

# PROPOSED

ITEM #8.2.1  
PUD2018-0056  
ATTACHMENT 1

## BYLAW NUMBER 25P2018

### BEING A BYLAW OF THE CITY OF CALGARY TO AMEND THE LAND USE BYLAW 1P2007

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**WHEREAS** it is desirable to amend the Land Use Bylaw 1P2007, as amended;

**AND WHEREAS** Council has held a public hearing as required by Section 692 of the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended:

### **NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:**

1. The City of Calgary Land Use Bylaw, being Bylaw 1P2007 of the City of Calgary, as amended, is hereby further amended as follows:
  - (a) Delete subsection 13(90.1).
  - (b) Delete subsection 25.2(4)(a) and (c).
  - (c) Insert the following in subsection 25.2(4):
    - (a) **Cannabis Counselling;**
    - (a.2) **Custodial Care;**
  - (d) Delete subsections 27(2)(a.1), 27(2)(a.2) and 27(2)(e.1).
  - (e) Insert the following in subsection 27(2):
    - (a.1) **Cannabis Facility;**
    - (a.2) **Cannabis Store;**
    - (a.3) **Drinking Establishment – Large** in the CC-EIR or the CC-ET districts;
    - (a.4) **Drinking Establishment – Medium** in the C-C1, C-COR1, C-COR2, CC-X, CC-COR, CC-EMU, CC-ET, or CC-EIR Districts and in all ***mixed use districts***;
  - (f) Delete “; or” in subsection 40(i)(ii).
  - (g) Delete “254.1(c).” in subsection 40(j) and replace with 254.1(c); or
  - (h) Insert the following subsection in section 40:
    - (k) is for a **Cannabis Store** located within 90 per cent of a minimum separation distance specified in subsection 160.3(i).

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- (i) Insert the following subsection in section 133:
  - (6) The production, processing, storage or sale of cannabis can only occur where it has been approved through a **development permit** for a **use** where it is specifically allowed in the **use** definition or rules.
- (j) Insert the following subsection in section 134.1:
  - (7) In any **development permit** or Direct Control District approved after the effective date of this Bylaw:
    - (a) **Medical Marihuana Counselling** is deemed to be the **Cannabis Counselling use**; and
    - (b) **Medical Marihuana Production Facility** is deemed to be the **Cannabis Facility use**.
- (k) Delete sections 233.1 and 233.2.
- (l) Insert the following section 160.1:
  - 160.1 **“Cannabis Counselling”**
    - (a) means a **use**:
      - (i) where counselling on cannabis is provided by persons who are not medical professionals;
      - (ii) where consumption of cannabis must not occur;
      - (iii) where the sale of cannabis must not occur; and
      - (iv) that may include the ancillary retail sale or rental of merchandise;
    - (b) is a **use** within the Care and Health Group in Schedule A to this Bylaw;
    - (c) except in the C-R2 and C-R3 districts, must not be located within 300.0 metres of any other **Cannabis Counselling use**, when measured from the closest point of a **Cannabis Counselling use** to the closest point of another **Cannabis Counselling use**;
    - (d) except in the C-R2 and C-R3 districts, must not be located within 150.0 metres of a **parcel** that contains a **School - Private** or a **School Authority – School**, when measured from the closest point of a **Cannabis Counselling use** to

the closest point of a **parcel** that contains a **School – Private** or **School Authority – School**;

- (e) requires a minimum of 4.0 **motor vehicle parking stalls** per 100.0 square metres of **gross usable floor area**.
- (f) does not require **bicycle parking stalls – class 1**; and
- (g) requires a minimum of 1.0 **bicycle parking stalls – class 2** per 250 square metres of **gross usable floor area**.

(m) Insert the following section 160.2:

## 160.2 “Cannabis Facility”

- (a) means a **use** where cannabis is grown, processed, packaged, tested, destroyed or stored;
- (b) is a **use** within the General Industrial Group in Schedule A to this Bylaw;
- (c) where a licence for all activities associated with cannabis growing, processing, packaging, testing, destruction or storage is issued by Health Canada;
- (d) where an ancillary **building** or structure used for security purposes may be located on the **parcel** containing the **use**;
- (e) must include equipment designed and intended to remove odours from the air where it is discharged from the facility as part of a ventilation system;
- (f) must not be within 75.0 metres of a **residential district** measured from the **building** containing the **use** to the nearest **property line** of a **parcel** designated as a **residential district**;
- (h) where the **development authority** may require, as a condition of a **development permit**, a Public Utility and Waste Management Plan, completed by a qualified professional, that includes details on:
  - (i) the incineration of waste products and air borne emission, including smell;
  - (ii) the quantity and characteristics of liquid and waste material discharged by the facility; and

