

**SMOKY LAKE COUNTY
IN THE PROVINCE OF ALBERTA**

BYLAW NO. 1322-18

A BYLAW OF SMOKY LAKE COUNTY IN THE PROVINCE OF ALBERTA, TO AMEND BYLAW 1272-14, BEING THE LAND USE BYLAW FOR SMOKY LAKE COUNTY.

WHEREAS Council has adopted the Bylaw 1272-14 to be used as the Smoky Lake County Land Use Bylaw;

AND WHEREAS it is deemed expedient to amend Bylaw 1272-14 as set out in Section 692 of the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended (“the Act”).

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, and by virtue of all other powers enabling it, the Council of Smoky Lake County, duly assembled, enacts as follows:

- (1) **Section 1.7** revised by deleting the definitions for agricultural support services; agricultural use; bakery, bakery, large commercial; club or lodge; commercial use; convenience retail service; drinking establishment; eating and drinking establishment; extensive agriculture; greenhouse; health services; highway commercial; home occupation, major; home occupation, minor; indoor eating establishment; industrial use, heavy; industrial use, heavy petrochemical; industrial use, light; industrial use, medium; industrial, rural; intensive agriculture; liquor sales/distribution service; neighbourhood commercial development; neighbourhood convenience (or retail) store; outdoor eating establishment; private club or lodge; retail store; rural commercial in their entirety.
- (2) **Section 1.7** is further revised by inserting the following definitions in alphabetical order and renumbered accordingly:

“**Agricultural support services**” means development providing products or services directly related to the agricultural industry. Without restricting the generality of the foregoing, this shall include such facilities as: livestock auction marts, grain elevators, feed mills, bulk fertilizer distribution plants, bulk agricultural chemical distribution plants, bulk fuel plants, farm implement dealerships, and crop spraying. **This use does not include cannabis production and distribution;**

“**Agricultural use**” means the non-intense use of lands, buildings, or structures for the production of crops, animal husbandry, or other similar uses normally associated with agriculture, **but does not include cannabis production and distribution;**

“**Bakery**” means a shop where baked goods are produced and offered for sale on the premises only, **but does not include cannabis retail sales;**

“**Bakery, large commercial**” means a factory for producing, mixing, compounding or baking bread, biscuits, ice cream cones, cakes, pies, buns or any other bakery product of which flour or meal is the principal ingredient, but does not include **cannabis retail sales**, restaurants or other premises where any such product is made for consumption on the premise;

“**Cannabis**” means cannabis as defined in the *Cannabis Act*, S.C. 2018, c. 16, as amended, or replaced.

A. Cannabis includes:

- i. Any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
- ii. Any substance or mixture of substances that contains or has on it any part of such a plant;
- iii. Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

B. Cannabis does not include:

- i. a non-viable seed of a cannabis plant;
- ii. a mature stalk (without leaves, flowers, seeds, or branches) of a cannabis plant;
- iii. fibre derived from a mature cannabis stalk as referred to in subsection (ii), above;
- iv. the root or any part of the root of a cannabis plant;
- v. industrial hemp

“Cannabis accessory” means a thing that is commonly used in the consumption or production of cannabis. A cannabis accessory includes, but is not limited to, rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers;

“Cannabis accessory retail sales” means a retail outlet which specializes in the sale of cannabis accessories, drug paraphernalia related to consumption of cannabis, other recreational drugs, and new age herbs, as well as counterculture art, magazines, music, clothing and home décor. This does not include cannabis retail sales or cannabis production and distribution;

“Cannabis lounge” means a development where the primary purpose of the facility is the sale of cannabis to the eligible public, for the consumption within the premises that is authorized by provincial or federal legislation. This use does not include cannabis production and distribution;

“Cannabis, medical” means cannabis that is obtained for medical purposes in accordance with applicable federal law;

“Cannabis production and distribution” means a development used principally for one or more of the following activities relating to cannabis:

- A. The licenced production, cultivation, and growth of cannabis;
- B. The licenced processing of raw materials;
- C. The licenced making, testing, manufacturing, assembling, or in any way altering the chemical or physical properties of semi-finished or finished cannabis goods or products;
- D. The licenced storage or shipping of materials, goods, or products, or;
- E. The licenced distribution and wholesale of materials, goods, and products to cannabis retail sales stores;

“Cannabis retail sales” means a licenced development used for the retail sales of cannabis that is authorized by provincial or federal legislation. This use may include retail sales of cannabis accessories, as defined in the *Cannabis Act*, S.C.

