

**TO:** Planning and Community Development Committee

**REPORT DATE:** May 9, 2018

**TARGET DECISION DATE:** May 23, 2018

**FROM:** Angela Letman, Municipal Planner

**RE:** Zoning Bylaw Amendment No. 25-288, 2018 (Non-Medical Marihuana)

**FILE NO:** 3360-20-2017-02

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### RECOMMENDATIONS

1. That the report from the Municipal Planner dated May 9, 2018 regarding zoning bylaw amendments and business licence bylaw amendment for Non-Medical Marihuana (cannabis) be received.
2. That the Committee recommends to Council:
  - a. That Council give First Reading to Zoning Amendment Bylaw No. 288, 2018 (Non-Medical Marihuana) and direct staff to set a date for a Public Hearing.
  - b. That Council direct staff to pursue additional zoning amendments to permit the sale of Non-Medical Marihuana in a specific zone(s) through the proposed zoning bylaw rewrite (draft Bylaw 530) and including public consultation on the subject.
  - c. That Council direct staff to advise the existing Marihuana dispensaries and retailers of their effective date of closure, and the option to pursue a Temporary Use Permit until such time as Council has considered and endorsed additional zoning amendments with public consultation, following the enactment of provincial legislation regulating the sale of Non-Medical Marihuana.
  - d. That Council direct staff to bring forward an amendment to the Business Licence Bylaw No. 520, 2012 to recognize and regulate Non-Medical and Medical Marihuana businesses.
  - e. That Council direct staff to bring forward an amendment to the smoking bylaw to regulate the smoking of Marihuana.
  - f. That Council direct staff to bring forward an amendment to Bylaw No. 333-Fees and Charges to add a fee for the review of a BC Cannabis Retail Licence Application, and a Canada Cannabis Cultivation and Production Licence Application.

### OPTIONS/ALTERNATIVES

1. That the above Recommendations be endorsed.
2. That either or both of the proposed bylaws be amended and brought back for further consideration.
3. That no amendments be made to either the zoning bylaw at this time.

*Note: This alternative would permit the retail of Non-Medical Marihuana (cannabis) in any zone that permits retail type uses such as: convenience store, shopping centres specialty commercial, retail,*

*tourist accommodation, etc. It may also result in the existing dispensary/retail outlets being considered legally non-conforming once the provincial legislation governing sales is enacted. Any subsequent amendments to the Zoning Bylaw would not be applicable to these locations as long as an existing business remains in operation.*

4. That Council direct staff to advise the existing dispensaries/retail outlets of their effective date of closure, and to use legal means, if necessary, to ensure their closure prior to the adoption of amendments to the Zoning Bylaw to prohibit the storefront sale of cannabis as a permitted use.

*Note: This alternative would result in the closure of existing dispensaries/retail outlets until Council has considered and endorsed additional zoning amendments and public consultation following the enactment of the BC legislation regulating the sale of Non-Medical Marihuana.*

## **PURPOSE**

The purpose of the report is to inform Council of upcoming federal and provincial legislation and to evaluate and present recommendations for:

1. Changes to the zoning bylaw to recognize and regulate Non-Medical Marihuana (cannabis) retail, distribution and production uses;
2. Changes to the zoning bylaw to update Medical Marihuana, cannabis and horticulture regulations terminology;
3. Changes to the business licencing bylaw to recognize and regulate Non-Medical and Medical Marihuana retail, distribution, and production, business activities;
4. Changes to the smoking bylaw;
5. Future public consultation through review of draft Zoning Bylaw No. 530.

## **CONTEXT/BACKGROUND**

In 2015, the District adopted zoning regulations (Bylaw No. 25-266, 2015: Attachment 3) regarding Medical Marihuana and its cultivation, production, and sale (through federally licenced producers).

### **Federal Legislation**

In 2017, the federal government released the draft *Cannabis Act, C-45* and draft Act to amend the *Criminal Code, C-46*. The proposed Acts strives to create a strict legal framework for controlling the production, distribution, sale and possession of cannabis across Canada. The Act seeks to:

- Restrict youth access to cannabis (age limits)
- Protect young people from promotion or enticements to use cannabis (advertising and packaging)
- Deter and reduce criminal activity by imposing serious criminal penalties (enforcement)
- Protect public health through strict product safety and quality requirements (only products from federally licenced producers)
- Reduce the burden on the criminal justice system
- Provide for the legal production of cannabis to reduce illegal activities
- Allow adults to possess and access regulated, quality controlled legal cannabis
- Enhance public awareness of the health risks associated with cannabis (education)

The Acts allow provinces to make certain decisions on the above topics and to control the distribution and sale of the product. Production and cultivation will be regulated under federal control through a licencing program. Attachment 1 summarizes the proposed federal legislation in greater detail. The Acts are expected to become law this summer or early fall.

