commercial District “Education Service” be moved from 2.11.2 Permitted Use and to 2.11.3 Discretionary Use.
7. That in Part 2 Districts, Section 2.12.2 C3 – Central Mixed Use District “Education Service” be moved from 2.12.2 Permitted Use and to 2.12.3 Discretionary Use.
8. That in Part 3 General Regulations, Section 3.19.3 Major Home Occupations Regulations, be amended by adding:  
“3.19.3.2. This use does not include a cannabis retail sales or a cannabis production and distribution facility.”
9. That in Part 3 General Regulations, the following section and regulations be added:  
“Section 3.21.0 Cannabis Retail Sales
  1. Any site containing a cannabis retail sales use must be located a minimum of 200 m 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 a development permit for cannabis retail sales, and for the purposes of this subsection only:
    - a. the term “public or private education services” is limited to early childhood education, and elementary through to high schools inclusively, and does not include dance schools, driving schools or other commercial schools; and
    - b. the 200 m separation distance will be measured from the closest point of any site being used as a public or private education service or provincial health care facility property boundary to the closest point of the primary access to the cannabis retail sales unit in the building in which the cannabis retail sales unit is located, and may not be measured from the district boundaries.
  2. Any site containing a cannabis retail sales use must be located a minimum of 100 m from a public playground structure at the time of the application for the development permit for the cannabis retail sales use, and for the purposes of this subsection only:
    - a. the term “public playground structure” is limited to playgrounds that are located on municipal parks, and may include, but are not limited to, playground equipment/structures, BMX bike tracks, skateboard parks, spray parks and outdoor fitness equipment installations; and
    - b. the 100 m separation distance will be measured from the edges of the playground structures to the closest point of the primary access to the cannabis retail sales unit in the building in which the cannabis retail sales use is proposed, and may not be measured from the district boundaries.
  3. Any proposed site for a cannabis retail sales use must be located a minimum of 150 m from any site containing an approved development permit for cannabis retail sales at the time of application for a development permit for cannabis retail sales use, and for the purposes of this subsection only the 150 m separation distance will be measured from to the closest point of the cannabis retail sales unit in the building in which the cannabis retail sales is proposed to the closest point of the cannabis retail sales unit in the building where a cannabis retail sales unit is located, and may not be measured from the district boundaries.
  4. Notwithstanding Section 1.2.2 Development Permit Issuance of this Bylaw, a Development Authority may not grant a variance to subsection Section 3.21.0.1, 3.21.0.2. or 3.21.0.3
  5. 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, screening, signs and access.
  6. 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.
  7. The Development Authority will impose conditions on every development permit issued for cannabis retail sales requiring that the development:
    - a. may commence once legalized and authorized by and compliant with federal or provincial legislation; and
    - b. must commence within six months of the date of approval of the development permit or the development permit becomes void and re-application is required.”

8. For the purpose of 3.21.0.7, development commences when the cannabis retail sales use is established or begins operation.”
10. That regulations be added in Part 3 General Regulations, Section 3.22.0 Cannabis Production and Distribution Facility  
“These regulations apply to cannabis production and distribution facility uses.
  1. The owner or applicant must 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 the federal department with jurisdiction.
  2. The owner or applicant must obtain all other approvals, permits, authorizations, consents or licenses that may be required to ensure compliance with applicable federal, provincial or municipal legislation.
  3. All processes and functions of the development must be fully enclosed within a stand-alone building, including but not limited to, all loading spaces and docks, garbage containers, storage and waste material.
  4. The development must be a singular use and may not be operated in conjunction with any other land uses.
  5. The development must include equipment designed and intended to remove odours from the air where it is discharged from the building as part of a ventilation system.
  6. The development must be located a minimum of 100 metres from a residential district.
  7. The Development Authority may require, as a condition of development permit, a waste management plan, completed by a qualified professional that includes details regarding:
    - a. the incineration of waste products and airborne emissions, including odours;
    - b. the quantity and characteristics of liquid and waste material discharged by the facility; and
    - c. the method and location of collection and disposal of liquid and waste material.
  8. The minimum number of parking stalls will be based on the requirements for a single industrial use as per Table 4.1.1.b.
  9. Fencing of the site is required, subject to the provisions of Section 3.8.0.
  10. Medical cannabis production facilities must not be constructed with a zero lot line.
  11. Notwithstanding the provisions of Part 5 Sign Regulations, no sign may 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, the approved development permit and other municipal bylaws.”
11. If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.
12. That this bylaw shall come into force and take effect upon the date of third reading, is duly signed in accordance with the Municipal Government Act and 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.

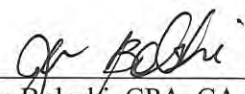
Read a first time this 9<sup>th</sup> day of April, AD 2018.

  
Mayor William Choy

  
Jen Boleski, CPA, CA  
General Manager, Corporate Services

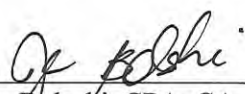
Public Hearing held this 28<sup>th</sup> day of May, AD 2018.

Read a second time this 28<sup>th</sup> day of May, AD 2018.

  
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Mayor William Choy  
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Jen Boleski, CPA, CA  
General Manager, Corporate Services

Second Public Hearing held this 25<sup>th</sup> day of June, AD 2018.

Read a third time this 25<sup>th</sup> day of June, AD 2018.

  
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Mayor William Choy  
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Jen Boleski, CPA, CA  
General Manager, Corporate Services