2018, c. 16, as amended or replaced. This use does not include cannabis production and distribution;

“Club or lodge” means an association of persons, whether incorporated or not, united by some common interest, meeting periodically for cooperation or conviviality. Club shall also mean, where the context requires, premises owned or occupied by members or staff of such association within which the activities of the club are conducted, **but does not include a cannabis lounge**;

“Commercial use” means an outlet through which products or services are available to consumers but does not include, highway commercial uses, the manufacturing of products, convenience retail services, liquor sales/distribution services, auctioneering facilities or eating establishments, **but does not include cannabis retail sales**;

“Convenience retail service” means development used for the retail sale of those goods required by area residents or employees on a day to day basis, from business premises which do not exceed 275.0 sq. m (2,960.0 sq. ft.) in gross floor area. Typical uses include: small food stores, gas bars, drug stores and variety stores selling, confectionery, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter. This use does not include wholesale or retail liquor sales/distribution outlets or facilities, or **cannabis retail sales**;

“Drinking establishment” means a development possessing a liquor license, pursuant to provincial regulations, where the sale and consumption of liquor on site are open to the public and where liquor is the primary source of business. **This does not include a cannabis lounge or cannabis retail sales**;

“Eating and drinking establishment” means a development, whether indoors or outdoors, where patrons may purchase and consume food and/or alcoholic beverages on site where food, rather than alcohol, is the predominant item consumed. An eating and drinking establishment does not include an entertainment establishment **or a cannabis lounge**;

“Extensive agriculture” means the use of land or buildings, including the first dwelling or manufactured home, an agricultural operation which require large tracts of land (usually in the order of 80 ac. (32.4 ha.) or more). **This use may include the outdoor cultivation of industrial hemp**, but does not include intensive agriculture, **cannabis production and distribution**, or a confined feeding operation which requires either a registration or an approval under Part 2 of the *Agricultural Operations Practices Act*, R.S.A. 2000, c. A-7, as amended or replaced;

“Greenhouse” means a building or the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouse, but are sold directly from such lot at wholesale or retail. **A greenhouse does not include cannabis production and distribution**;

“Health services” means establishments primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists, and other health practitioners, medical and dental laboratories, out-patient care facilities, blood banks, oxygen and miscellaneous types of medical supplies and services, counselling services, clinics, and medical cannabis clinics;

“Highway commercial” means a use intended primarily to provide commercial services for recreational, industrial and commercial travelers **This use does not include cannabis retail sales**;

“Home occupation, major” means any business, occupation, trade, profession, or craft that is carried on as a secondary use within a dwelling by at

least one permanent resident of said dwelling, and which increases traffic circulation in the neighbourhood in which it is located. A major home occupation does not change the character of the dwelling in which it is located or have any exterior evidence of secondary use other than one (1) small sign as provided for in this Bylaw. A major home occupation does not include: adult entertainment services, day homes, bed and breakfast establishments, animal breeding and/or boarding facilities, **cannabis production and distribution, cannabis retail sales, or a cannabis lounge**. Any home occupation which utilizes an accessory building shall be deemed a Major Home Occupation;

“Home occupation, minor” means any business, occupation, trade, profession, or craft that is carried on as a secondary use within a dwelling by at least one permanent resident of said dwelling, and which does not increase traffic circulation in the neighbourhood in which it is located. A minor home occupation does not change the character of the dwelling in which it is located or have any exterior evidence of secondary use other than one (1) small sign as provided for in this Bylaw. A minor home occupation does not include adult entertainment services, or dating or escort services, **cannabis retail sales, or cannabis production and distribution**;

