

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2984

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 NO.2984*".
2. That Bylaw No. 2050, cited as the "Zoning Bylaw, 1992, No. 2050" be amended as follows:
 - (1) at PART 1 – **INTERPRETATION Section 2. DEFINITIONS** by amending the following definitions:
 - (a) **Cannabis**: Amend the existing definition so that it reads:
"Cannabis" means the same meaning as defined in the *Cannabis Act* (Canada).
 - (b) **Cannabis Lounge**: Amend the existing definition so that it reads:
"Cannabis Lounge" means a building or part thereof including decks, patios and balconies used for medicinal or recreational consumption (smoking or oral consumption) of Cannabis and related products or derivatives.
 - (c) **Cannabis Plant**: Amend the existing definition so that it reads:
"Cannabis Plant" means the same meaning as defined in the *Cannabis Act* (Canada).
 - (d) **Medical Marijuana Production Facility**: Remove the existing definition in its entirety.
 - (e) **Store, Cannabis Sales**: Amend the existing definition so that it reads:
"Store, Cannabis Sales" means the use of lands, 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 under the *Cannabis Control and Licensing Act* (British Columbia).
 - (f) Add the following definition for **Cannabis Production** in alphabetical order:
"Cannabis Production" means the production of Cannabis by any method or process, including by manufacturing, packaging, synthesis, altering its physical or chemical properties by any means (including destruction), or cultivating, propagating, or harvesting it or any living thing from which it may be extracted or otherwise obtained as lawfully

licensed, permitted and authorized under the *Cannabis Act* (Canada).

- (g) Add the following definition for Cannabis Distribution in alphabetical order:

“Cannabis Distribution” means the distribution of Cannabis by any means, and includes administering, giving, transferring, transporting, sending, delivering, providing or otherwise making available Cannabis in any manner, whether directly or indirectly, and offering to do any of those things as lawfully licensed, permitted and authorized under the *Cannabis Distribution Act* (British Columbia).

- (2) at **PART 4 – GENERAL REGULATIONS Section 11. PERMITTED USES:**

Replace the entirety of Section 11 (5) – (7) with the following Section 11(5) – 11 (7c)

- (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, or where the sale is by a licensed Pharmacist, for medical purposes, to a person with a medical prescription for Cannabis.
- (6) Notwithstanding any other provision in this bylaw, Cannabis Lounges, and similar facilities are prohibited in all zones.
- (7) Notwithstanding any other provision in this bylaw, Cannabis Production and Cannabis Distribution are prohibited except:
 - (a) Cannabis Production and Cannabis Distribution on lands within the British Columbia Agricultural Land Reserve, but only in the manner and to the extent that Cannabis Production and Cannabis Distribution are permitted as farm uses pursuant to *the Agricultural Land Commission Act*, and regulations thereunder.
 - (b) on lands specifically rezoned to permit Cannabis Production and Cannabis Distribution under the authority of one or more Health Canada issued licences, subject however to such production being in a building that is:
 - (i) Setback a minimum of 10 metres from all property lines;
 - (ii) located more than 50 metres from any building that contains a residential use; and
 - (iii) located more than 250 metres from schools, daycares, parks, playgrounds, convenience stores, or other public places frequented mainly by persons under 18 years of age.
 - (c) Cannabis Production by a person authorized to do so under Part 14 of the Cannabis Regulations SOR/2018-144 “Access to Cannabis for Medical Purposes”, subject 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 school, day cares, parks,

playgrounds, convenience stores, or other public places frequented mainly by persons under 18 years of age.

- (d) Cannabis Production by an individual within a Dwelling Unit up to a maximum of four (4) Cannabis Plants per Dwelling Unit.

READ a first time by the Municipal Council on the 16th day of December, 2019.

READ a second time by the Municipal Council on the 16th day of December, 2019.

A Public Hearing was held pursuant to Sections 464, 465, 466 and 468 of the *Local Government Act* on the ---- day of -----, 2019.

READ a third time by the Municipal Council on the ---- day of -----, 2019.

ADOPTED by the Municipal Council on the ---- day of -----, 2019.

BARBARA DESJARDINS
MAYOR

RACHEL DUMAS
CORPORATE OFFICER