### Upcoming Provincial Legislation

In April 2018, the province of British Columbia proposed draft regulations: *Cannabis Distribution Act*; *Cannabis Control and Licensing Act*; and *Motor Vehicle Act* amendments. In summary these Acts and amendments will regulate Non-Medical Marijuana by:

- Sales: Permitting retail sale from only BC licenced retailers. Retail licence applications must be accompanied by a local government endorsement. Local governments can regulate retail sale through zoning and business licencing including prohibiting, setbacks, a fixed number of outlets and requiring additional control measures such as security and odour control.
- Distribution: BC Liquor Distribution Branch (LDB) will provide all distribution of Non-Medical Marijuana products;
- Licencing: BC Liquor Control and Licencing Branch (LCLB) will be responsible for licencing and enforcement of retail outlets;
- Personal Cultivation: Personal cultivation limits are set at 4 plants per household;
- Age: The minimum age of possession and purchase ability is 19 years;
- Smoking and Other Consumption: Regulating places of use (consumption) and includes: the rights of landlords and stratas to regulate/ban; bans from smoking or consuming at community beaches, parks and playgrounds; and the ability for local governments to regulate Non-Medical Marijuana smoking further through a smoking bylaw.
- Driving Under the Influence: Setting new limits to impaired driving under the Motor Vehicle Act.

Attachment 2 summarizes the proposed provincial legislation in greater detail. The timing of the BC legislation changes is expected to coincide with the federal legislation adoption.

Table 1 identifies the general areas of responsibility for Canada, the provinces and municipalities.

**Table 1 - Jurisdictional Responsibilities for Federal, Provincial and Municipal Governments**<sup>1</sup>

ACTIVITY	AUTHORITY RESPONSIBLE		
	FEDERAL	Provincial	MUNICIPAL
Possession limits	<input checked="" type="checkbox"/>	**	
Trafficking	<input checked="" type="checkbox"/>		
Advertisement and packaging	<input checked="" type="checkbox"/>	**	
Impaired driving	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Medical cannabis	<input checked="" type="checkbox"/>		
Seed-to-sale tracking system	<input checked="" type="checkbox"/>		
Production (cultivation and processing)	<input checked="" type="checkbox"/>		
Age limit (federal minimum)	<input checked="" type="checkbox"/>	**	
Public health	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Education	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Taxation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Home cultivation (growing plants at home)	<input checked="" type="checkbox"/>	**	
Workplace safety		<input checked="" type="checkbox"/>	
Distribution and wholesaling		<input checked="" type="checkbox"/>	
Retail model		<input checked="" type="checkbox"/>	
Retail location and rules		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Regulatory compliance	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Public consumption		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Land use/zoning			<input checked="" type="checkbox"/>

\*\* Provinces have the ability to strengthen legislation for these areas under federal jurisdiction

<sup>1</sup> – Table derived from <https://www.alberta.ca/cannabis-legalization-in-canada.aspx>

### **Agricultural Land Reserve (ALR) and Commission (ALC)**

Since 2015, licenced Medical Marihuana production has been recognized as a “farm use”. The BC Ministry of Agriculture and ALC are expected to consider the cultivation and processing of Non-Medical Marihuana as a “farm use” in late 2018.

### **Medical Marihuana**

The existing federal *Access to Cannabis for Medical Purposes Regulations* (ACMPR) under the *Controlled Drugs and Substances Act* will continue to exist. Under this legislation, patients may purchase Medical Marihuana oils or the dried Medical Marihuana product by telephone, email or fax from any of the 45 federally licenced Medical Marihuana producers across Canada. Delivery of their products is by courier. No storefront or dispensary type businesses are permitted.

### **Existing Dispensaries/Retail Outlets in Sechelt**

Currently staff are aware of three retail outlets/dispensaries that sell Marihuana products. All are located in the downtown core, on C-2, Commercial 2 zoned properties. All are illegal under current federal legislation. None have received a Business Licence for the purposes of retailing Marihuana, nor received any other permissions or endorsements from the District for Marihuana.