“Indoor eating establishment” means an establishment where food and drink are intended to be consumed within the confines of the establishment, **but does not include a cannabis lounge**;

“Industrial hemp” means a cannabis plant – or any part of that plant – in which the concentration of THC is 0.3% w/w or less in the flowering heads and leaves, as defined in *Industrial Hemp Regulations*, SOR/2018-145, as amended or replaced;

“Industrial hemp production and distribution facility” means the use of land, buildings or structures licensed and/or authorized to process, sell, provide, ship, deliver, transport, destroy, export and/or import industrial hemp, including indoor production and related research, under the *Industrial Hemp Regulations*, SOR/2018-145, as amended or replaced. This use does not include: cannabis retail sales establishments, cannabis production and distribution, or the outdoor cultivation of industrial hemp;

“Industrial use, heavy” means a development which would be considered to be a medium industrial use except that, in the opinion of the Development Authority, the development would not be able to co-exist compatibly in proximity to other uses or population concentrations due to: the potential for an adverse environmental impact beyond the immediate site of the heavy industrial use; the potential for significant toxic or noxious by-products such as air or water-born emissions; or the potential to emit significant noise, smoke, dust, odour, vibration, etc., which may be offensive or hazardous to human health, safety or well-being. Heavy industrial uses also include: the storage of toxic, flammable or explosive products in significant quantities; rendering plants, alfalfa processing plants, **large scale cannabis production and distribution, large scale industrial hemp production facilities**, or large-scale outdoor storage that is unsightly or visually offensive. Heavy industrial uses do not include heavy petro-chemical industry;

“Industrial use, heavy petrochemical” means a use or development involved in the processing and manufacturing of petrochemicals, including oil and gas refining, which, in the sole opinion of the Development Authority, may emit a significant level of noise, smoke, dust, odour, vibration, etc., and which may not be compatible with the surrounding land use. **This use does not include cannabis production and distribution or industrial hemp production and distribution facilities**;

“Industrial use, light” means development for the purpose of: the processing of raw materials; the manufacturing or assembly of goods or equipment; or the storage or transshipment of materials, goods, and equipment; which will not

result in the emission of odours, dust, smoky, gas, noise, or vibration outside the building in which the light industrial activity is carried on, and which is carried on entirely indoors, except for storage which may be located outdoors provided it is entirely screened from all adjacent uses, except for other industrial uses, and from all roads. **This use includes small scale cannabis production and distribution and small scale industrial hemp production and distribution facilities.** Notwithstanding the above, light industrial uses shall not include the outdoor storage of used goods or materials for any purpose;

“Industrial use, medium” means a development which may include indoor or outdoor storage and in the opinion of the Development Authority, the development may not be able to co-exist compatibly in proximity to other uses or population concentrations due to: the potential for on-site adverse environmental impacts; the potential for significant toxic or noxious by-products which may be offensive or hazardous to human health, safety or well-being; the storage of toxic, flammable or explosive products in small quantities; or large-scale outdoor storage that is unsightly or visually offensive. Medium industrial uses may include manufacturing, transportation, warehousing; distribution, **medium scale cannabis production and distribution, and medium scale industrial hemp production and distribution facilities,** and utilities;

“Industrial, rural” means any industrial use involved in:

- A. the processing, fabrication, storage, transportation, distribution, or wholesaling of goods which require a relatively large lot; and
- B. activities which would not be appropriate or should not locate within an urban area because they are potentially hazardous or may emit a high level of noise, dust, odour, vibration, or require a large parcel of land;
- C. agricultural based industries such as seed cleaning plants, fertilizer plants, the storage or sale of fertilizer and/or bulk fuel and, at the discretion of the development authority some resource based industries including: saw mills or pulp and paper industries, and sphagnum industries **or small and medium scale industrial hemp production and distribution facilities.**

