

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1659, 2018

A BYLAW TO AMEND THE CITY OF ENDERBY ZONING BYLAW NO. 1550, 2014 AND
AMENDMENTS THERETO

WHEREAS pursuant to Section 479 of the *Local Government Act*, Council of the City of Enderby may, by bylaw, divide the whole or part of the City of Enderby into zones, name each zone, establish boundaries for the zones and regulate uses within those zones;

AND WHEREAS Council has created zones, named each zone, established boundaries for those zones and regulated uses within those zones by Bylaw No. 1550, cited as "The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014";

WHEREAS Council of the City of Enderby has determined to make an amendment to "The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014";

NOW THEREFORE Council of the City of Enderby, in open meeting assembled, enacts as follows:

CITATION

1. This bylaw may be cited as the "City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1659, 2018".

AMENDMENTS

2. Amend Division Two - Interpretation of Schedule "A" of Zoning Bylaw No. 1550, 2014 by removing the definition of 'Marihuana' and including the definition of 'Cannabis' and 'Cannabis Plant' as follows:

CANNABIS has the same meaning as defined within the *Cannabis Act*, as amended from time to time.

CANNABIS PLANT means a plant that belongs to the genus *Cannabis*.

3. Amend Division Two - Interpretation of Schedule "A" of Zoning Bylaw No. 1550, 2014 by removing the definition of 'Marihuana-Related Business' and including the definition of 'Cannabis-Related Business' as follows:

CANNABIS-RELATED BUSINESS means a business, not-for-profit, charity, cooperative, shared economy venture, or other entity which uses a premises for the consumption, display, storage, sale, trade or other exchange of cannabis or cannabis-containing products, including but not limited to dispensaries and compassion clubs, as permitted by Provincial and Federal enactment.

4. Amend Division Two - Interpretation of Schedule "A" of Zoning Bylaw No. 1550, 2014 by removing the definition of 'Medical Marihuana Production Facility' and including the definition of 'Cannabis Production' as follows:

CANNABIS PRODUCTION means to obtain Cannabis by any method or process, including by

- i. manufacturing;
- ii. synthesis;
- iii. altering its chemical or physical properties by any means; or
- iv. cultivating, propagating or harvesting it or any living thing from which it may be extracted or otherwise obtained,

provided it is permitted by Provincial and Federal enactment; this specifically excludes Personal Growing of Cannabis.

5. Amend Division Two - Interpretation of Schedule "A" of Zoning Bylaw No. 1550, 2014 by including the definition of 'Personal Growing of Cannabis' as follows:

PERSONAL GROWING OF CANNABIS PLANTS means the personal cultivation, propagation or harvesting of Cannabis Plants, provided it is permitted by Provincial and Federal enactment.

6. Amend Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing all references to 'Medical Marihuana Production Facility' with 'Cannabis Production'.
7. Amend Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing all references to 'Marihuana-Related Business' with 'Cannabis-Related Business'.
8. Amend Division Three - General Regulations of Schedule "A" of Zoning Bylaw No. 1550, 2014 by including Section 307.3.g as follows:

g. Personal Growing of Cannabis in the following circumstances:

- i. Outdoors;
- ii. In any mobile unit used on a permanent or temporary basis as a residence, or the land contiguous to the unit, or a building or structure on land contiguous to the mobile unit;
- iii. In any building or structure kept or occupied as a temporary residence, or the land contiguous to the temporary residence, or a building or structure on land contiguous to the temporary residence;
- iv. In any residential dwelling occurring as part of a mixed use development;
or
- v. In multiple occupancy buildings where there are shared walls.

9. Amend Division Three - General Regulations of Schedule "A" of Zoning Bylaw No. 1550, 2014 by including Section 307.7 as follows:

7. Personal Growing of Cannabis

The Personal Growing of Cannabis shall be subject to the requirements contained in the City of Enderby Personal Growing of Cannabis Policy.

10. Amend Division Three - General Regulations of Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing the title of Section 312 as follows:

312 Cannabis Production within the Agricultural Land Reserve

11. Amend Division Three - General Regulations of Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing Section 312.5 as follows:

5. No Cannabis Production shall be located within 100 meters of any residential zone, daycare facility, preschool, playground, community centre, school, public park, civic or religious institution or any use catering to individuals under the age of 18.

12. Amend Division Three - General Regulations of Schedule "A" of Zoning Bylaw No. 1550, 2014 by including Section 312.8 as follows:

8. Cannabis Production is not permitted in the Agricultural Land Reserve unless it is considered a 'farm use' in accordance with the Agricultural Land Reserve Use, Subdivision and Procedures Regulation, B.C. Reg. 171/2002.

READ a FIRST time this 16th day of July, 2018.

READ a SECOND time this 16th day of July, 2018.

Advertised on the 2nd day of August, 2018 and the 9th day of August, 2018, and a Public Hearing held pursuant to the provisions of Section 464 of the Local Government Act on the 13th day of August, 2018.

READ a THIRD time this 13th day of August, 2018.

APPROVED pursuant to Section 52(3)(a) of the Transportation Act this 14th day of August, 2018.

District Development Technician
Ministry of Transportation and Infrastructure

ADOPTED this 4th day of September, 2018.

MAYOR

CHIEF ADMINISTRATIVE OFFICER