### **COUNCIL POLICY AND PLANS**

Not applicable at this time - no policies exist that would be applicable to this proposed change in federal and provincial legislation.

### **DISCUSSION**

In 2016, Council passed the following motion:

*“That Council direct staff to investigate zoning and business licence options for sales, production, dispensary, and/or supply of Marihuana or related products or services and report to Council after the senior management team is in place. And that any applicants for potential services be advised of this directive.”* Subsequently, Weeds Glass and Gifts Ltd., WeeMedical Dispensary Society and 420 Hemp Shop were all informed of Council’s resolution.

Since April 2017 staff have been researching and developing recommendations for Marihuana-Cannabis. However only with the confirmation of the draft provincial legislation, published in April 2018, have staff been able to complete the analysis and recommendations for a course of action.

### **Rationale for a Zoning Bylaw Amendment**

There is an identified need to address the following issues:

- A. Existing Cannabis Retail Outlets/Dispensaries: Once the new federal and provincial legislation is brought into effect, the existing dispensaries/retail outlets may be able to claim legal non-conforming status, which would permit the use to continue operating at their locations. A new Non-Medical Marihuana retail use should be recognized and regulated to address this.
- B. Retail Type Uses in Zoning Bylaw No. 25, 1987: Once the new federal and provincial legislation is brought into effect, the retail of Non-Medical Marihuana (cannabis) could occur in any zone that permits retail type uses such as: convenience stores, shopping centres, specialty commercial businesses, retail, tourist accommodation, etc. all of which are defined as permitting retail uses in Zoning Bylaw 25, 1987. A new Non-Medical Marihuana retail use should be recognized and regulated to address this.
- C. Medical Marihuana: Zoning Bylaw No. 25, 1987 contains provisions to permit federally licenced Medical Marihuana cultivation, processing facilities in industrial and agricultural zoned lands

subject to conditions such as: setbacks to schools, developed parks and residential zoned properties; minimum lot sizes; building setbacks; landscaping; etc. Adopted amendment Bylaw No. 25-266, 2015 (Medical Marihuana) is attached as Attachment 3. The federal Marijuana for Medical Purposes Regulation (MMPR) were replaced in 2016 by the federal Access to Cannabis for Medical Purposes Regulation (ACMPR) hence some of the existing zoning definitions should be updated to reflect the current legislation.

- D. Horticulture in Zoning Bylaw 25: Zoning Bylaw No. 25, 1987 contains “Horticulture” as permitted use in all zones. The current definition of “Horticulture” excludes Medical Marihuana. To be consistent, Non-Medical Marihuana should also be excluded from the definition of “Horticulture”.
- E. Non-Medical Medical Marihuana Cultivation, Processing and Research: The proposed federal *Cannabis Act* will provide for federal licencing of Non-Medical Marihuana-cannabis cultivation, processing and research facilities. These new uses should be recognized and regulated.
- F. Consumption Lounges and Other Sales Venues: At this time, the Province is not considering licencing of Marihuana consumption lounges or any other types of retail licencing such as online sales, delivery services, or offsite sales at festivals, public markets, events, etc. However these new uses should be anticipated as forthcoming in the future, thus the potential uses can be recognized and regulated.

#### **Proposed Zoning Bylaw Amendment 25-288, 2018 (Non-Medical Marihuana)**

Addressing the above issues, the proposed zoning amendment would make the following changes to the zoning bylaw:

1. Existing Cannabis Retail Outlets/Dispensaries and Retail Type Uses: The proposed amendment bylaw defines the retail sale of Non-Medical Marihuana-cannabis and prohibits its use by adding a new section *Uses Prohibited in All Zones*, to the zoning bylaw.  
  
Staff suggest that this is an interim measure pending: the final adoption of the federal and provincial legislation; an implementation period for that legislation; and an opportunity to consult with the community on a number of land-use issues and other issues such as the business licencing, smoking bylaw, etc. This would restrict the ability of existing dispensaries/retail outlets to claim legal non-conforming status and would permit Council adequate time to consider amendments to its bylaws to regulate the retail use. As outlined below, existing dispensaries/retail outlets would be able to apply for a Temporary Use Permit.
2. Medical Marihuana: The proposed zoning amendment bylaw redefines “Medical Marihuana” and “Cannabis” to reflect the *ACMPR*, and the proposed *Cannabis Act*.
3. Non-Medical Medical Marihuana Cultivation and Processing: The proposed zoning amendment bylaw defines Non-Medical Marihuana-cannabis cultivation, research, and processing uses and permits them, but no sales or retail, under the same conditions as those for cultivation and processing of Medical Marihuana.
4. Horticulture: The proposed zoning amendment bylaw redefines Horticulture to exclude Non-Medical Marihuana.
5. Consumption Lounges and Other Sales Venues: The proposed zoning amendment bylaw defines Medical and Non-Medical Marihuana Consumption Lounges and prohibits them by adding a new section *Uses Prohibited in All Zones*, to the zoning bylaw. Further consultation with the community about acceptable consumption lounge locations, if any, and potential