Rural industrial uses do not include heavy petrochemical uses or uses that would be considered heavy industrial uses;

“Intensive agriculture” means an agricultural operation which raises crops on a land-intensive basis. Intensive agriculture includes, greenhouses, silviculture and sod farms, but does not include confined feeding operations **cannabis production and distribution or industrial hemp production and distribution facilities;**

“Liquor sales/distribution service” means development used principally for the wholesale or retail sale or distribution to the public of any and all types of alcoholic spirits or beverages as defined by the *Gaming, Liquor and Cannabis Act*, R.S.A. 2000, c. G-01, as amended. **This use does not include cannabis retail sales.**

“Medical cannabis clinic” means a health provider that provides patients with education on the therapeutic use of cannabis and may prescribe medical cannabis to patients on an out-patient basis;

“Neighbourhood convenience (or retail) store” means a retail store where those goods required by area residents or employees on a day to day basis are the predominant product offered for sale. The gross leasable area of a neighbourhood commercial development shall not exceed 275.0 m² (2,960.0 ft.²). Typical uses include small food stores, drug stores, and variety stores selling confections, tobacco, groceries, beverages, pharmaceutical and personal care items, and/or printed matter. The design and scale of the building must be

compatible in scale and design with the surrounding residential neighbourhood.
This use does not include cannabis retail sales;

“Outdoor eating establishment” means an establishment where food and drink are normally consumed primarily outside but may also be consumed inside the confines of the establishment. **This use does not include cannabis lounges;**

“Private club or lodge” means a building or part of a building used exclusively by the members and guests of a club for social, recreational or athletic activities
This use does not include cannabis lounges;

“Retail store” means a development used for the retail sale of groceries, beverages, household goods, furniture and appliances, hardware, printed matter, confections, tobacco, pharmaceutical and personal care items, automotive parts and accessories, office equipment, stationary and/or similar goods from within an enclosed building. Minor public services, such as postal services and film processing depots, are allowed within retail stores. This does not include developments used for the sale of alcoholic beverages, **cannabis**, gasoline, heavy agricultural or industrial equipment; vehicle and equipment sales/rentals; or warehouse development;

“Rural commercial” means a business establishment located in a rural setting to retail or service goods destined for the immediately surrounding rural area. Notwithstanding the generality of the forgoing, rural commercial uses may include: convenience retail services, minor agricultural sales and services, as well as bulk fuel, chemical and fertilizer sales. **This use does not include cannabis retail sales or liquor sales/distribution service;**

- (3) **Section 2** – Development Permits, Rules, and Procedures – is hereby amended by inserting the following parts after **Section 2.5**:

“2.5(1) In addition to the information requirements indicated in **Section 2.4** and **2.5**, the Development Authority may require an applicant for a subdivision or development permit for **Cannabis Production and Distribution** to submit any or all of the following information, prepared by a qualified professional, with the application:

- A. Waste Management Plan;
- B. Environmental Assessment;
- C. Traffic Impact Assessment;
- D. Water/Wastewater Report;
- E. Storm Water Management Plan; and/or
- F. Any additional study or assessment necessary to address specific concerns at the discretion of the Subdivision or Development Authority.”

“2.5(2) In addition to the information requirements indicated in **Section 2.4**, the Development Authority or Subdivision Authority shall require an applicant for subdivision or a development permit for **Cannabis Retail Sales**, to include with the application the following information:

- A. a map identifying the distance from the proposed development to all property boundaries of:
 - i. buildings containing a school or a boundary of a parcel of land on which a school is located;

- ii. parcels of land that are designated as School Reserve or Municipal and School Reserve under the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended;
- iii. provincial health care facilities or the boundary of a parcel of land on which the facilities are located; and
- iv. any other development or land use required by the Alberta Gaming, Liquor, and Cannabis Commission;

“2.5(3) In addition to the information requirements indicated in **Section 2.4** and **2.5**, the Development Authority or Subdivision Authority may require an applicant for subdivision or a development permit for the development of an **Industrial Hemp Production and Distribution Facility** to provide the following information, prepared by a qualified professional, with the application:

- A. Waste Management Plan;
- B. Environmental Assessment;
- C. Traffic Impact Assessment;
- D. Water/Wastewater Report;
- E. Storm Water Management Plan; and
- F. Any additional study or assessment necessary to address specific concerns identified by the Development Authority and/or Subdivision Authority in the course of their review of the application.”

