

DISTRICT OF SEHELTT

Bylaw No. 25-288, 2018 (Non-Medical Marihuana)

A bylaw to amend District of Sechelt Zoning Bylaw No. 25, 1987 regarding Non-Medical Marihuana Cultivation, Production, Research, and Retail Sales.

WHEREAS Council of the District of Sechelt has indicated it wishes to consider an amendment to District of Sechelt Zoning Bylaw No. 25, 1987;

AND WHEREAS the proposed amendment is consistent with the Official Community Plan Bylaw 492, 2010;

NOW THEREFORE the Council of the District of Sechelt in open meeting assembled enacts as follows:

1. Title

This bylaw may be cited as the “District of Sechelt Zoning Bylaw No. 25, 1987, Amendment Bylaw No. 25-288, 2018 (Non-Medical Marihuana)”.

2. Amendments

Deleted Definitions

- (1) District of Sechelt Zoning Bylaw No. 25, 1987 is amended by **deleting** the following definitions from Section 102. Definitions:

“**CANNABIS**” means cannabis as defined in the Marihuana for Medical Purposes Regulations, SOR/203-119, as amended from time to time.

“**HORTICULTURE**” means the growing of flowers, fruits, vegetables, plants, shrubs and trees, indoors or outdoors, for personal enjoyment and consumption, but excludes “Medical Marihuana”.

“**MARIHUANA**” means marihuana as defined in the Marihuana for Medical Purposes Regulations, SOR/203-119, as amended from time to time.

“**MEDICAL MARIHUANA**” means marihuana or cannabis, pursuant to the Marihuana for Medical Purposes Regulations, SOR/203-119, as amended from time to time.

New Definitions

- (2) District of Sechelt Zoning Bylaw No. 25, 1987 is amended by **adding** the following definitions in appropriate alphabetical order to *Section 102. Definitions*:

“CANNABIS” means a cannabis plant as defined in the Federal Government’s *Cannabis Act*, as amended from time to time.

“HORTICULTURE” means the growing of flowers, fruits, vegetables, plants, shrubs and trees, indoors or outdoors, for personal enjoyment and consumption, and includes “Personal Non-Medical Marihuana” but excludes Non-Medical Marihuana cultivation, processing, production, distribution, research, and retail sale; and Medical Marihuana cultivation, processing, production, distribution, research, and retail sale.

“MEDICAL MARIHUANA” means cannabis, pursuant to the federal Access to Cannabis for Medical Purposes Regulations, as amended from time to time, but does not include “Personal Non-Medical Marihuana” or “Non-Medical Marihuana”.

“NON-MEDICAL MARIHUANA” means cannabis that is for-profit, commercial purposes or is used for non-profit personal use cannabis of more than one household, but does not include “Personal Cannabis” or “Medical Marihuana”.

“NON-MEDICAL MARIHUANA CULTIVATION” means the use of land, buildings or structures, licenced under federal regulations for the commercial growing, with accessory drying, packaging, or storage of “Non-Medical Marihuana” but does not include the retail sale of “Non-Medical Marihuana”.

“NON-MEDICAL AND MEDICAL MARIHUANA CONSUMPTION LOUNGE” means an establishment where “Cannabis” products of any type are consumed.

“NON-MEDICAL MARIHUANA PRODUCTION” means the use of land, buildings or structures, licenced under federal regulations, for the growing, drying, processing, processing into derivative products, packaging, storage, or distribution of “Non-Medical Marihuana” but does not include “Non-Medical Marihuana Retail” uses.

“NON-MEDICAL MARIHUANA RETAIL” means the use of land, buildings or structures, licenced under provincial regulations, for the retail sale of Cannabis products.

“NON-MEDICAL MARIHUANA RESEARCH” means the use of land, buildings or structures for the systematic research, testing, data collection and manipulation, or technical or scientific development of “Cannabis”, and may include a research laboratory.

“PERSONAL NON-MEDICAL MARIHUANA” means the use of land, buildings or structures on a lot, for the cultivation of no more than 4 cannabis plants per dwelling situated on the same lot, for consumption by the dwelling’s residents, and no other persons.

Zone RR-2, Rural 2

- (3) District of Sechelt Zoning Bylaw No. 25, 1987 - Zone RR-2, Rural 2 Zone - is amended by adding the following paragraph **n)** to *Section 910 Permitted Uses*, as follows:

“n) “Non-Medical Marihuana Cultivation” is permitted on a lot provided that:

- i. The lot is entirely within the BC Agriculture Land Reserve;**
- ii. The lot is 5.0 hectares or more in area;**
- iii. No school is located within one thousand (1,000) metres of the lot;**
- iv. No “Developed Park” is located within five hundred (500) metres of the lot;**
- v. No neighboring property, that is zoned R-1, R-1A, R-1B, R-2, R-3, R-4, R-4A, R-4B, R-5, R-7, C-2, C-5, C-5A, or any predominantly residential Comprehensive Development Zone, is located within one hundred (100) metres of the lot;**
- vi. No building or structure is located within fifty (50) metres of any lot line;**
- vii. No security fencing greater than 1.2 metres in height is located within thirty (30) metres of any lot line;**
- viii. The combined gross footprint of all buildings and structures does not exceed one thousand (1,000) square metres on the lot;**
- ix. No building height exceeds two storeys or ten point five (10.5) metres; AND,**
- x. Except for driveways, the perimeter of the lot is continuously landscaped with a buffer of non-invasive trees and shrubs two (2) metres, or more, in width and one point five (1.5) metres, or more in height.**

Zone I-3 Industrial 3

- (4) District of Sechelt Zoning Bylaw No. 25, 1987 – Zone I-3 Industrial 3 - is amended by adding the following paragraphs **q**) to *Section 718 Permitted Uses*, as follows:

“q) “Non-Medical Marihuana Production” and/or “Non-Medical Marihuana Research” are permitted on a lot provided that:

- i. The lot is four thousand (4,000) square metres or more in area;**
- ii. No school is located within one thousand (1,000) metres of the lot;**
- iii. No “Developed Park” is located within five hundred (500) metres of the lot;**
- iv. No neighboring property, that is zoned R-1, R-1A, R-1B, R-2, R-3, R-4, R-4A, R-4B, R-5, R-7, C-2, C-5, C-5A, or any predominantly residential Comprehensive Development Zone, is located within one hundred (100) metres of the lot;**
- v. No building or structure is located within five (5) metres of any rear or side lot lines;**
- vi. No security fencing greater than 1.2 metres in height is located within two (2) metres of any lot line;**
- vii. Buildings and structures shall not cover more than fifty percent (50%) of the lot area;**
- viii. No building height exceeds two storeys or ten point five (10.5) metres;**
- ix. Except for driveways, the perimeter of the lot is continuously landscaped with a buffer of non-invasive trees and shrubs one point five (1.5) metres or more in height; AND,**
- x. “Non-Medical Marihuana Production” and/or “Non-Medical Marihuana Research” are the only uses on the lot.”**

Zone I-5 Industrial 5

- (5) District of Sechelt Zoning Bylaw No. 25, 1987 – Zone I-5 Industrial 5 - is amended by adding the following paragraph **t**) to *Section 734 Permitted Uses*, as follows:

“t) Non-Medical Marihuana Production” and/or “Non-Medical Marihuana Research” are permitted on a lot provided that:

- i. The lot is four thousand (4,000) square metres or more in area;**
- ii. No school is located within one thousand (1,000) metres of the lot;**

- iii. No “Developed Park” is located within five hundred (500) metres of the lot;
- iv. No neighboring property, that is zoned R-1, R-1A, R-1B, R-2, R-3, R-4, R-4A, R-4B, R-5, R-7, C-2, C-5, C-5A, or any predominantly residential Comprehensive Development Zone, is located within one hundred (100) metres of the lot;
- v. No building or structure is located within five (5) metres of any rear or side lot lines;
- vi. No fencing is located within two (2) metres of any lot line;
- vii. Buildings and structures shall not cover more than fifty percent (50%) of the lot area;
- viii. No building height exceeds two storeys or ten point five (10.5) metres;
- ix. Except for driveways, the perimeter of the lot is continuously landscaped with a buffer of non-invasive trees and shrubs one point five (1.5) metres or more in height; AND,
- x. “Non-Medical Marihuana Production” and/or “Non-Medical Marihuana Research” are the only uses on the lot.”

Zone I-6 Industrial 6

- (6) District of Sechelt Zoning Bylaw No. 25, 1987 – Zone I-6 Industrial 6 - is amended by adding the following paragraph p) to *Section 742 Permitted Uses*, as follows:

“p) Non-Medical Marihuana Production” and/or “Non-Medical Marihuana Research” are permitted on a lot provided that:

- i. The lot is four thousand (4,000) square metres or more in area;
- ii. No school is located within one thousand (1,000) metres of the lot;
- iii. No “Developed Park” is located within five hundred (500) metres of the lot;
- iv. No neighboring property, that is zoned R-1, R-1A, R-1B, R-2, R-3, R-4, R-4A, R-4B, R-5, R-7, C-2, C-5, C-5A, or any predominantly residential Comprehensive Development Zone, is located within one hundred (100) metres of the lot;
- v. No building or structure is located within five (5) metres of any rear or side lot lines;
- vi. No fencing is located within two (2) metres of any lot line;
- vii. Buildings and structures shall not cover more than fifty percent

- (50%) of the lot area;**
- viii. No building height exceeds two storeys or ten point five (10.5) metres;**
- ix. Except for driveways, the perimeter of the lot is continuously landscaped with a buffer of non-invasive trees and shrubs one point five (1.5) metres or more in height; AND,**
- x. “Non-Medical Marihuana Production” and/or “Non-Medical Marihuana Research” are the only uses on the lot.”**


Zone I-7 Industrial 7

- (7)** District of Sechelt Zoning Bylaw No. 25, 1987 – Zone I-7 Industrial 7 - is amended by adding the following paragraph **o)** to *Section 751 Permitted Uses*, as follows:

“o) Non-Medical Marihuana Production” and/or “Non-Medical Marihuana Research” are permitted on a lot provided that:

- i. The lot is four thousand (4,000) square metres or more in area;**
- ii. No school is located within one thousand (1,000) metres of the lot;**
- iii. No “Developed Park” is located within five hundred (500) metres of the lot;**
- iv. No neighboring property, that is zoned R-1, R-1A, R-1B, R-2, R-3, R-4, R-4A, R-4B, R-5, R-7, C-2, C-5, C-5A, or any predominantly residential Comprehensive Development Zone, is located within one hundred (100) metres of the lot;**
- v. No building or structure is located within five (5) metres of any rear or side lot lines;**
- vi. No fencing is located within two (2) metres of any lot line;**
- vii. Buildings and structures shall not cover more than fifty percent (50%) of the lot area;**
- viii. No building height exceeds two storeys or ten point five (10.5) metres;**
- ix. Except for driveways, the perimeter of the lot is continuously landscaped with a buffer of non-invasive trees and shrubs one point five (1.5) metres or more in height; AND**
- x. “Non-Medical Marihuana Production” and/or “Non-Medical Marihuana Research” are the only permitted uses on the lot.”**

READ A FIRST TIME THIS	6 th	DAY OF	June, 2018
PUBLIC HEARING HELD THIS	19 th	DAY OF	June, 2018
READ A SECOND TIME THIS	18 th	DAY OF	July, 2018
READ A THIRD TIME THIS	18 th	DAY OF	July, 2018
ADOPTED THIS	1 st	DAY OF	August, 2018



Mayor



Corporate Officer