

VILLAGE OF PEMBERTON

BYLAW No. 752, 2014

Being a bylaw to amend Zoning Bylaw No, 466, 2001 to permit a Medical Marihuana Production Facility in certain zones.

WHEREAS pursuant to Section 903 [Zoning bylaws] of the *Local Government Act*, R.S.B.C., 1996, Chapter 323, as amended, and Regulations passed pursuant thereto, the Village of Pemberton may, by Bylaw, divide the whole or part of the Village into zones, name each zone, establish boundaries for the zones and regulate uses within those zones;

AND WHEREAS the Village of Pemberton has created zones, named each zone, established boundaries for these zones and regulated uses within those zones by Bylaw being the “Village of Pemberton Zoning Bylaw No. 466, 2001 ” and amendments thereto;

NOW THEREFORE, the Council of the Village of Pemberton, in open meeting assembled, **ENACTS AS FOLLOWS:**

1. CITATION

This Bylaw may be cited as “Village of Pemberton Zoning Amendment (Medical Marihuana Production Facility) Bylaw No. 752, 2014.”

2. AMENDMENTS

a) Amend Section 104 - Definitions of Zoning Bylaw No. 466, 2001 by adding the following definitions in alphabetical order:

- **Marihuana** means the substance referred to as “Cannabis (marihuana)” in sub-item 1(2) of Schedule II to the Federal *Controlled Drugs and Substances Act*, as amended from time to time.
- **Medical Marihuana Production Facility** means a facility used solely for the cultivation, growth, storage, distribution or destruction of marihuana as lawfully permitted and authorized pursuant to the Federal *Marihuana for Medical Purposes Regulations*, as amended or replaced from time to time.

b) Amend Section 104 - Definitions of Zoning Bylaw No. 466, 2001 by deleting the definition of “agriculture” and replacing it with the following:

- **Agriculture** means a use providing for the growing and rearing of livestock, including dogs, poultry, fowl, bees; growing, producing, and harvesting of agricultural products but not including marihuana except where Medical Marihuana Production Facility is a permitted use; includes the storage, processing, sale of individual farm products harvested, reared, or produced on that farm and the storage of farm machinery, implements, and supplies and repairs to farm machinery and implements used on that farm; specifically excludes all manufacturing, processing, storage and repairs not specifically included in the definition, processing of livestock and poultry not produced on the site, piggery use, feed lots and mink farms.

c) Amend Section 311.1 Permitted Land Uses by adding the following:

	Minimum Lot Size	Minimum Lot Width
Medical Marihuana Production Facility	n/a	n/a

d) Amend Section 314.2 Permitted Land Uses by adding the following:

	Minimum Lot Size	Minimum Lot Width
Medical Marihuana Production Facility	n/a	n/a

e) Amend Section 508 (4) Off Street Parking Requirements - Other by adding the following:

Medical Marihuana Production Facility	1 space per 93m ² of gross floor area
---------------------------------------	--

f) Amend Section 514 – Off-Street Loading Requirements by adding the following:

Use of Building or Lot	Minimum Number of Off-Street Loading Spaces
Medical Marihuana Production Facility	1 for the first 300 m ² to 500 m ² of gross floor area, 2 for 500 m ² to 2,500 m ² of gross floor area and 1 for each 2,500 m ² additional gross floor area or fraction thereof

3. SEVERABILITY

If any section, subsection, clause or phrase of this bylaw is held to be invalid for any reason by a court or competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of the bylaw.

READ A FIRST TIME this 7th day of January, 2014.

READ A SECOND TIME this 7th day of January, 2014.

NOTICE OF INTENTION TO AMEND Zoning Bylaw No. 466, 2001 was PUBLISHED IN THE Pique Newsmagazine on January 23, 2014 and January 30, 2014 respectively.

PUBLIC HEARING HELD this 4th day February 2014.

READ A THIRD TIME this 4th day of February, 2014.

APPROVED BY THE MINISTER OF TRANSPORTATION PURSUANT TO SECTION 52 of the *Transportation Act* this 3rd day of March, 2014.

ADOPTED this 4th day of March, 2014.

Alan LeBlanc
Mayor

Sheena Fraser
Corporate Officer