

**THE CITY OF SPRUCE GROVE**

**BYLAW C-1027-17**

**LAND USE BYLAW AMENDMENT**

WHEREAS, pursuant to the *Municipal Government Act*, R.S.A., 2000, c.M-26, a municipality shall pass a land use bylaw and may amend the land use bylaw;

AND WHEREAS, the City of Spruce Grove wishes to amend Bylaw C-824-12, the Land Use Bylaw for the City of Spruce Grove;

NOW THEREFORE, the Council for the City of Spruce Grove, duly assembled hereby enacts as follows:

Bylaw C-824-12 is amended as follows:

1. By adding the following in bold and deleting the following in strikethrough:

**SECTION 7 DEFINITIONS**

**AGRICULTURE**

The cultivation of soil for the growing of crops and all related activities, or the raising of animals to provide food or other products. This shall not include Confined Feeding Operations or ~~Medical Marihuana Production Facilities~~ **Cannabis Production Facilities**.

**CANNABIS**

**Cannabis means cannabis as defined in the *Cannabis Act*.**

**CANNABIS ACCESSORY**

**A thing that is commonly used in the consumption of cannabis. A Cannabis Accessory includes, but is not limited to, rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers.**

**CANNABIS PRODUCTION FACILITY**

**A Development licensed by Health Canada located in a stand-alone Building where Cannabis is grown, processed, packaged, tested, destroyed, stored, distributed or loaded for shipping. Cannabis Production Facilities shall not include Cannabis Sales or Retail Sales as an Accessory Use.**

## ~~CANNABIS RELATED USE~~

~~Cannabis related development uses including but not limited to wholesale, distribution, retail, and consumption of cannabis products in any form whatsoever.~~

## **CANNABIS SALES**

**A Principal Use being a business where Cannabis is sold in accordance with the following provisions:**

- a. Cannabis sold is for consumption Off Site and Cannabis shall not be consumed On Site;
- b. no other goods are sold on the premises other than Cannabis Accessories;
- c. all Cannabis offered for sale or sold must be from a federally approved and licensed facility;
- d. the business must be licensed by the Alberta Government; and,
- e. the Use premises, including the associated Loading Space, are located at least
  1. 200.0 m to the closest point of another Cannabis Sales Use;
  2. 100.0 m to the closest Site Line of a School, a municipally owned Site used by a School with an associated joint use agreement, or a future School Site as depicted in an adopted Area Structure Plan;
  3. 100.0 m to the closest point of a municipal Playground or Recreational Establishment, Outdoor;
  4. 100.0 m to the closest Site Line of a provincial health facility in accordance with the *Gaming, Liquor and Cannabis Act*;
  5. 100.0 m to the closest point of a Recreational Establishment, Indoor Use that is publicly owned or operated;
  6. 100.0 m to the closest Site Line of a public library; and,
  7. 25.0 m to the closest point of a Child Care Facility Use, including the associated On Site play area.

## **CHILD CARE FACILITY**

A Development used to provide care and supervision, but not overnight accommodation, to seven or more children under the age of thirteen. Typical Uses are day care centres, before and after school care, and pre-schools. **Child Care Facilities, including associated On Site play areas, shall be located a minimum of 25.0 m from the closest point of a Cannabis Sales Use.**

## **GENERAL INDUSTRIAL USE**

Development used for one or more of the following activities: manufacturing, processing, assembling, cleaning, repairing, servicing, testing, storage, warehousing or distribution of materials, products or equipment; and may include the training of personnel in general industrial operation. Accessory Uses may

include indoor display, office, technical or administrative support areas or any sales operation directly associated with the General Industrial Use activities on-site. This shall exclude natural resource development and ~~Medical Marihuana Production Facilities~~ **Cannabis Production Facilities**.

#### GREENHOUSE

A Development used primarily for the raising, storage and sale of bedding, household and ornamental plants, as well as associated products. This use excludes ~~Medical Marihuana Production Facilities~~ **Cannabis Production Facilities**.