other sales venues can be made at a later date.

6. Personal Non-Medical Marihuana: In recognition of the proposed BC legislation, “Personal Non-Medical Marihuana” is defined as 4 plants per dwelling/household and permitted in all zones under the definition of “Horticulture”.

### **Temporary Use Permits**

Staff’s Recommendation 2 (c) requires staff to advise the existing retail outlets of their final date of operation and commence with fines as per the Business License Bylaw, if required. Should any outlet refuse to close, the District would need to seek an injunction to force the closure. Following adoption of the Zoning Bylaw amendment prohibiting the storefront sale of cannabis, the existing retail outlets/dispensaries would be required to remain closed until such time as the new legislation is introduced and Council has adequate opportunity to consider further amendments to its bylaws regarding the legal sale of Marihuana-cannabis.

Alternatively Council has the option of offering an opportunity for existing dispensaries/retail outlets to obtain Temporary Use Permits authorizing the Marihuana retail use for a limited period of time. This would allow the businesses to remain open and they would have sufficient time to apply to the province for retail licencing and comply with the federal and provincial legislation. The BC Liquor Control and Licencing Board website states they will soon be launching an online application portal for individuals and businesses interested in applying for a Non-Medical Cannabis retail licence.

Should Council support this direction, it is recommended that a Section 219 covenant be required as a condition of issuance of any Temporary Use Permit, whereby the business operator agrees to:

1. Apply for rezoning or at such time as the future regulations (including Zoning, Business License and Smoking Bylaw amendments) are in place;
2. Operate in conformance with provincial and federal legislation;
3. Ceases operations altogether if unsuccessful in 1. or non-conforming in 2. above.

With a Temporary Use Permit, it would be difficult for an existing dispensary/retail outlet to argue that they have legal non-conforming status. For those existing dispensary/retail outlets that do not agree to a Temporary Use Permit, Council should require the closing of the dispensary/retail outlet within 30 days, before the adoption of the proposed Zoning Bylaw amendment. If allowed to continue to operate and the District may run the risk that the retail outlet will obtain legal non-conforming status once the sale of cannabis is legalized by the federal and provincial legislation.

### **Future Zoning Amendment Considerations**

With the new legislation, the District will have the ability to regulate the location of retail stores, including their distance from schools and other stores, through zoning. The District will also be able to regulate the number of retail stores in their boundaries, including prohibiting them altogether. Specifically, the proposed BC retail legislation poses several land use considerations, including:

- Proximity (separation distance) to schools, daycares, parks, etc.;
- Proximity (separation distance) to other Marihuana retail outlets;
- Maximum number permitted in a community (if a maximum is desired);
- Areas where retail outlets may not be desired;
- Licencing conditions; etc.

It is recommended that staff be directed to pursue additional Zoning Bylaw amendments to permit the sale of Non-Medical Marihuana cannabis following the introduction of the federal and provincial legislation. Optionally, should the currently proposed amendments be made, and no further zoning

amendment actions are taken, a proposed retailer could apply to rezone a property to allow the retail use, in a site-specific manner, and if successful the use would then be permitted on that property. Public consultation process is advised in both cases. This could take place through the consultation process around proposed zoning bylaw 530, or through a specific Non-Medical Marijuana consultation process.

### Other Municipal Aspects

Presently, because the retail sale of cannabis continues to be illegal, it is not regulated by either the zoning or business licensing bylaws. The aspects of the upcoming cannabis legislation that may affect the District are highlighted in Fig. 1. The full impacts may change once the legislation is in place. After adoption of the proposed zoning amendment, that is interim in nature, Council may wish to consider part or all of the components in its next review.