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- (iii) the method and location of collection and disposal of liquid and waste material;
  - (i) requires a minimum number of **motor vehicle parking stalls** that is the greater of:
    - (i) 1.0 stalls per 100.0 square metres of **gross usable floor area** for the first 2000.0 square metres, and then 1.0 stalls for each subsequent 500.0 square metres; or
    - (ii) 1.0 stalls per three (3) employees based on the maximum number of employees at the **use** at any given time;
  - (j) does not require **bicycle parking stalls – class 1**; and
  - (k) requires a minimum of 1.0 **bicycle parking stalls – class 2** per 250 metres of **gross usable floor area**.
- (n) Insert the following section 160.3:

## 160.3 “Cannabis Store”

- (a) means a **use**:
  - (i) where cannabis is sold for consumption off the premises;
  - (ii) where consumption of cannabis must not occur;
  - (iii) that may include the ancillary retail sale or rental of merchandise; and
  - (iv) where counselling on cannabis may be provided;
- (b) is a **use** within the Sales Group in Schedule A to this Bylaw;
- (c) where all cannabis that is offered for sale or sold must be from a federally approved and licenced facility;
- (d) that has been licensed by the Alberta Government;
- (e) in the C-N1 and C-N2 Districts, must only be located on a **parcel** with a **front property line** on a **major street** or a primary collector **street**;
- (f) in all Districts, not including the C-R2, C-R3 and CR20-C20/R20 Districts, must not be located within 300.0 metres of any other

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**Cannabis Store**, when measured from the closest point of a **Cannabis Store** to the closest point of another **Cannabis Store**;

- (g) in all Districts, not including the C-R2, C-R3 and CR20-C20/R20 Districts, must not:
  - (i) abut a **Liquor Store**;
  - (ii) if not for one or more intervening **actual side setback areas**, abut a **Liquor Store**; and
  - (iii) when located on the same **parcel**, if not for a vacant space between **buildings**, not including an internal road, abut a **Liquor Store**;
- (h) in all Districts, must not be located within 100 metres of a **parcel** that does not have a **School Authority – School** located on it and is designated as a municipal and school reserve or school reserve on the certificate of title;
- (i) in all **commercial, industrial** and **mixed use districts**, not including the C-R2, C-R3 and CR20-C20/R20 Districts, must not be located within 150.0 metres of a **parcel** that contains any of the following **uses**, when measured from the closest point of a **Cannabis Store** to the closest point of a **parcel** that contains any of them:
  - (i) **Emergency Shelter**;
  - (ii) **School – Private**; and
  - (iii) **School Authority – School**;
- (j) requires a minimum of 4.0 **motor vehicle parking stalls** per 100.0 square metres of **gross usable floor area**.
- (k) does not require **bicycle parking stalls – class 1**; and
- (l) requires a minimum of 1.0 **bicycle parking stalls – class 2** per 250 metres of **gross usable floor area**.
- (o) Insert the following in section 225:
  - (e.2) in all Districts, not including the C-R2, C-R3 and CR20-C20/R20 Districts, must not:
    - (i) abut a **Cannabis Store**;
    - (ii) if not for one or more intervening **actual side setback areas**, abut a **Cannabis Store**; and

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- (iii) when located on the same **parcel**, if not for a vacant space between **buildings**, not including an internal road, abut a **Cannabis Store**.
- (p) Delete subsections 703(3)(j.1), 723(3)(n.1), 740(3)(r.2), 759(3)(t.2), 778(3)(q.2), 798(3)(z.2), 815(3)(w.1), 830(4)(a), 830(4)(a.1), 830(4)(c.2), 863(3)(q.2), 882(3)(p.2), 908(2)(m.1), 924(2)(a), 924(2)(j.1), 939(2)a.4, 939(2)(j.1), 955(2)(q.1), 1134(3)(k.1), 1164(3)(t.2), 1181(3)(q.2), 1245(3)(cc), 1255(3)(aa), 1261(3)(r), 1267(3)(s), 1307(3)(u.1), 1367(3)(q), and 1377(3)(w).
- (q) Insert the following in subsection 703(3):
  - (b.3) **Cannabis Counselling;**
- (r) Insert the following in subsections 723(3) and 1367(3):
  - (d.1) **Cannabis Counselling;**
- (s) Insert the following in subsections 740(3) and 955(2):
  - (e.2) **Cannabis Counselling;**
- (t) Insert the following in subsections 759(3):
  - (d.2) **Cannabis Counselling;**
- (u) Insert the following in subsections 778(3), 882(3), 1164(3), 1181(3) and 1307(3):
  - (d.2) **Cannabis Counselling;**
- (v) Insert the following in subsections 798(3) and 815(3):
  - (f.2) **Cannabis Counselling;**
- (w) Insert the following in subsection 830(4):
  - (a) **Cannabis Counselling;**
  - (a.1) **Child Care Service;**
  - (a.2) **Conference and Event Facility;**
- (x) Insert the following in subsection 863(3):
  - (c.2) **Cannabis Counselling;**
- (y) Insert the following in subsection 908(2)
  - (d.1) **Cannabis Facility;**

