

BYLAW 1405/18
AMENDMENT TO THE LAND USE BYLAW 1385/17
STURGEON COUNTY, MORINVILLE, ALBERTA

BYLAW 1405/18 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 the 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. *“Cannabis* means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the Cannabis Act (Canada) and its regulations, as amended from time to time and includes edible products that contain cannabis.”
 - ii. *“Cannabis Accessory* means cannabis accessory as defined in the *Cannabis Act* (Canada) and its regulations, as amended from time to time.”
- b) Delete the following:

“Agricultural use means the growing, raising, managing and/or sale of livestock, crops, food, horticulture and agri-food related value-added enterprises, including education, motivated either by profit or lifestyle.
- c) Replace with the following:

“Agricultural use means the growing, raising, managing and/or sale of livestock, crops, food, horticulture and agri-food related value-added enterprises including education, motivated either by profit or lifestyle. This does not include Cannabis Production and Distribution.”
- d) Add the following Part 18 – Definitions for Uses in accordance with the alphabetical order of the list and renumber accordingly:
 - i. *“Cannabis Production and Distribution* means development used principally for one or more of the following activities as it relates to Cannabis:
 - a) the production, cultivation and growth of Cannabis;
 - b) the processing of raw materials;
 - c) the making, testing, manufacturing, assembling or in any way altering the chemical or physical properties of semi-finished or finished goods and products;
 - d) the storage or transshipping of materials, goods and products; or

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- e) the distribution and sale of materials, goods and products to Cannabis Retail Sales stores or to individual customers.”
- ii. *“Retail Sales, Cannabis* means a retail store licensed by the Province of Alberta where Cannabis and Cannabis Accessories are sold to individuals who attend at the premises. This Use does not include Cannabis Production and Distribution.”
- e) Delete the following:
“Accessory, building means a building or structure that is incidental, subordinate and located on the same parcel as the principal building, but does not include a building or structure used for human habitation and does not include shipping containers.”
- f) Replace with the following:
“Accessory, building means a building or structure that is incidental, subordinate and located on the same parcel as the principal building but does not include a building or structure used for human habitation and does not include shipping containers, or Cannabis Production and Distribution or Cannabis Retail Sales.”
- g) Delete the following:
“Accessory, agricultural building means a building associated with the operation of an agricultural use on the parcel on which it is located, used for the housing of livestock, storage of farm produce or livestock feed, or for the storage or maintenance of agricultural machinery. Such structures shall include grain bins or silos for the storage of on-farm produced crop products, hay shelters, animal housing facilities and machine storage sheds. This use does not include a detached garage or shop if the building is partially used for personal or residential use.”
- h) Replace with the following:
“Accessory, agricultural building means a building associated with the operation of an agricultural use on the parcel on which it is located, used for the housing of livestock, storage of farm produce or livestock feed, or for the storage or maintenance of agricultural machinery. Such structures shall include grain bins or silos for the storage of on-farm produced crop products, hay shelters, animal housing facilities and machine storage sheds. This use does not include a detached garage or shop if the building is partially used for personal or residential use or Cannabis Production and Distribution.”
- i) Delete the following:
“Accessory, use means the use of a building or land which is incidental and subordinate to the principal use of the parcel on which it is located.”
- j) Replace with the following:
“Accessory, use means the use of a building or land which is incidental and subordinate to the principal use of the parcel on which it is located or Cannabis Production and Distribution or Cannabis Retail Sales.”