### Licensing

Once the new provincial legislation is in effect, local governments will have significant control over the Non-Medical Marijuana retail environment. District of Sechelt Council endorsement is a mandatory prerequisite to the issuance of any Provincial retail licence for any applicant, including public retail stores, located within the municipality. The District will be able to indicate their support (or lack thereof) by means of a council/board resolution sent to LCLB. This can occur only after mandatory consultation with residents near a proposed retail site, about community impacts.



Fig. 1- Aspects of a Municipal Cannabis Framework  
2 –from City of Surrey

### Operations of a Licenced Retail Store

Licensed stores will be able to sell federally compliant and LDB-sourced dried cannabis, cannabis oils, and seeds. Cannabis accessories (e.g. pipes, bongs, etc.) will also be allowed, while edibles will not; however, the federal government has stated they will be regulating edibles within approximately 12 months of legalization. Licensed retail stores will only be able to operate as self-contained businesses and will not be able to combine with existing liquor and/or tobacco stores. Similar to liquor stores, minors will not be allowed to enter store premises. Operating hours will be 9am to 11pm unless regulated by the District through its Business Licence Bylaw. Consumption will not be allowed in stores. The District may also regulate additional operational and security requirements such as camera surveillance, secure storage provision, odour abatement, etc.

### Compliance and Education

The Province will be establishing a compliance program with education, inspection, and enforcement components. The retail employees will be required to attend mandatory training and every store will be inspected at least once annually, in addition to spot-checks and complaint driven inspections. Non-compliant stores will be issued contravention notices and non-compliance may lead to monetary penalties, licence suspension, and/or licence cancellation. Aspects of compliance and education may also become a partial responsibility of District enforcement staff with such items as receiving complaints about store operations, odours, more than 4 plants at a dwelling, etc.

### **Business Licence Bylaw Review**

The District of Sechelt's Business Licence Bylaw does not recognize nor regulate Non-Medical Marihuana retail, distribution, and production business activities, nor Medical Marihuana retail, distribution, and production business activities. An amendment to the bylaw is recommended to consider such items such as: hours of operation; business licence fees and costs associated with enforcement; and any provision of additional security items such as security cameras and secure storage.

### **Smoking Bylaw**

The District of Sechelt Smoking Bylaw is currently under staff review. Adding the smoking of cannabis to the list of regulated substances can be easily facilitated.

### **Fees and Charges Bylaw**

The District of Sechelt Fees and Charges Bylaw No. 333 does not have an application fee for reviewing a provincial Cannabis Retail application. It is recommended that the bylaw be amended to reflect a fee that accounts for the anticipated staff time needed to review; the requirement for public consultation; reporting to Committee and Council, and subsequent follow-up with the province and the applicant on the outcome of Council's consideration.

### **Financial Implications**

Staff time only, no other costs at this time.

### **Communication Strategy**

Non-Medical Marihuana ("Cannabis") is a new use being mandated by the province and the federal governments. It thus requires an interim zoning bylaw amendment response. At this time, no public consultation is proposed other than a Public Hearing since the amendments proposed will simply define the Non-Medical Marihuana uses and prohibit them except for cultivation, processing and research. This will allow Council adequate time to consider the final federal and provincial legislations once passed, the legislations' implementation and allow sufficient time for public consultation around land-use implications, the business bylaw, the smoking bylaw, and the fees and charges bylaw. Further public consultation about Non-Medical Marihuana sale and consumption, can be made with draft Zoning Bylaw No. 530, or through stand-alone consultation.

As an alternative Council could direct staff to hold a Public Information Meeting for members of the public and invite members of the Sechelt Chamber of Commerce, the Sechelt Downtown Business Association, and Neighbourhood Associations, prior to a Public Hearing. Any notice of Public Hearing would be sent to these groups and the three existing retail outlets/dispensaries.

### **Conclusion**

The proposed zoning amendment is an interim measure in anticipation of upcoming provincial and federal legislation in regards to the retailing of Non-Medical Marihuana-cannabis. Additionally the proposed amendment makes text changes regarding the changed 2016 *ACMP* Regulations; permits the cultivation and production of Non-Medical Marihuana uses in those zones and under the same conditions, as the already adopted Medical Marihuana zoning regulations (Rural 2 and Industrial Zones); redefines horticulture; and creates a new section of *Uses Prohibited in All Zones* which would include Non-Medical Marihuana retail, consumption lounges and Medical Marijuana sales unless by a federally licenced retailer. Further zoning amendments and other bylaw amendments are recommended once the federal and provincial legislation is in place and the community has been consulted with.



