



CARIBOO REGIONAL DISTRICT

BYLAW NO. 5218

A bylaw of the Cariboo Regional District, in the Province of British Columbia, to amend Bylaw No. 3501, being the "South Cariboo Area Zoning Bylaw No. 3501, 1999".

WHEREAS the *Local Government Act* authorizes the Regional Board to amend a Zoning bylaw after a public hearing and upon the affirmative vote of the Directors;

NOW, THEREFORE, the Board of Directors of the Cariboo Regional District, duly assembled, hereby enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as the "Cariboo Regional District South Cariboo Area Zoning Amendment Bylaw No. 5218, 2019".

2. AMENDMENT

Schedule "A" of South Cariboo Area Zoning Bylaw No. 3501 of the Cariboo Regional District is amended by:

- A) Inserting the following text into Section 3.3 "INTERPRETATION AND DEFINITIONS" alphabetically and renumbering the subsequent sections sequentially:

"CANNABIS" means cannabis as defined in the Cannabis Act and includes any products containing cannabis or its derivatives.

"CANNABIS PRODUCTION FACILITY" means an establishment used for the production, cultivation, synthesis, harvesting, altering, propagating, processing, packaging, storage, distribution or scientific research of cannabis or cannabis products, as authorized by a licence issued by Health Canada, but excludes the growing of cannabis by an individual for their personal use and consumption.

“RETAIL SALES, CANNABIS” means an establishment used for the retail sale of cannabis that has been licenced by the Government of British Columbia.

- B) Deleting the following text from Section 3.3 of “INTERPRETATION AND DEFINITIONS” and renumbering the subsequent sections sequentially:

129. “MEDICAL MARIHUANA OPERATION” means a facility federally regulated and federally licensed for the purpose of producing medical marihuana and/or including research, laboratory testing and distribution of medical marihuana.

- C) Amending Section 3.3 of “INTERPRETATION AND DEFINITIONS” by deleting the following:

2. “AGRICULTURAL OPERATION” means the growing, rearing, producing, and harvesting of primary agricultural products, including a farm operation as defined under the Farm Practices Protection (Right to Farm) Act, except a Medical Marihuana Operation. Bona fide agricultural operation means the growing, rearing, production and harvesting of primary agricultural products on lands classified and denoted as a farm by the British Columbia Assessment Authority.

43. “COMMERCIAL NURSERY AND GREENHOUSE” means a building or structure or part thereof for the growing, display, wholesale or retail sale of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation, and may include the sale of other goods, products and equipment normally associated with gardening and landscaping.

67. “DWELLING UNIT” means a suite operated as a housekeeping unit, used or intended to be used primarily by one household, and usually containing cooking, eating, living, sleeping and sanitary facilities for domestic purposes. Other related and supplementary definitions include:

67. (f) “TWO-FAMILY RESIDENTIAL DWELLING UNIT / DUPLEX” means a building designed as a single structure, containing two separate living units with their own direct access to the outside, each of which is designed to be occupied as a separate permanent residence for one family.

101. “HOME INDUSTRY” means an occupation or use which is clearly ancillary or secondary to a permitted residential use in accordance with the provisions of this bylaw, and may be located in an ancillary building, but specifically excludes or prohibits such uses as auto body work and painting, automotive repair, auto wrecking, commercial storage of vehicles, heavy equipment sales, repairs or storage, and transport terminal or depot.

105. “HORTICULTURE” means activities related to the growing and cultivation of fruits, vegetables, flowers, and ornamental plants.

125. “MANUFACTURING” means the process or operation of making wares or

products from raw materials, manually, or with the aid of machinery.

147. “NURSERY” means a farm operation where woody ornamentals or herbaceous perennial plants are grown outdoors or in removable overwintering polyhouses, cold frames and hot beds.

163. “PRINCIPAL DWELLING” means a principal residential dwelling unit that:

- a) consists of a self-contained set of rooms located in a building;
- b) is intended for use as a residential premise;
- c) contains cooking facility and should also contain sanitary facilities that are intended to be exclusive to the unit; and
- d) is not a secondary suite or an accessory dwelling.