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- k) Delete the following:
“*Agricultural support service* means the use of land, buildings and structures for the purposes of supplying and selling of goods, materials, services or processing (e.g. an abattoir) directly related to the agricultural industry. This may include ancillary uses, including, but not limited to, office, sales, technical, administrative support, storage or warehousing.”
- l) Replace with the following:
“*Agricultural support service* means the use of land, buildings and structures for the purposes of supplying and selling of goods, materials, services or processing (e.g. an abattoir) directly related to the agricultural industry. This may include ancillary uses, including, but not limited to, office, sales, technical, administrative support, storage or warehousing. This does not include Cannabis Production and Distribution or Cannabis Retail Sales.”
- m) Delete the following:
“*Community garden* means the cultivation and harvesting of plant and animal products where the primary purpose is supportive of community, educational, recreational, rehabilitative or social programming. Accessory uses may include exterior storage, composting, and buildings for the operation of the site and the extension of the growing season. This does not include, agriculture support services or intensive agriculture.”
- n) Replace with the following:
“*Community garden* means the cultivation and harvesting of plant and animal products where the primary purpose is supportive of community, educational, recreational, rehabilitative or social programming. Accessory uses may include exterior storage, composting, and buildings for the operation of the site and the extension of the growing season. This does not include, agriculture support services or intensive agriculture or Cannabis Production and Distribution.”
- o) Delete the following:
“*Extensive agriculture* means an agricultural use including a system of tillage, which depends upon large areas of land for the raising of crops and includes customer site visits that are associated with the operations.”
- p) Replace with the following:
“*Extensive agriculture* means an agricultural use including a system of tillage, which depends upon large areas of land for the raising of crops and includes customer site visits that are associated with the operations. This does not include Cannabis Production and Distribution.”
- q) Delete the following:
“*General industrial* means an industrial activity which does not create an adverse environmental impact or nuisance beyond its immediate site, is compatible with other industrial and commercial uses in a concentrated setting and involves the storage, manufacturing, distribution, wholesaling, testing, repairing, processing or salvaging of goods and materials.”

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- r) Replace with the following:
“*General industrial* means an industrial activity which does not create an adverse environmental impact or nuisance beyond its immediate site, is compatible with other industrial and commercial uses in a concentrated setting and involves the storage, manufacturing, distribution, wholesaling, testing, repairing, processing or salvaging of goods and materials. This does not include Cannabis Production and Distribution.”
- s) Delete the following:
“*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.”
- t) Replace with the following:
“*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 does not include Cannabis Production and Distribution or Cannabis Retail Sales.”
- u) Delete the following:
“*Intensive agriculture* means a horticultural operation which may be accessory to an extensive agriculture or extensive livestock use that, generally operates on smaller tracts of land. Without restricting the generality of the foregoing, this may include nurseries, greenhouses, market gardens, u-pick farms, tree farms, fish farms, stud farms and sod farms. This use accommodates site visits to an agricultural parcel for customers for the purchasing of farm products.”
- v) Replace with the following:
“*Intensive agriculture* means a horticultural operation which may be accessory to an extensive agriculture or extensive livestock use that generally operates on smaller tracts of land. Without restricting the generality of the foregoing, this may include nurseries, greenhouses, market gardens, u-pick farms, tree farms, fish farms, stud farms and sod farms. This use accommodates site visits to an agricultural parcel for customers for the purchasing of farm products. This does not include Cannabis Production and Distribution or Cannabis Retail Sales.”
- w) Delete the following:
“*Retail sale* means development used for the sale of consumer goods in an enclosed building, including such items as groceries, confectionary, electronics, furniture and appliances. Retail sale does not include retail sale, liquor or vehicle sale or rental.”
- x) Replace with the following:
“*Retail sale* means development used for the sale of consumer goods in an enclosed building, including such items as groceries, confectionary, electronics, furniture and appliances. Retail sale does not include retail sale, liquor or vehicle sale or rental. This does not include Cannabis Retail Sales.”

- y) Delete the following:
 “Retail sale, liquor means development used for the sale of alcoholic beverages to the public and licensed by the province. Typical uses include wine and beer stores.”

 - z) Replace with the following:
 “Retail sale, liquor means development used for the sale of alcoholic beverages to the public and licensed by the province. Typical uses include wine and beer stores. This does not include Cannabis Retail Sales.”

 - aa) Delete the following:
 “Warehousing means the use of a building and/or site primarily for the keeping of goods and merchandise, excluding dangerous or hazardous materials, derelict vehicles thereof, or any waste material.”

 - bb) Replace with the following:
 “Warehousing means the use of a building and/or site primarily for the keeping of goods and merchandise, excluding dangerous or hazardous materials, derelict vehicles thereof, or any waste material, or cannabis.”
2. That this Bylaw shall come into force and take effect upon the date of third reading.

Read a first time this 8th day of May 2018.

Read a second time this ___ day of _____ 2018.

Read a third time this ___ day of _____ 2018.

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.