#### MEDICAL MARIHUANA

~~A substance used for medical purposes authorized by a licence issued under the federal government's Access to Cannabis for Medical Purposes Regulations (ACMPR), as amended, or any subsequent legislation which may be enacted as a substitution. Medical Marihuana may also be referred to as medical cannabis or medical marijuana.~~

#### MEDICAL MARIHUANA PRODUCTION FACILITY

~~A Development in a stand-alone Building where Medical Marihuana is grown, processed, packaged, tested, destroyed, stored, distributed or loaded for shipping. Medical marijuana production facilities shall not include storefront sales.~~

#### PARK

A specific-use open space area that is managed to provide opportunities for recreation, education, cultural or aesthetic use but shall not include an area for School purposes. **A municipal Playground in a Park Site shall be located a minimum of 100.0 m from the closest point of a Cannabis Sales Use.**

#### PLAYGROUND

**An outdoor area dedicated to play structures for children.**

#### PREMISE

**An area on a Site or in a Building that is devoted to a specific Use or business.**

#### PRIVATE CLUB

A Development used for social activities of members of non-profit groups or organizations, excluding On Site residence. Private Clubs may include room for

eating, drinking and assembly. **Private Clubs shall not allow for On Site Cannabis consumption.**

#### PUBLIC LIBRARIES AND CULTURAL EXHIBITS

Development for the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for public use; or a Development for the collection, preservation and public exhibition of works or objects of historical, scientific or artistic value. Typical Uses include libraries, museums and art galleries. **Public Library Sites shall be located a minimum of 100.0 m from the closest point of a Cannabis Sales Use.**

#### RECREATIONAL ESTABLISHMENT, INDOOR

A Development intended to provide sports or recreational activities within an enclosed Building and the related Accessory Buildings for the users of the facility. This does not include Commercial Recreational Establishments. Typical Uses are athletic or health clubs, studios for sports/fitness classes, arenas, swimming pools and gymnasium facilities. **Recreational Establishment, Indoor Uses that are publicly owned or operated shall be located a minimum of 100.0 m from the closest point of a Cannabis Sales Use.**

#### RECREATIONAL ESTABLISHMENT, OUTDOOR

A Development intended to provide structure for sports or leisure activities, including the related accessory Developments for the users of the facility. Typical Uses include sports fields, playgrounds, skating rinks, tennis courts and spray parks. **Recreational Establishment, Outdoor shall be located a minimum of 100.0 m from the closest point of a Cannabis Sales Use.**

#### RETAIL SALES

A Development up to 3000.0 m<sup>2</sup> used for the sale of consumer goods in an enclosed building, including such items as groceries, clothing and footwear, electronics, furniture and appliances, hardware supplies, household goods, printed matter, confectionary, pharmaceuticals ~~excluding Medical Marijuana~~, personal care items and office supplies. Retail Sales does not include Retail Sales, Industrial; Retail Sales, Major; Alcohol Sales, Major; Alcohol Sales, Minor; ~~or Gas Bars~~; **or Cannabis Sales.**

#### SCHOOL

A publicly or privately supported or subsidized Development used for education operated by a School Board for any or all of Kindergarten to Grade 12, as per the School Act. **School Sites shall be located a minimum of 100.0 m from the closest point of a Cannabis Sales Use.**

2. By adding the following in bold:

**SECTION 14 VARIANCES**

- (9) **A variance may only be granted by the Development Officer to the minimum separation distance for Cannabis Sales to Sites in a residential land use district, as referenced in Section 80D(3), if said property is publicly owned land used for the purpose of a buffer strip, walkway, or public utility lot.**

3. By adding the following in bold and deleting the following in strikethrough:

~~SECTION 80C MEDICAL MARIHUANA PRODUCTION FACILITY~~ **CANNABIS PRODUCTION FACILITY**

- (1) The owner or applicant shall provide as a condition of Development Permit a copy of the current licence and all subsequent licence renewals for all activities associated with ~~medical marihuana~~ **Cannabis** production issued by Health Canada.

