

CITY OF ST. ALBERT

BYLAW 12/2018

Being Amendment 159 to Land Use Bylaw 9/2005

---

NOW THEREFORE the Council of the City of St. Albert, duly assembled, hereby ENACTS AS FOLLOWS:

1. That Part 1, Section 1.6, Definitions be amended as follows:

a) by adding the following definitions after “campground”:

**“cannabis”** means any part of a cannabis plant, including all substances produced by, or found in such a plant, regardless of whether that part has been processed or not; any substance or mixture of substances that contains or has on it any part of such a plant; any substance that is identical to any substance produced by, or found in, such a plant, regardless of how the substance was obtained, but does not include a non-viable seed of a cannabis plant; a mature stalk without any leaf, flower, seed or branch, of such plant; fibre derived from a mature stalk; the root or any part of the root of such a plant; and plants that are considered by federal legislation to be industrial hemp.

**“cannabis lounge”** means a development where the primary purpose is the sale of cannabis to the public, for consumption within the premises that is authorized by provincial or federal legislation. This use does not include a cannabis production and distribution facility or cannabis retail store.

**“cannabis production and distribution facility”** (CPDF) means a use:

- (a) that is a Health Canada licensed facility where all activities and functions associated with the cultivation, processing, packaging, labelling, distribution, testing, destruction, or storage of cannabis are fully enclosed within a stand-alone building and must be the sole use approved for the building;
- (b) that unless otherwise stated in this Bylaw, may only be approved as a discretionary use in the Commercial and Industrial Services (CIS) Land Use District. A cannabis production and distribution facility is prohibited in all other Land Use Districts;
- (c) where an accessory building or structure used for security purposes must be located on the same parcel;

- (d) that must include equipment designed and intended to remove odours from the air prior to discharge from the building;
- (e) where, notwithstanding the requirements of Section 6.16 of this Bylaw, all light associated with any activity or function undertaken within the stand-alone building, shall be contained within the building, thereby having no adverse effect on an adjacent site;
- (f) where the stand-alone building must not be located within 150m from the nearest property line of a parcel designated as a residential district, from the nearest property line of a parcel upon which a school is located, or from the nearest property line of a parcel upon which a day care facility is located;
- (g) where signage shall not identify the use; and
- (h) that does not include a cannabis retail store or cannabis lounge.

**“cannabis retail store”** means a development used for the retail sale of cannabis that is authorized by provincial or federal legislation. This use does not include a cannabis lounge or cannabis production and distribution facility.

- b) by deleting the definition for **“medical marijuana production facility (MMPF)”**.

2. That Part 6, General Regulations be amended as follows:

- a) by inserting a new Section 6.5 following “6.4 Bed and Breakfast” as follows:

**“6.5 Cannabis Retail Store**

- (1) A Cannabis Retail Store must be located at least 100m from any other Cannabis Retail Store. For the purposes of this subsection only, the separation distance shall be measured from the closest point of the proposed Cannabis Retail Store to the closest point of any other approved Cannabis Retail Store;
- (2) At the time of Development Permit application, the closest point of the proposed Cannabis Retail Store must be located at least:
  - (a) 100m from the boundary of any parcel upon which a provincial health care facility (hospital) is located;
  - (b) 150m from the boundary of any parcel upon which a community hall facility; a City operated indoor recreation service facility; or a City operated outdoor recreation service facility, is located;

- (c) 150m from the boundary of any parcel upon which a school is located;
  - (d) 150m from the closest point of any licensed day care facility;
  - (e) 100m from the boundary of a parcel that is designated as a municipal and school reserve or school reserve on the certificate of title.
- (3) Notwithstanding the prescribed minimum separation distances in Section 6.5(2), where a major arterial roadway, as identified in Schedule B of this Bylaw, separates the proposed location of a Cannabis Retail Store from any of the facilities, uses or reserves mentioned in Section 6.5(2), such a proposed Cannabis Retail Store may be located across that arterial roadway from the facility, use or reserve, at a lesser separation distance.
- (4) Notwithstanding Section 3.14(3), when considering a variance to the required separation distance for a Cannabis Retail Store to any of the facilities, uses or reserves mentioned in Section 6.5(2), the variance shall not exceed 10m:
  - (a) Notwithstanding Section 6.5(4), in the case of Section 6.5(3), the Development Officer shall assess the merits of the application and may at its discretion, vary the separation distance.”
- b) by inserting after Section 6.19(1) “(g) bulk oil and chemical storage”, “(h) cannabis lounge”;
- 3. Part 7, Parking Regulations is amended as follows:
  - a) Section 7.3, On-site Parking Requirements, (2) Non-residential Use is amended by inserting into “(g) cannabis retail store”.
  - b) Section 7.3, On-site Parking Requirements, (2) Non-residential Use is amended by inserting into “(x) cannabis production and distribution facility (CPDF)”.
- 4. Part 9, Commercial and Industrial (CIS) Land Use District is amended as follows:
  - a) Section 9.13, General Commercial (C2) Land Use District is amended by inserting after “(4)(e) broadcast studio”, “(f) cannabis retail store”.
  - b) Section 9.14, Corridor Commercial (CC) Land Use District is amended by inserting after “(4)(i) broadcasting studio”, “(j) cannabis retail store”.

- c) Section 9.15, Mixed Commercial (MC) Land Use District is amended by inserting after “(5)(a) artist studio”, “(5)(b) cannabis retail store”.
  - d) Section 9.16, Boardwalk (BW) Land Use District is amended by inserting after “(4)(b) artist studio”, “(4)(c) cannabis retail store with a gross floor area over 280 sq.m.”
  - e) Section 9.17, Commercial and Industrial Service (CIS) Land Use District is amended by:
    - i. inserting after “(4)(d) bingo hall”, “(4)(e) cannabis production and distribution facility (CPDF)”;
    - ii. inserting after “(4)(e) cannabis production and distribution facility (CPDF)”, “(4)(f) cannabis retail store”;
    - iii. deleting “(4)(y) medical marihuana production facility (MMPF)”.
  - f) Section 9.18, Business Park (BP) Land Use District is amended by deleting “(4)(g) medical marihuana production facility”.
  - g) Section 9.19, Integrated Care Community (ICC) Land Use District is amended by inserting after “(6)(b) business support service”, “(6)(c) cannabis retail store with a gross floor area up to 280 sq. m.”
  - h) Section 9.20, Business Park Transition (BPT) Land Use District is amended by deleting “(4)(h) medical marihuana production facility”.
  - i) Section 9.21, Regional Commercial (RC) Land Use District is amended by inserting after “(4)(e) automotive specialty”, “(4)(f) cannabis retail store”.
  - j) Section 9.22, Business Park Direct Control (BP2) Land Use District is amended by inserting after “(5)(a) animal service”, “(5)(b) cannabis retail store”;
  - k) By deleting “(5)(t) medical marihuana production facility (MMPF)”.
5. Part 10, Direct Control Mixed Use (DCMU) Land Use District is amended as follows:
- a) Section 10.6, Direct Control Mixed Use (DCMU) Land Use District is amended by inserting after “(5)(d) deleted”, “(5)(e) cannabis retail store”;
  - b) Section 10.7, Direct Control Northwest Urban Village (DCNUV) Land Use District is amended by inserting after “(5)(b) artist studio”, “(5)(c) cannabis retail store”;

6. Part 11, Downtown Districts (DT) is amended as follows:

