

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2929

A Bylaw to amend Bylaw No. 2050, cited as the
"Zoning Bylaw, 1992, No. 2050"

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the *"ZONING BYLAW, 1992, NO. 2050, AMENDMENT BYLAW, 2018, NO. 2929."*
2. That Bylaw No. 2050, cited as the "Zoning Bylaw, 1992, No. 2050" be amended as follows:

(1) By adding the following to **PART 1 – INTERPRETATION Section 2. DEFINITIONS:**

- (a) "Cannabis" means the same meaning as the Cannabis Act (Canada).
- (b) "Cannabis Lounge" means a building or part thereof including decks, patios and balconies used for medicinal or recreational consumption (smoking or oral consumption) of marijuana or cannabis and related products or derivatives.
- (c) "Cannabis Plant" means the same meaning as the Cannabis Act (Canada).
- (d) "Medical Marijuana Production Facility" means a building used for the commercial production of marijuana for medical purposes by a person, including a corporation or other form of business, who holds a valid and sustaining licence for such production from the Government of Canada.
- (e) "Store, Cannabis Sales" means the use of land, building or a structure for the retail sale of cannabis by a person, including a corporation or other form of business, who holds a valid and sustaining provincial licence to sell cannabis through the retail market in British Columbia.

(2) By amending the following definitions to **PART 1 – INTERPRETATION Section 2. DEFINITIONS:**

- (a) "Business and Professional Offices" is amended by revising the concluding exclusion to read: "but excludes all retailing stores (e.g. Retail Store, Convenience Store, Cannabis Sales Store, Liquor Store) and Personal Service Establishments."
- (b) "Store, Retail" is amended by adding the following exclusion at the end of the definition: "but does not include Cannabis Sales Store or Liquor Store."

(3) By adding the following after Subsection (4) to **PART 4 – GENERAL REGULATIONS Section 11. PERMITTED USES:**

(5) Notwithstanding any other provision in this bylaw, the retail sale of Cannabis is prohibited in all zones and public road ways, unless the location is specifically rezoned to allow a Cannabis Sales Store.

(6) Notwithstanding any other provision in this bylaw, Cannabis Lounges, and similar facilities are prohibited in all zones unless the location is specifically rezoned to allow such uses.

(7) Notwithstanding any other provision in this bylaw, the growing or production of marijuana, cannabis and similar plants, products or derivatives is prohibited, except:

- (a) as a farm use on lands in the Agricultural Land Reserve, subject however to such production being in a building that is:
 - (i) Setback a minimum of 25 metres from all property lines; and
 - (ii) located more than 150 metres from schools, day cares, parks, playgrounds, club houses, convenience stores, or other public places frequented mainly by persons under 18 years of age;
- (b) on land specifically rezoned to permit a Health Canada licensed Medical Marihuana Production Facility use;
- (c) as an Accessory Use under the authority of a Health Canada issued personal use licence, subject however to such production being in a building that is:
 - (i) located in the Rear Yard and Setback a minimum of 5 metres from all property lines; and
 - (ii) located more than 250 metres from schools, day cares, parks, playgrounds, convenience stores, or other public places frequented mainly by persons under 18 years of age;
- (d) under the authority of one or more Health Canada issued designated producer licence(s), subject however to such production operating with a valid and current Business License issued by the Township and being in a building that is:
 - (i) Setback a minimum of 10 metres from all property lines;
 - (ii) located more than 50m from any building that contains a residential Use; and
 - (iii) located more than 250 metres from schools, day cares, parks, playgrounds, convenience stores, or other public places frequented mainly by persons under 18 years of age.

(4) By adding the word “liquor” before the word “lounge” to **PART 5 – ZONING DISTRICTS Section 60 (1) (e)**

(5) By adding the word “liquor” before the word “lounge” to **PART 5 – ZONING DISTRICTS Section 67.71 (1) (a)**

READ a first time by the Municipal Council on the ---- day of -----, 2018.

READ a second time by the Municipal Council on the ---- day of -----, 2018.

A Public Hearing was held pursuant to the *Local Government Act* on the ---- day of -----, 2018.

READ a third time by the Municipal Council on the ---- day of -----, 2018.

ADOPTED by the Municipal Council on the ---- day of -----, 2018.

BARBARA DESJARDINS
MAYOR

ANJA NURVO
CORPORATE OFFICER