- (11) Notwithstanding the provisions of Section 127(2), ~~Medical Marihuana~~ **Cannabis** Production Facilities shall not be constructed with a Zero Side Yard.

4. By deleting the following in strikethrough:

~~SECTION 80D DEVELOPMENT MORATORIUM ON CANNABIS RELATED USES~~

- ~~(1) Notwithstanding any other provision of this Bylaw, Cannabis Related Use shall not be a permitted or discretionary use in any land use district in this Bylaw. No Development or Use shall be commenced, and no Development Permit shall be issued for a Cannabis Related Use.~~

- ~~(2) For further certainty, Cannabis Related Use is a prohibited use of land and buildings in the City of Spruce Grove. The prohibition contained in this Section 80D applies to any Development or Use which would not otherwise require a Development Permit.~~

5. By adding the following in bold:

**SECTION 80D CANNABIS SALES**

- (1) **Cannabis Sales shall meet the requirements of the *Gaming, Liquor and Cannabis Act*.**

- (2) **A copy of the Retail Cannabis Licence issued by the Alberta Gaming and Liquor Commission shall be provided to the City prior to occupancy as a condition of development permit approval.**
- (3) **Cannabis Sales shall be a minimum of 25.0 m from Sites in a residential district.**
- (4) **In addition to the provisions of Part 10 – Sign Regulations, advertising inside the premises shall not be visible from the outside.**
- (5) **The premises must operate separately from other businesses, including providing a separate Loading Space when one is required.**
- (6) **The public entrance and exit to the Use must be direct to the outdoors.**
- (7) **Goods shall not be visible from outside the business premises.**
- (8) **A Development Officer may condition Cannabis Sales in the C1 - City Centre Land Use District to ensure visual interest is maintained on public sidewalks, Streets and walkways.**

6. By adding the following in bold and deleting the following in strikethrough:

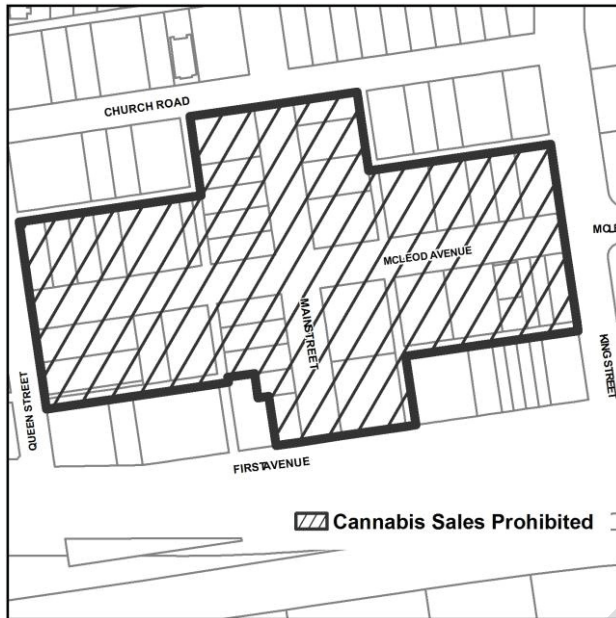
SECTION 123 C1 – CITY CENTRE COMMERCIAL DISTRICT

(1) GENERAL PURPOSE

Discretionary Uses
• <b>Cannabis Sales</b>

**Notwithstanding the list of Discretionary Uses for this District, Cannabis Sales is a prohibited use on all Sites in the District between Queen Street and King Street, as shown in Figure 1.**

