

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

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:

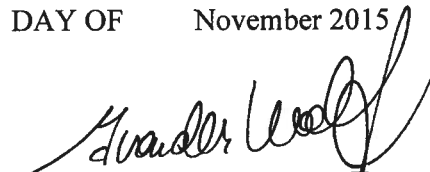
“o) Medical Marihuana Production” and/or “Medical Marihuana Research and Development” are permitted on a lot provided that:

- 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 th	DAY OF	July 2015
RE-READ A FIRST TIME THIS	8 th	DAY OF	July 2015
PUBLIC HEARING HELD THIS	9 th	DAY OF	September 2015
READ A SECOND TIME THIS	4 th	DAY OF	November 2015
READ A THIRD TIME THIS	4 th	DAY OF	November 2015
ADOPTED THIS	18 th	DAY OF	November 2015



Mayor



Corporate Officer