(4) **Section 7 – Special Provisions** – is hereby amended by inserting the following sections in alphabetical order and renumbering the remaining sections as required:

“7.3(1) Cannabis Production and Distribution

Regulations within this section apply to the production and development of licensed cannabis for medical and non-medical purposes.

- 1. Cannabis production and distribution developments shall not be permitted unless all applicable licensing and approvals have been provided by the provincial and federal governments.
- 2. A copy of the current license(s) and/or approvals for a proposed cannabis production and distribution development, as issued by the provincial and/or federal government, shall be provided to the Development Authority with the development permit application or as a condition of development permit approval.
- 3. The design of buildings on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.
- 4. Hours of operation may be restricted as a condition of the development permit issued by Development Authority.
- 5. The illumination of parking areas, walkways, signs, and other structures associated with cannabis production and distribution development shall be arranged to meet the requirements under municipal, provincial and federal regulations.
- 6. The minimum required lot size shall be at the discretion of the Development Authority.
- 7. Parking and loading requirements for cannabis production and distribution facilities shall be provided based on the requirements for an industrial use in

Section 6.13 of this Bylaw, and any applicable requirements in provincial and federal regulations, as amended.

8. Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
9. Applications for subdivision of land for this use may be required to include the information required by the Development Authority in **Section 2.5(1)**.
10. Landscaping requirements shall be at the discretion of the Development Authority.
11. On site buffering measures may be required for all cannabis production and distribution facilities. Buffers may include a combination of: setbacks, landscaping, and fencing to mitigate the impacts on adjacent lots.
12. The minimum required setback from any watercourse or water body shall be 30.0 m (98.0 ft.).
13. The development shall be designed to minimize any exposure or disturbance to the surrounding area including, but not limited to, dust, pollution, noise, odour, or any other related land use nuisance effects.
14. A building or structure used for security purposes for a cannabis production and distribution development may be located in the front yard and must comply with the required minimum setbacks in the applicable district.
15. No outdoor storage of goods, material, or supplies shall be permitted.
16. Cannabis production and distribution developments shall meet security and premises requirements as required under provincial and federal legislation.
17. All activities related to the cannabis production and distribution shall occur within fully enclosed stand-alone building(s), including but not limited to loading, receiving, and shipping of cannabis and any other goods, materials, and supplies.”

“7.3(2) Cannabis Retail Sales Establishments

1. Cannabis retail sales developments shall not be permitted unless all applicable licensing and approvals have been provided by the provincial and federal governments.
2. A copy of the current license(s) and/or approvals for a proposed cannabis retail sales development, as issued by the provincial and/or federal government, shall be provided to the Development Authority with the development permit application or as a condition of development permit approval.
3. The design of buildings on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.
4. Hours of operation may be restricted as a condition of the development permit issued by Development Authority.
5. The illumination of parking areas, walkways, signs, and other structures associated with cannabis production and distribution development shall be arranged to meet the requirements under municipal, provincial and federal regulations.
6. The minimum required lot size shall be at the discretion of the Development Authority.

7. Parking and loading requirements for cannabis retail sales shall be provided based on the requirements for a commercial use in **Section 6.13** of this Bylaw, and any applicable requirements in provincial and federal regulations, as amended.
8. Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
9. Applications for subdivision of land for this use may be required to include the information required by the Development Authority in **Section 2.5(2)**.
10. Landscaping requirements shall be at the discretion of the Development Authority.
11. No outdoor storage of goods, material, or supplies shall be permitted.
12. Cannabis retail sales developments shall meet security and premises requirements as required under provincial and federal legislation.
13. Cannabis retail sales establishments, as defined in this Bylaw, shall be prohibited from locating within 100.0 m (328.1 ft.) of a public education facility, a provincial health care facility, or a parcel of land that is designated School Reserve, or Municipal and School Reserve.
14. A public education facility, a provincial health care facility, or a parcel of land that is designated as School Reserve, or Municipal and School Reserve shall not be approved within 100.0 m (328.1 ft.) of an approved cannabis retail sales establishment.
15. The separation distance between the cannabis retail sales establishment and the uses listed in subsections **7.3(2)(13)** and **7.3(2)(14)** shall be determined by measuring a straight line from the outer wall of the proposed cannabis retail sales establishment to the closest point on the lot containing the sensitive use.”

“7.11(1) Industrial Hemp Production Facility

1. Industrial hemp production and distribution facilities shall not be permitted unless all applicable licensing and approvals have been provided by the provincial and federal governments.
2. A copy of the current license(s) and/or approvals for a proposed industrial hemp production and distribution facility, as issued by the federal government, shall be provided to the Development Authority with the development permit application or as a condition of development permit approval.
3. The design of buildings on the site shall be consistent with the characteristics and appearance of the surrounding neighbourhood.
4. Hours of operation may be restricted as a condition of the development permit issued by Development Authority.
5. The illumination of parking areas, walkways, signs, and other structures associated with cannabis production and distribution development shall be arranged to meet the requirements under municipal, provincial and federal regulations.
6. The minimum required lot size shall be at the discretion of the Development Authority.
7. Parking and loading requirements for an industrial hemp production and distribution facility shall be provided based on the requirements for an

industrial use in **Section 6.13** of this Bylaw, and any applicable requirements in provincial and federal regulations, as amended.

8. Solid waste material shall be secured in accordance with provincial and federal regulations until destroyed.
 9. Applications for subdivision of land for this use may be required to include the information required by the Development Authority in **Section 2.5(3)**.
 10. Landscaping requirements shall be at the discretion of the Development Authority.
 11. On site buffering measures may be required for all industrial hemp production and distribution facilities. Buffers may include a combination of: setbacks, landscaping, and fencing to mitigate the impacts on adjacent lots.
 12. Minimum setback from any watercourse or water body shall be 30.0 m (98.0 ft.).
 13. The development shall be designed to minimize any exposure or disturbance to the surrounding area including, but not limited to, dust, pollution, noise, odour, or any other related land use nuisance effects.
 14. A building or structure used for security purposes for a hemp production and distribution facility may be located in the front yard and must comply with the required minimum setbacks in the applicable district.”
- (5) **Section 8.7(3)** – Hamlet General (HG) District is revised by inserting the following Discretionary Uses in alphabetical order:
- a. Cannabis accessory retail sales; and
 - b. Cannabis retail sales.
- (6) **Section 8.8(3)** – Highway Commercial (C1) District is revised by inserting the following Discretionary Uses in alphabetical order:
- a. Cannabis accessory retail sales; and
 - b. Cannabis retail sales.
- (7) **Section 8.10(3)** – Industrial (M1) District is revised by inserting the following Discretionary Uses in alphabetical order:
- a. Cannabis production and distribution; and
 - b. Industrial hemp production and distribution;
- (8) **Section 8.11(3)** – Rural Industrial (M2) District is revised by inserting the following Discretionary Uses in alphabetical order:
- a. Industrial hemp production and distribution;

READ A FIRST TIME THIS ____, DAY OF _____, A.D. 2018,

Mayor

Chief Administrative Officer

READ A SECOND TIME THIS ____, DAY OF _____, A.D. 2018,

Mayor

Chief Administrative Officer

READ A THIRD TIME THIS ___ DAY OF _____, A.D. 2018,

Mayor

Chief Administrative Officer