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- (z) Insert the following in subsection 924(2):
  - (a) **Cannabis Counselling;**
  - (a.2) **Child Care Service;**
- (aa) Insert the following in subsection 939(2)
  - (a.4) **Cannabis Counselling;**
  - (a.6) **Car Wash – Single Vehicle;**
- (bb) Insert the following in subsection 1134(3):
  - (b.1) **Cannabis Counselling;**
- (cc) Insert the following in subsections 1245(3) and 1255(3):
  - (e.1) **Cannabis Counselling;**
- (dd) Insert the following in subsections 1261(3) and 1267(3):
  - (c.1) **Cannabis Counselling;**
- (ee) Delete 1373(3) and 1384(3).
- (ff) Insert the following in section 1373:
  - (3) The length of the **building** façade that faces a **street** containing an individual **Cannabis Counselling, Office or Payday Loan use** on the floor closest to **grade** is a maximum of 9.0 metres.
- (gg) Insert the following in section 1384:
  - (3) The length of the **building** façade that faces a **street** containing an individual **Cannabis Counselling, Financial Institution, Medical Clinic, Office or Payday Loan use** on the floor closest to **grade** is a maximum of 9.0 metres.
- (hh) Insert the following in subsection 1377(3)
  - (f.1) **Cannabis Counselling;**
- (ii) Amend Schedule A by deleting "Medical Marihuana Counselling".
- (jj) Amend Schedule A by deleting "Medical Marihuana Production Facility".
- (kk) Amend Schedule A, Care and Health Group, by adding "Cannabis Counselling" to the list after "Addiction Treatment".

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- (ll) Amend Schedule A, General Industrial Group, by adding "Cannabis Facility" to the list after "Brewery, Winery and Distillery".
- (mm) Amend Schedule A, Sales Group, by adding "Cannabis Store" to the list after "Auction Market - Vehicles and Equipment".
- (nn) Delete section 6 in its entirety and replace with the following:

## Requirements of Other Legislation

- 6 (1) Compliance with this Bylaw does not exempt any person from the requirements of any Federal, Provincial or Municipal legislation, approval process, licensing or permitting regime, or other Bylaw.
- (2) The *Gaming, Liquor And Cannabis Regulation* has established distances from certain **buildings** and land from which **Cannabis Stores** must be separated, and also authorized municipalities to expressly vary these distances. The distances in the regulation apply to **Cannabis Stores** unless otherwise expressly varied in this Bylaw. The following distances in the regulation are hereby expressly varied:
  - (a) the distance from a **Cannabis Store** to a **building** containing a school or a boundary of a **parcel** of land on which the **building** is located, as described in sections 160.3(i) and 40(k) of this Bylaw; and
  - (b) the distance from a **Cannabis Store** to a boundary of a **parcel** of land that is designated as school reserve or municipal and school reserve under the *Municipal Government Act*, as described in sections 160.3(h) and 36(2) of this Bylaw.
- (oo) Delete section 36 in its entirety and replace with the following:

## Discretionary Use That Does Not Comply

- 36 (1) The **Development Authority** may approve a **development permit** application for a **discretionary use** where the proposed **development** does not comply with all of the applicable requirements and rules of this Bylaw if in the opinion of the **Development Authority**:
  - (a) the proposed **development** would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties; and
  - (b) the proposed **development** conforms with a **use** prescribed by this Bylaw for that land or **building**.



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- (2) The provisions of 36(1) apply to any reduction in the required distance of 100 metres from a **Cannabis Store** to a boundary of a **parcel** of land that does not contain a school **building** and is designated as school reserve or municipal and school reserve under the Municipal Government Act, in accordance with 105(5) of the *Gaming, Liquor And Cannabis Regulation*.

2. This Bylaw comes into force on 2018 April 24.

READ A FIRST TIME ON \_\_\_\_\_

READ A SECOND TIME ON \_\_\_\_\_

READ A THIRD TIME ON \_\_\_\_\_

\_\_\_\_\_  
MAYOR

SIGNED ON \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK

SIGNED ON \_\_\_\_\_