



**TOWN OF CARDSTON
IN THE PROVINCE OF ALBERTA**

BYLAW 1647 C

LAND USE BYLAW AMENDMENT

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TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA

BYLAW 1647 C

LAND USE BYLAW AMENDMENT

A BYLAW OF THE TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA TO AMEND THE LAND USE BYLAW TO REGULATE CANNABIS RELATED LAND USES.

BEING a bylaw of the Town of Cardston in the Province of Alberta, to amend Bylaw No. 1647, being the municipal Land Use Bylaw;

WHEREAS the Council of the Town of Cardston wishes to amend the Land Use Bylaw so as to define and regulate cannabis related land uses;

AND WHEREAS the Council of the Town of Cardston wishes to define the following land uses: “Cannabis Retail Sales,” and “Cannabis Production Facility;” to establish development standards for the same; to rename the existing “Medical Marihuana Production Facility” land use provisions as “Cannabis Production Facility” land use provisions; to restrict the development of a “Cannabis Retail Sales” use to the Direct Control (DC) land use district; and to list “Cannabis Production Facility” as a discretionary use in the General Industry (I1) land use district;

AND WHEREAS the Town of Cardston must prepare an amending bylaw and provide for its consideration at a public hearing;

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, the Council of the Town of Cardston, in the Province of Alberta, duly assembled does hereby enact the following:

PART I - TITLE, PURPOSE AND INTERPRETATION

TITLE

- 1)** This bylaw shall be known as the “Land Use Bylaw Amendment” bylaw of the Town of Cardston.

PURPOSE

- 2)** The Purpose of this Bylaw is to regulate cannabis related land uses within the Municipality of the Town of Cardston.

RULES FOR INTERPRETATION

- 3)** The table of contents, marginal notes and headings in this bylaw are for reference purposes only.

PART II – GENERAL

AMENDMENTS

- 4)** Add definitions for “Cannabis Retail Sales,” and Cannabis Production Facility;” and delete definitions for “Medical Marihuana” and “Medical Marihuana Production Facility” in Schedule 13.
 - (a)** Rename all existing “marihuana” land use provisions as “cannabis” land use provisions.
- 5)** Add “Cannabis Production Facility” as a discretionary use in the General Industrial (I1) land use district in Schedule 2.
- 6)** Add development standards for “Cannabis Retail Sales” uses in Schedule 5.
- 7)** Establish a setback distance of 300 m from the outside wall of a “Cannabis Retail Sales” use to a “Hospital” and the boundary of a parcel designated school reserve or municipal and school reserve; and a setback distance of 300 m from the outside wall of a “Cannabis Retail Sales” use to a “Educational Institution,” “Indoor Recreation,” “Institutional Facility or Use,” “Outdoor Recreation Facility,” “Outdoor Recreation and Sports,” “Park or Playground” or any other use where persons under the age of 18 are likely to congregate on a regular basis
- 8)** Add a setback distance map for certain land uses as outlined in Schedule 5 in Appendix E.
- 9)** The attached Schedule “A” illustrating the exact revisions to the municipal Land Use Bylaw, is hereby adopted.

EFFECTIVE DATE

- 10)** This Bylaw shall come in force on the 17th day of October, 2018.
- 11)** Bylaw No. 1647, being the municipal Land Use Bylaw, is hereby amended.

Received First Reading this 10th day of July, 2018

Received Second Reading this 11th day of September, 2018

Received Third & Final Reading this 11th day of September, 2018

Signed by the Mayor and the Chief Administrative Officer this 12th day of September, 2018

TOWN OF CARDSTON

MAYOR – *Maggie Kronen*

CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*

SCHEDULE "A"



- (8) The Development Authority may require, as a condition of a development permit, a public utility and waste management analysis, completed by a qualified professional, that includes detailed information on:
 - (a) the incineration of waste products and airborne emissions, including smell;
 - (b) the quality 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.
- (9) A development permit for a ~~Medical Marijuana~~ Cannabis Production Facility shall be limited as follows:
 - (a) the first development permit shall not exceed a three (3) year term;
 - (b) any subsequent development permit shall not exceed a five (5) year term.