220. "WATER FRONTAGE" means the straight line horizontal distance between the two most widely separated points on any one shoreline of a lot.

and replace with the following:

2. “AGRICULTURAL OPERATION” means the growing, rearing, producing, and harvesting of primary agricultural products, including a farm operation as defined under the Farm Practices Protection (Right to Farm) Act, except a Cannabis Production Facility. Bona fide agricultural operation means the growing, rearing, production and harvesting of primary agricultural products on lands classified and denoted as a farm by the British Columbia Assessment Authority. Notwithstanding this definition, the cultivation of cannabis outdoors in a field and in accordance with Provincial and Federal regulations, including the Agricultural Land Reserve Use Regulation, is permitted on lands within the Agricultural Land Reserve.

43. “COMMERCIAL NURSERY AND GREENHOUSE” means a building or structure or part thereof for the growing, display, wholesale or retail sale of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation, not including cannabis, and may include the sale of other goods, products and equipment normally associated with gardening and landscaping.

67. “DWELLING UNIT” means a building or portion of a building used for residential occupancy, used or intended to be used primarily by one household, and usually containing cooking, eating, living, sleeping and sanitary facilities for domestic purposes. Other related and supplementary definitions include:

67. (f) “TWO-FAMILY RESIDENTIAL DWELLING UNIT / DUPLEX” means a building containing two dwelling units, either one above the other and separated by a ceiling and floor extending from exterior wall to exterior wall, or side by side and separated by a common party wall extending from ground to roof, with the exception of a common stairwell (interior or exterior). For clarity, a Single Family Residential Dwelling containing a Secondary Suite is not considered a Two-Family Residential Dwelling Unit / Duplex.

101. “HOME INDUSTRY” means an occupation or use which is clearly ancillary or secondary to a permitted residential use in accordance with the provisions of this bylaw, and may be located in an ancillary building. A home industry shall not include a cannabis production facility.

105. “HORTICULTURE” means activities related to the growing and cultivation of fruits, vegetables, flowers, and ornamental plants, but not including cannabis. Notwithstanding this definition, the cultivation of cannabis in accordance with Provincial and Federal regulations, including the Agricultural Land Commission Act, is permitted on lands within the Agricultural Land Reserve.

125. “MANUFACTURING” means the process or operation of making wares or products from raw materials, manually, or with the aid of machinery, but not including a cannabis production facility.

147. “NURSERY” means a farm operation where woody ornamentals or herbaceous perennial plants, not including cannabis, are grown outdoors or in removable overwintering polyhouses, cold frames and hot beds.

163. “PRINCIPAL DWELLING” means a principal residential dwelling unit that:

- a) consists of a self-contained set of rooms located in a building;
- b) is intended for use as residential occupancy;
- c) contains cooking facility and should also contain sleeping and sanitary facilities that are intended to be exclusive to the unit; and
- d) is not a secondary suite or an accessory dwelling.

220. "WATER FRONTAGE" means the distance between two side lot lines, measured in a horizontal straight line between the points of intersection of the side lot lines and the shoreline of the lot.

- D) Amending Section 5.8.1(b) of the “NON-RESIDENTIAL USES” within the “HEAVY INDUSTRIAL 1 (M 3-1) ZONE”

by deleting:

ix) a medical marihuana operation.

and replace with the following:

ix) cannabis production facility.

- E) Amending Section 5.10.1(b) of the “NON-RESIDENTIAL USES” within the “HEAVY INDUSTRIAL 3 (M 3-3) ZONE” by deleting the following:

vii) a medical marihuana operation.

READ A FIRST TIME THIS 27th DAY OF June, 2019.

READ A SECOND TIME THIS 27th DAY OF June, 2019.

A PUBLIC HEARING WAS HELD ON THE 8th DAY OF August, 2019.

READ A THIRD TIME THIS _____ DAY OF _____, 2019.

ADOPTED THIS ____ DAY OF _____, 2019.

Chair

Manager of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 5218 cited as the "Cariboo Regional District South Cariboo Area Zoning Amendment Bylaw No. 5218, 2019", as adopted by the Cariboo Regional District Board on the _____ day of _____, 2019.

Manager of Corporate Services