

CITY OF CHESTERMERE

PROVINCE OF ALBERTA

BYLAW # 016-18

A Bylaw of the City of Chestermere, in the Province of Alberta, to amend the Land Use Bylaw 022-10, as amended.

WHEREAS The Municipal Government Act, RSA 2000, C. M-26 and amendments thereto provides that a Municipal Council has adopted a Land Use Bylaw and may amend the Land Use Bylaw 022-10, as amended;

AND WHEREAS Council deems it desirable to amend the Land Use Bylaw 022-10, as amended;

NOW THEREFORE, The Council of the City of Chestermere, duly assembled, enacts as follows:

1. Section 2.2 Definitions shall be amended by adding the following definitions:

a. **“Cannabis”** means:

- i. any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
- ii. any substance or mixture of substances that contains or has on it any part of such a plant, and;
- iii. any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

Notwithstanding, Cannabis does not include:

- iv. a non-viable seed of a cannabis plant,
- v. a mature stalk, without any leaf, flower, seed or branch, of such plant,
- vi. fibre derived from a stalk; and
- vii. the root or any part of the root of such a plant.

b. **“Cannabis Cultivation Permit”** means a municipal permit obtained for the personal cultivation of cannabis, in one’s own residential dwelling-house pursuant to federal legislation and the City’s Cannabis Cultivation Bylaw.

c. **“Cannabis Production Facility”** means a use where cannabis is grown, processed, packaged, tested, destroyed, stored, or loaded for shipping. A Health Canada license is required for all associated activities where all

processes and functions are in a fully enclosed stand-alone building.
Cannot operate in conjunction with another approved use.

- d. **“Cannabis Retail Store”** means a development used for the retail sale, promotion, storage, distribution or dispensing of cannabis or cannabis derived products. Incidental uses may include the sale of associated consumer products. This Use does not include Cannabis Production Facility.
 - e. **“Cannabis Lounge”** means an establishment 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 Facility.
 - f. **“Cannabis Café / Coffeeshop”** means an establishment where the primary purpose of the facility is the sale of cannabis for personal edible consumption that is authorized by provincial or federal legislation. This Use does not include Cannabis Production Facility.
 - g. **“Cannabis Counselling”** means a use where counselling on cannabis is provided by persons who are not medical professionals which may include the ancillary retail sale or rental of merchandise but not cannabis.
2. Section 2.2 shall be amended by adding to these existing definitions:
- a. **“Agriculture, Extensive”** has “This use does not include Cannabis Production Facility” added.
 - b. **“Agriculture, Intensive”** has “This use does not include Cannabis Production Facility” added.
 - c. **“Home Business, Major or Minor”** has “This use does not include Cannabis Retail Store or Cannabis Production Facility” added.
 - d. **“Personal Service Establishment”** has “cannabis counselling” added.
3. Part 7 – General Regulations shall be amended by adding the following:
- a. Section 7.38 Cannabis-related Development Regulations
 - i. 7.38.1 Cannabis Retail Store Minimum Separation Distance
 - 1. Cannabis Retail Stores shall not be located within 150m of a school site or provincial health care facility;
 - 2. Cannabis Retail Stores shall not be located within 50m of

- another Cannabis Retail Store, bike park, skateboard park, public library, or child care facility;
3. The minimum separation distance for a Cannabis Retail Store shall be measured from the nearest exterior wall of a Store to the nearest exterior wall of the sensitive land use, except for schools and provincial health care facilities which shall be measured from nearest exterior wall of a Store to the relevant boundary of land on which the sensitive land use is located;
 4. The Development Authority shall not grant a variance to reduce the separation distance by more than 10% pursuant to Section 4.5 of the *Land Use Bylaw*; and
 5. Where a Cannabis Retail Store has been approved and another land use, not including a Cannabis Retail Store, is proposed within the specified separation distance, the Development Authority may vary the prescribed separation distance provided that:
 - a. The applicant/owner of the proposed use acknowledges the proximity of the application to an existing Cannabis Retail Store;
 - b. Any concerns regarding proximity, interface, site design, and compatibility are addressed to the satisfaction of the Development Authority; and
 - c. Notification of the variance pursuant to Section 4.11 Notice of Decision.

ii. 7.38.2 Cannabis Retail Store Development Permit Requirements

1. All process and functions of the Cannabis Retail Store use shall be fully enclosed within a stand-alone unit or building;
2. A Cannabis Retail Store shall provide its own access and loading areas which are secure and dedicated for the sole use of the Cannabis Retail Store;
3. The Development Authority shall require the submission of a copy of any federal and/or provincial licenses as a condition of approval prior to the issuance of a Development Permit for a Cannabis Retail Store;
4. When considering a Development Permit application for a Cannabis Retail Store, the Development Authority shall consider the compatibility of the proposed use with the surrounding area having regard to:
 - a. Pedestrian and vehicular access, including the location and orientation of building entrances and loading facilities;

- b. Interface with the surrounding area, including proximity and connections to site access, sidewalks, walkway connections, and nearby parking and amenity areas;
- c. Validation of minimum separation distance from all nearby sensitive land uses;
- d. The design and orientation of landscaping, access, lighting, windows, and/or storefronts to enhance safety and security, and align with Crime Prevention Through Environmental Design (CPTED) principles to the satisfaction of the Development Authority.