Respectfully submitted,

Angela Letman, RPP, Municipal Planner

**Attachments**

1. Factsheet on Draft Federal Legislation
2. Summary of Draft Provincial Legislation
3. Bylaw No. 25-266, 2015 (Medical Marihuana)
4. Proposed Amendment Bylaw 25-288, 2018 (Non-Medical Marihuana-Cannabis)

# LEGALIZING AND STRICTLY REGULATING CANNABIS: THE FACTS

The proposed Cannabis Act would create a strict legal framework for controlling the production, distribution, sale and possession of cannabis across Canada.

The Act seeks to:

- ▶ restrict youth access to cannabis
- ▶ protect young people from promotion or enticements to use cannabis
- ▶ deter and reduce criminal activity by imposing serious criminal penalties for those breaking the law, especially those who import, export or provide cannabis to youth
- ▶ protect public health through strict product safety and quality requirements
- ▶ reduce the burden on the criminal justice system
- ▶ provide for the legal production of cannabis to reduce illegal activities
- ▶ allow adults to possess and access regulated, quality controlled legal cannabis
- ▶ enhance public awareness of the health risks associated with cannabis

The current program for accessing cannabis for medical purposes would continue under the new Act.

Cannabis would remain illegal until the proposed Cannabis Act is brought into force.

## RESTRICTED ACCESS

The Cannabis Act proposes many rules that would protect youth from accessing cannabis.

## PROTECTING YOUTH

No person could sell or provide cannabis to any young person **under the age of 18**.

In addition, the Act would create 2 new criminal offences, with maximum penalties of 14 years in jail, for:

- ▶ giving or selling cannabis to youth, and
- ▶ using a youth to commit a cannabis-related offence

In order to prevent youth from using cannabis, the Act would also prohibit:

- ▶ products that are appealing to youth
- ▶ packaging or labelling cannabis in a way that makes it appealing to youth
- ▶ selling cannabis through self-service displays or vending machines
- ▶ promoting cannabis, except in narrow circumstances where the promotion could not be seen by a young person

Penalties for violating these prohibitions include a fine up to \$5 million or 3 years in jail.

The Government has also committed close to \$46 million over the next five years for cannabis public education and awareness activities to inform Canadians, especially youth, of the health and safety risks of cannabis consumption.

## CONTROLLED ACCESS

Should the Cannabis Act come into force, adults who are **18 years or older** would be able to legally:

- ▶ **possess** up to 30 grams of legal dried cannabis or equivalent in non-dried form
- ▶ **share** up to 30 grams of legal cannabis with other adults
- ▶ **purchase** dried or fresh cannabis and cannabis oil from a provincially-licensed retailer
  - ▶ In those provinces that have not yet or choose not to put in place a regulated retail framework, individuals would be able to purchase cannabis online from a federally-licensed producer.
- ▶ **grow** up to 4 cannabis plants per residence for personal use from licensed seed or seedlings
- ▶ **make** cannabis products, such as food and drinks, at home provided that organic solvents are not used

The sale of cannabis edible products and concentrates would be authorized no later than 12 months following the coming into force of the proposed legislation.



## STRICT REGULATION

The federal, provincial and territorial governments would share responsibility for overseeing the new system.

The federal government's responsibilities would be to:

- ▶ set strict requirements for producers who grow and manufacture cannabis
- ▶ set industry-wide rules and standards, including:
  - ▶ the types of cannabis products that will be allowed for sale
  - ▶ packaging and labelling requirements for products
  - ▶ standardized serving sizes and potency
  - ▶ prohibiting the use of certain ingredients
  - ▶ good production practices
  - ▶ tracking of cannabis from seed to sale to prevent diversion to the illicit market
  - ▶ restrictions on promotional activities

The provinces and territories would license and oversee the distribution and sale of cannabis, subject to federal conditions.

They could also:

- ▶ increase the minimum age in their province or territory (but not lower it)
- ▶ lower the possession limit in their jurisdiction
- ▶ create additional rules for growing cannabis at home, such as lowering the number of plants per residence
- ▶ restrict where adults can consume cannabis, such as in public or in vehicles

## CRIMINAL PENALTIES

The Cannabis Act proposes offences targeting those acting outside the legal framework, such as those involved in organized crime.

Penalties would be set in proportion to the seriousness of the offence. Sanctions would range from warnings and tickets for minor offences to criminal prosecution and imprisonment for more serious offences.

OFFENCE	PENALTIES
Illegal distribution or sale	<ul style="list-style-type: none"> <li>▶ Tickets for small amounts</li> <li>▶ Up to 14 years in jail</li> </ul>
Possession over the limit	<ul style="list-style-type: none"> <li>▶ Tickets for small amounts</li> <li>▶ Up to 5 years in jail</li> </ul>
Production of cannabis beyond personal cultivation limits or with combustible solvents	<ul style="list-style-type: none"> <li>▶ Tickets for small amounts</li> <li>▶ Up to 14 years in jail</li> </ul>
Taking cannabis across Canada's borders	<ul style="list-style-type: none"> <li>▶ Up to 14 years in jail</li> </ul>

Further penalties related to cannabis-impaired driving have been put forward in the proposed [drug-impaired driving legislation](#).

The proposed Cannabis Act is informed by the recommendations of the [Task Force on Cannabis Legalization and Regulation](#).

## BC CANNABIS

In preparation for the federal government's legalization of non-medical cannabis in July 2018, B.C. has made a number of decisions about what our provincial regulatory framework will look like.

### **B.C.'s Approach to Cannabis Legalization**

Our provincial regulatory framework sets the stage for the legal and responsible use of cannabis by British Columbians. British Columbia's top priorities are protecting young people, promoting health and safety, keeping the criminal element out of cannabis, keeping our roads safe, and supporting economic development.

### **The Province has made the following regulatory decisions:**

#### **Minimum Age of Possession**

British Columbia's minimum age to possess, purchase and consume cannabis will be 19 years old. A minimum age of 19 is consistent with B.C.'s minimum age for alcohol and tobacco and with the age of majority in B.C.

#### **Retail Framework**

British Columbians of legal age will be able to purchase non-medical cannabis through privately run retail stores or government-operated retail stores and online sales. The BC Liquor Distribution Branch (LDB) will operate the public retail stores, and Liquor Control and Licensing Branch (LCLB) will be responsible for licensing private stores and monitoring the retail sector. The operating rules governing public and private retail stores will be similar to those currently in place for liquor. In urban areas, licensed retailers will not be able to sell cannabis in the same stores as liquor or tobacco.

The Province recognizes retail access for people in rural areas will require a different approach than those used in urban communities and will establish exceptions for rural non-medical cannabis retail stores, similar to those of rural liquor stores.

This spring, the Province will launch an early registration process for individuals and businesses who are interested in applying for a cannabis retail licence. Information for potential applicants can be found in the [B.C. Cannabis Retail Licensing Guide \(PDF\)](#).

#### **Wholesale Distribution Framework**

Like many other provinces, B.C. will have a government-run wholesale distribution model. The LDB will be the wholesale distributor of non-medical cannabis in B.C.

#### **Personal public possession limits**

Adults aged 19 and above, will be allowed to possess up to 30 grams of non-medical cannabis in a public place, which aligns with the federal government's proposed possession limit for adults.

#### **Places of Use**

B.C. will generally allow adults to use non-medical cannabis in public spaces where tobacco smoking and vaping are permitted. However, to minimize child and youth exposure, smoking and vaping of non-medical cannabis will be banned in areas frequented by children, including

community beaches, parks and playgrounds. Use of cannabis, in any form will also be banned for all occupants in vehicles.

Local governments will be able to set additional restrictions, as they do now for tobacco use. In addition, landlords and strata councils will be able to restrict or prohibit non-medical cannabis smoking at tenanted and strata properties.

### **Personal cultivation**

B.C. will align with the proposed federal legislation and allow adults to grow up to four cannabis plants per household, but the plants must not be visible from public spaces off the property. Home cultivation of non-medical cannabis will be banned in dwellings used as daycares. In addition, landlords and strata councils will be able to restrict or prohibit home cultivation.

### **Drug Impaired Driving**

Drug impaired driving will continue to be illegal in B.C. The Province will increase training for law enforcement in this area and toughen provincial regulations to give police more tools to remove drug-impaired drivers from the road and deter drug-affected driving, including:

- B.C. will create a new 90-day Administrative Driving Prohibition (ADP) for drug affected driving
- The current zero tolerance restrictions for the presence of alcohol for drivers in the Graduated Licensing Program (GLP) will be expanded to include zero tolerance for the presence of THC.