9. CANNABIS RETAIL SALES

- (1) A Cannabis Retail Sales use may only be located on lands designated Direct Control (DC).
- (2) A Cannabis Retail Sales use must be a separate use from any other uses or business activities unless it is a use or activity expressly authorized by the Alberta Gaming & Liquor Commission (AGLC).
- (3) A Cannabis Retail Sales use must obtain the necessary license from the AGLC and proof of license shall be required as a condition of development permit approval.
- (4) If at any time an approved Cannabis Retail Sales use has its AGLC license revoked or the license expires, the development permit issued to the Cannabis Retail Sales use shall be null and void.
- (5) The owner or applicant must obtain, and maintain on a permanent basis, any other approval, permit, authorization, consent or license that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.
- (6) A development permit for a Cannabis Retail Sales use shall not be approved if the premises (measured from the nearest outside wall of the Cannabis Retail Sales use) is located with a 300 m separation distance of any of the following:
 - (a) the boundary of a parcel of land on which a School is located;
 - (b) the boundary of a parcel of land on which a Hospital is located;
 - (c) the boundary of a parcel designated as school reserve (SR) or municipal and school reserve (MSR) is located;
 - (d) the boundary of a parcel of land on which another Cannabis Retail Sales is located;
 - (e) the boundary of a parcel of land containing one of the following uses: Child Care Facility, Religious Assembly, Educational Institution, Indoor Recreation, Institutional Facility or Use, Outdoor Recreation Facility, Outdoor Recreation and Sports Fields, Park or Playground, or any other land use (unless specifically dealt with otherwise in this Section), where, in the opinion of the Development Authority, persons under the age of 18 are likely to congregate on a regular basis.
 - (f) the above noted separation distances are reciprocal and are illustrated (for information purposes only) in Appendix E.
- (7) The specified separation distances in subsections 6 (above) are not eligible to be varied (waived) by the Development Authority or the Subdivision and Development Appeal Board.
- (8) The hours of operation for a Cannabis Retail Sales shall be limited to 9 a.m. to 9 p.m. daily.
- (9) Application requirements for a Cannabis Retail Sales use are as follows:

SCHEDULE "A"



(a) Prior to applying for a municipal development permit for a Cannabis Retail Store, the applicant is required to apply to the AGLC for a determination of eligibility to obtain a licence, and submit verification of the AGLC eligibility as part of the development application;

(b) A detailed business plan including hours of operations, number of employees and any other relevant matters;

(c) documentation demonstrating how the cannabis retail store complies with the Conditions Governing Cannabis Store Premises under the Alberta Gaming, Liquor and Cannabis Regulation;

(d) proposed exterior business signage and information demonstrating compliance with the Alberta Gaming and Liquor Commission store names;

(e) A site plan including details of the proposed store and a detailed listing of surrounding land uses, both on adjacent (contiguous) parcels and within a 300 m from the site subject of the application (drawn on a high quality and clearly legible site plan with text descriptions).

9. SECONDARY SUITES

- (1) A secondary suite shall only be developed within the principal dwelling and shall not be developed within a detached garage and/or accessory structure.
- (2) In the case of a secondary suite located completely below the first storey of a single-detached dwelling the floor area shall not exceed the floor area of the first storey of the associated principal dwelling (excluding stairways).
- (3) The minimum floor area for a secondary suite shall be not less than 30 m² (323 ft²).
- (4) A secondary suite shall be developed in such a manner that the exterior of the principal dwelling containing the secondary suite shall appear as a single-detached dwelling.
- (5) Only one secondary suite may be developed in conjunction with a principal dwelling.
- (6) A secondary suite shall not be developed within the same principal dwelling containing a Home Occupation 2, unless it is proven to the satisfaction of the Development Authority that the amount of traffic generated is limited and adequate parking is available without adversely affecting the neighbourhood.
- (7) The number of persons occupying a secondary suite shall not exceed four.
- (8) The secondary suite shall not be separated from the principal dwelling through a condominium conversion or subdivision.
- (9) Variances or waivers of setbacks shall not normally be granted to develop a secondary suite.
- (10) A secondary suite shall provide off-street parking in compliance with Schedule 10: Off-Street Parking, Loading & Driveway Requirements.
- (11) All required off-street parking stalls for a secondary suite shall be hard surfaced (e.g. cement, pavement/asphalt, etc.).
- (12) Development of a secondary suite shall adhere to the Alberta Building Code and Alberta Fire Code as a condition of approval.

10. MULTI-UNIT DWELLING DESIGN REQUIREMENTS

These design requirements apply to all developments with two or more dwelling units but do not apply to a single detached dwelling with a secondary suite.