5. Cannabis Retail Stores shall only be located in Local Commercial, Town Centre Commercial, or Business Park/Light Industrial land use districts as Discretionary Uses; and
6. Cannabis Retail Stores shall only operate between the hours of 10:00 a.m. and 2:00 a.m..

iii. 7.38.3 Cannabis Production Facility Development Permit Requirements

1. All process and functions of the use shall be fully enclosed within a stand-alone building;
2. The use of the site shall not operate in conjunction with another approved use; no outdoor storage of goods, materials, or supplies shall be permitted, and all loading, operating, garbage, waste, and recycling facilities shall be contained within the building containing the use;
3. The development and site shall be designed and oriented so as to prevent odours and emissions judged by the Development Authority to constitute a nuisance or that would negatively impact the use, enjoyment, amenity, or value of adjacent properties;
4. The Development Authority shall require the submission of a copy of any federal and/or provincial licenses as a condition of approval prior to the issuance of a Development Permit for a Cannabis Production Facility;
5. When considering a Development Permit application for a Cannabis Production Facility, the Development Authority shall consider the compatibility of the proposed use with the surrounding area having regard to:
 - a. Pedestrian and vehicular access, including the location and orientation of building entrances and

loading facilities;

- b. Interface with the surrounding area, including proximity and connections to site access, sidewalks, walkway connections, and nearby parking and amenity areas; and
- c. The design and orientation of landscaping, access, lighting, windows, and/or storefronts to enhance safety and security, and align with Crime Prevention Through Environmental Design (CPTED) principles to the satisfaction of the Development Authority.

6. Cannabis Production Facilities shall only be located in Business Park/Light Industrial land use zones as a Discretionary Use.

iv. 7.38.4 Cannabis Café / Coffeeshop

- 1. Cannabis Café / Coffeeshops shall not be permitted.

v. 7.38.5 Cannabis Lounge

- 1. Cannabis Lounges shall not be permitted.

vi. 7.38.6 Personal Cultivation

- 1. Under federal legislation, adults will be able to grow up to four (4) plants per dwelling-house from seeds purchased from licensed cannabis retailers.
- 2. No person shall cultivate cannabis plants under federal laws unless the person has registered the dwelling-house with the City of Chestermere as a residential cannabis cultivation site, and obtained a municipal cannabis cultivation permit; the municipal cannabis cultivation permit may only be issued for single-detached homes.

vii. 7.38.7 Public Consumption of Cannabis

- 1. The consumption of cannabis is not permitted in any place to which the public has access or any place where children under the age of 18 have access or are likely present. For more information please refer to the City of Chestermere's Cannabis Consumption Bylaw.

4. Part 9 – Signs shall be amended by adding the following:

- a. 9.6.17 Cannabis-related Signage
 - i. All signage for cannabis-related development shall adhere to the signage policies set by the Alberta Liquor and Gaming Commission (AGLC);
 - ii. The use of the term “Alberta” or “AGLC” is prohibited in a store name;
 - iii. Signage must be in good taste and not depict a lifestyle, endorsement, person, character, or animal;
 - iv. Signage must not promote intoxication nor make a statement regarding increased potency or concentration. Signage shall not use terms and images, but not limited to, “chronic”, “stoned”, or “high”;
 - v. The use of any term, symbol, or graphic traditionally associated with medicine, health, or pharmaceuticals is prohibited and may include, but not limited to:
 - 1. Use of the term Pharmacy, Dispensary, Apothecary, Rx, Drug Store, med, medi, or clinic;
 - 2. Use of the term Medicine, Medicinal, Health, Therapeutic; or
 - 3. Use of graphics or symbols that would denote the above.
 - vi. Signage or identification shall not include graphics which:
 - 1. Appeals to minors;
 - 2. Shows the use of cannabis;
 - 3. Displays intoxication;
 - 4. Displays or identifies a cannabis product or accessory;
 - 5. Displays a price or indicate a price advantage; or
 - 6. Displays any sporting or cultural event or activity.
 - vii. A common business name may be used when a number of Cannabis Retail Stores are operated by the same owner.

- 5. Part 10 – Land Use Districts shall be amended by adding the following:
 - a. 10.9.3 Discretionary Use – Cannabis Retail Store;
 - b. 10.9.5 h) Additional Requirements “Refer to Section 7.38 Cannabis-related Development Regulations and Section 9.6.17 Cannabis-related Signage for additional land use requirements”;
 - c. 10.10.3 c) (Town Centre Commercial) Sites 1 and 2 Discretionary Use – Cannabis Retail Store;
 - d. 10.10.3 d) Site Standards ““Refer to Section 7.38 Cannabis-related Development Regulations and Section 9.6.17 Cannabis-related Signage for additional land use requirements”;

- e. 10.10.4 c) (Town Centre Commercial) Sites 3 and 4 Discretionary Use – Cannabis Retail Store;
- f. 10.10.4 d) Site Standards “Refer to Section 7.38 Cannabis-related Development Regulations and Section 9.6.17 Cannabis-related Signage for additional land use requirements”;
- g. 10.10.7 c) (Town Centre Commercial) Site 8 Discretionary Use – Cannabis Retail Store;
- h. 10.10.7 d) Site Standards “Refer to Section 7.38 Cannabis-related Development Regulations and Section 9.6.17 Cannabis-related Signage for additional land use requirements”;
- i. 10.14.3 (Business Park/Light Industrial) Discretionary Uses – Cannabis Production Facility, Cannabis Retail Store; and
- j. 10.15.5 n) Additional Requirements “Refer to Section 7.38 Cannabis-related Development Regulations and Section 9.6.17 Cannabis-related Signage for additional land use requirements.”

6. This Bylaw comes into full force and takes effect on the date of third and final reading.

READ A FIRST TIME this ____ day of _____.

READ A SECOND TIME this ____ day of _____.

READ A THIRD TIME this ____ day of _____.

Resolution Numbers –

MAYOR

CAO