For the full draft act visit:

<https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/3rd-session/bills/first-reading/gov31-1>

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DISTRICT OF SEHELDT

BYLAW NO. 25-266, 2015 (Medical Marihuana)

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

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**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 for all purposes as “District of Sechelt Zoning Bylaw No. 25, 1987, Amendment Bylaw No. 25-266, 2015 (Medical Marihuana)”.

2. **AMENDMENTS**

(1) 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 cannabis as defined in the Marihuana for Medical Purposes Regulations, SOR/203-119, as amended from time to time.

“**DEVELOPED PARK**” means that land zoned PA-1-Park, Recreation and Assembly 1 that has upon it, a constructed facility such as a playground, tennis court, gazebo, ball diamond, soccer field, structure, or building that is maintained and owned by the District of Sechelt.

“**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.

**“MEDICAL MARIHUANA CULTIVATION”** Means the use of land, buildings or structures, licenced under federal regulations for the growing, and /or drying, packaging, storage, or wholesale distribution, of “Medical Marihuana”.

**“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, wholesale distribution, and sale, of any “Medical Marihuana”.

**“MEDICAL MARIHUANA RESEARCH AND DEVELOPMENT”** means the use of land, buildings or structures for the systematic research, testing, data collection and manipulation, or technical or scientific development of “Medical Marihuana”, and may include a research laboratory, but does not include “Medical Marihuana Production” or “Medical Marihuana Cultivation”.

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

**“m) “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.**

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

**“p) “Medical Marihuana Production” and/or “Medical Marihuana Research and Development” 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. “Medical Marihuana Production” and/or “Medical Marihuana Research and Development” are the only uses on the lot.”**

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

**“s) Medical Marihuana Production” and/or “Medical Marihuana Research and Development” 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. “Medical Marihuana Production” and/or “Medical Marihuana Research and Development” are the only uses on the lot.”

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

**“o) Medical Marihuana Production” and/or “Medical Marihuana Research and Development” 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. “Medical Marihuana Production” and/or “Medical Marihuana Research and Development” are the only uses on the lot.”

(6) 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:

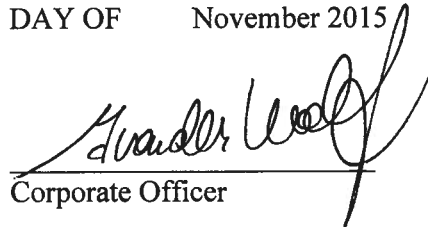
**“o) Medical Marihuana Production” and/or “Medical Marihuana Research and Development” are permitted on a lot provided that:**

- 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. “Medical Marihuana Production” and/or “Medical Marihuana Research and Development” are the only permitted uses on the lot.”**

READ A FIRST TIME THIS	1st	DAY OF	April 2015
FIRST READING RESCINDED THIS	8 <sup>th</sup>	DAY OF	July 2015
RE-READ A FIRST TIME THIS	8 <sup>th</sup>	DAY OF	July 2015
PUBLIC HEARING HELD THIS	9 <sup>th</sup>	DAY OF	September 2015
READ A SECOND TIME THIS	4 <sup>th</sup>	DAY OF	November 2015
READ A THIRD TIME THIS	4 <sup>th</sup>	DAY OF	November 2015
ADOPTED THIS	18 <sup>th</sup>	DAY OF	November 2015



Mayor



Corporate Officer

## 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.

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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.

- (3) District of Sechelt Zoning Bylaw No. 25, 1987 PART THREE- GENERAL PROVISIONS is amended by adding the following *Section 326. Uses Prohibited in All Zones* as follows:

**“326. Uses Prohibited in All Zones”**

1. **Except where otherwise permitted in this bylaw, or where permitted temporarily by the issuance of a Temporary Use Permit, the following uses are strictly prohibited in any Zone:**
  - a) **“NON-MEDICAL MARIHUANA RETAIL”;**
  - b) **“NON-MEDICAL AND MEDICAL MARIHUANA CONSUMPTION LOUNGE”;** and
  - c) **“MEDICAL MARIHUANA” sales unless by a federally licenced retailer.**

*Zone RR-2, Rural 2*

- (4) 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*

- (5) 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*

- (6) 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*

- (7) 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*

- (8)** 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	DAY OF	2018
READ A SECOND TIME THIS	DAY OF	2018
READ A THIRD TIME THIS	DAY OF	2018
ADOPTED THIS	DAY OF	2018

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Mayor

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Corporate Officer