

**BYLAW XXXX/19
AMENDMENT TO THE LAND USE BYLAW 1385/17
STURGEON COUNTY, MORINVILLE, ALBERTA**

BYLAW XXXX/19 BEING A BYLAW OF STURGEON COUNTY, MORINVILLE, ALBERTA FOR THE PURPOSE OF AMENDING THE LAND USE BYLAW 1385/17.

WHEREAS, the *Municipal Government Act*, RSA 2000 c.M-26, any regulations thereunder, and any amendments or successor legislation thereto, authorize Council to establish and amend the Land Use Bylaw 1385/17.

AND WHEREAS, the Council of Sturgeon has deemed it desirable to amend the Land Use Bylaw 1385/17.

NOW THEREFORE BE IT RESOLVED, that the Council of Sturgeon County, duly assembled, hereby enacts as follows:

1. That Land Use Bylaw 1385/17 be amended as follows:

- a) Add the following to Section 1.6 Terminology in accordance with the alphabetical order of the list and renumber accordingly:
 - i. "Industrial Hemp means a crop of a cannabis plant or any part of that plant in which the concentration of tetrahydrocannabinol (THC) is 0.3% or less in the flowering heads or leaves. Industrial hemp is not a type of *Cannabis* as defined in this Bylaw."
- b) Add the following Part 18 – Definitions of Use in accordance with the alphabetical order of the list and renumber accordingly:
 - i. "Cannabis Consumption Venue means a development, or any part thereof, licensed to sell Cannabis to the public for consumption within the premises."
- c) Delete the following:
 - i. "*Bed and breakfast* means an owner-occupied dwelling where four or fewer guest rooms are rented for periods of fourteen days or less, with one meal provided on a daily basis to registered guests where such meals are prepared in a residential kitchen."
 - ii. "*Eating and drinking establishment* means an establishment where the primary purpose is the sale of prepared food and beverages to the public for consumption on or off the premises, and may be licensed by the Alberta Liquor and Gaming Commission. Such facilities may include live entertainment."
 - iii. "*Home-based business* means the accessory use of a dwelling, accessory buildings and parcel for an occupation, trade, profession or craft to be operated by the permanent residents of the dwelling."

- iv. *"Hotel* means development used for the provision of rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor(s). Hotels may include accessory food and beverage facilities, meeting and convention rooms and retail sales."
 - v. *"Resort* means a commercial development which offers guest and staff accommodation as well as complementary recreational opportunities. The resort may include eating and drinking establishments, concessions and picnic areas."
 - vi. *"Medical Marijuana Production Facility* means a use where a federally licensed facility is used for cultivation, processing, testing, destruction, packaging or shopping of marijuana used for medical purposes as permitted under the Federal Government's regulations or any subsequent legislation which may be enacted in substitution."
- d) Replace with the following:
- i. *"Bed and breakfast* means an owner-occupied dwelling where four or fewer guest rooms are rented for periods of fourteen days or less, with one meal provided on a daily basis to registered guests where such meals are prepared in a residential kitchen. This use does not include a *Cannabis Consumption Venue*."
 - ii. *"Eating and drinking establishment* means an establishment where the primary purpose is the sale of prepared food and beverages to the public for consumption on or off the premises, and may be licensed by the Alberta Liquor and Gaming Commission. Such facilities may include live entertainment. This use does not include a *Cannabis Consumption Venue*."
 - iii. *"Home-based business* means the accessory use of a dwelling, accessory buildings and parcel for an occupation, trade, profession or craft to be operated by the permanent residents of the dwelling. This use does not include a *Cannabis Consumption Venue*."
 - iv. *"Hotel* means development used for the provision of rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor(s). Hotels may include accessory food and beverage facilities, meeting and convention rooms and retail sales. This use does not include a *Cannabis Consumption Venue*."
 - v. *"Resort* means a commercial development which offers guest and staff accommodation as well as complementary recreational opportunities. The resort may include eating and drinking establishments, concessions and picnic areas. This use does not include a *Cannabis Consumption Venue*."
- e) Add the following to PART 2 DEVELOPMENT APPLICATION PROCESS
- i. In Section 2.3.1 under "Development Not Requiring a Development Permit" add the following to the list:

Industrial Hemp

- f) Add the following to PART 6 Special Regulations in accordance with the alphabetical order of the list and renumber as indicated below:
- i. "6.3A Cannabis Production & Distribution Facilities
- .1 The applicant shall obtain and demonstrate compliance with all relevant AGLC and Health Canada regulations, and other relevant provincial and federal regulations.
 - .2 All Cannabis Distribution Facilities shall require a cannabis specific development permit.
 - .3 Cannabis distribution facilities shall not be located within 800m of a dwelling on a nearby parcel. Distances shall be measured between closest property lines of the subject parcels.
 - .4 The Development Authority may require additional landscaping in addition to the regulations described in Part 8 of this Bylaw.
 - .5 An environmental impact assessment and/or noise impact assessment may be required by the Development Authority. If deemed necessary, a mitigation plan for noise impacts may also be required.
 - .6 A Development Permit application for a cannabis production or distribution facility shall include a detailed proposed plan for the development area that includes but is not limited to:
 - (a) Parcel layout;
 - (b) The area and dimensions of the distribution warehouses, including floor plans and building elevations;
 - (c) Security plans;
 - (d) Lighting plans;
 - (e) Location, dimensions, and surfacing of parcel access and egress;
 - (f) Grading plan demonstrating that the proposed use and site design does not interfere with site grading or drainage onto any road or adjacent parcel.
 - .7 An as-built grading plan shall be provided within three months of completion of final grading to ensure that the development was constructed in accordance with the approved plans for which the development permit was issued.
 - .8 A Development Authority may require the applicant hold a public engagement session.
 - (a) The Development Authority may stipulate Sturgeon County's involvement with the public engagement, at their discretion.
 - .9 Any development shall be designed to mitigate all off-site nuisance factors including excessive noise, odour, traffic, dust, and other impacts to the satisfaction of the Development Authority.
 - .10 Measures to ensure appropriate security requirements shall be proposed by the applicant and must be approved by the Development Authority. The Development Authority may require changes to the outdoor security plans as proposed.
 - .11 All facilities must be located indoors."

- ii. "6.3B Cannabis Retail
 - .1 Hours of operation shall be restricted at the discretion of the Development Authority.
 - .2 Prior to the issuance of a development permit, the Development Authority may conduct a site assessment, considering land use impacts including, but not limited to, exterior illumination, landscaping, screening, signs, and access.
 - .3 The Development Authority shall ensure sufficient lighting is included on the site for security and safety purposes.
 - .4 The Development Authority may require landscaping or screening measures to ensure the proposed development is compatible with nearby and adjacent land uses."

g) Add the following to PART 12 PRIMARY INDUSTRY DISTRICTS

- ii. In Section 12.1 under "AG – Agricultural District" add:

*Industrial Hemp****

As a listed permitted use (***)only allowed on AG-Major and AG-Minor Parcels) in accordance with the alphabetical order of the list and renumber as necessary.

h) Amend the following under PART 14 INDUSTRIAL DISTRICTS:

- i. In section 14.3 under "I3 – Medium Industrial Unserviced District" delete:

Medical Marijuana Production Facility

As a listed permitted use in accordance with the alphabetical order of the list and renumber as necessary.

- ii. In section 14.3 under "I3 – Medium Industrial Unserviced District" add:

Cannabis Production and Distribution

As a listed permitted use in accordance with the alphabetical order of the list and renumber as necessary.

- iii. In section 14.3 under "I4 – Medium Industrial Serviced District" delete:

Medical Marijuana Production Facility

As a listed permitted use in accordance with the alphabetical order of the list and renumber as necessary.

- iv. In section 14.4 under “14 – Medium Industrial Serviced District” add:

Cannabis Production and Distribution

As a listed permitted use in accordance with the alphabetical order of the list and renumber as necessary.

- v. In section 14.3 under “15 – Heavy Industrial District” delete:

Medical Marijuana Production Facility

As a listed permitted use in accordance with the alphabetical order of the list and renumber as necessary.

- vi. In section 14.5 under “15 – Heavy Industrial District” add:

Cannabis Production and Distribution

As a listed permitted use in accordance with the alphabetical order of the list and renumber as necessary.

- i) Add the following to PART 13 – COMMERCIAL DISTRICTS:

- i. In Section 13.1 under “C1 – Highway Commercial District” add:

Retail Sales, Cannabis

As a listed discretionary use in accordance with the alphabetical order of the list and renumber as necessary.

- ii. In section 13.2 under “C2 – Local Commercial District” add:

Retail Sales, Cannabis

As a listed discretionary use in accordance with the alphabetical order of the list and renumber as necessary.

- iii. In section 13.3 under “C3 – Neighbourhood Commercial District” add:

Retail Sales, Cannabis

As a listed discretionary use in accordance with the alphabetical order of the list and renumber as necessary.

j) Add the following to PART 15 – OTHER DISTRICTS:

iv. In Section 15.2 under “AP – Airport Support District” add:

Cannabis Production and Distribution

As a listed discretionary use in accordance with the alphabetical order of the list and renumber as necessary.

2. That this Bylaw shall come into force and take effect upon the date of third reading.

Read a first time this ___ day of _____ 2019.

Read a second time this ___ day of _____ 20__.

Read a third time this ___ day of _____ 20__.

MAYOR

COUNTY COMMISSIONER (CAO)

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.