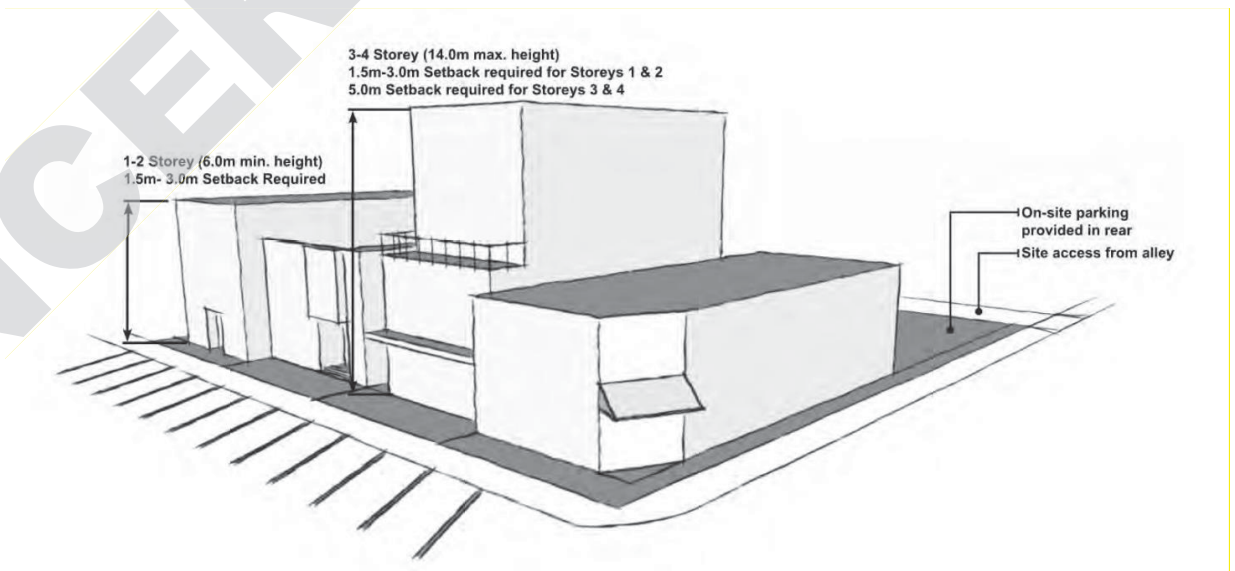
**Figure 1: Cannabis Sales Restrictions**



**(2) DEVELOPMENT REGULATIONS**

In addition to the Regulations contained in Part 6 General Regulations, Part 7 Special Regulations, Part 8 Parking Regulations, Part 9 Landscaping Regulations, and Part 10 Sign Regulations, the following regulations shall apply to all development in this District. Figure 4–2 City Centre streetscape, illustrates the Pedestrian Oriented development intend for this District.

**Figure 4 2: City Centre streetscape**



(3) ADDITIONAL REGULATIONS

- (m) **Notwithstanding Sections 123(3)(a) & (h) above, Uses that require opaque glazing per provincial or federal requirements shall provide alternative methods to promote visual interest along Streets, sidewalks and walkways to the satisfaction of the Development Officer.**

7. By adding the following in bold:

SECTION 124 C2 – VEHICLE ORIENTED COMMERCIAL DISTRICT

(1) GENERAL PURPOSE

Discretionary Uses
<ul style="list-style-type: none"><li>• <b>Cannabis Sales</b></li></ul>

8. By adding the following in bold and deleting the following in strikethrough:

SECTION 127 M1- GENERAL INDUSTRIAL DISTRICT

(1) GENERAL PURPOSE

Discretionary Uses
<ul style="list-style-type: none"><li>• <b>Cannabis Production Facilities</b></li><li>• <b>Cannabis Sales</b></li><li>• <del>Medical Marijuana Production Facilities</del></li></ul>

9. This amending bylaw shall be consolidated into Bylaw C-824-12.

10. This bylaw shall come into force and effect on July 18, 2018.

First Reading Carried 23 April 2018

Public Hearing Held 14 May 2018

Second Reading Carried 28 May 2018

Third Reading Carried 11 June 2018

Date Signed 13 June 2018

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Mayor

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City Clerk