

Title: Comox Valley Zoning Bylaw, 2005, Amendment No. 74

Applicant: Comox Valley Regional District

Electoral Area: Electoral Area A, B and C

File No.: 3360-20 / RZ 1CV 18

Purpose: To amend Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005”, to prohibit the production and distribution of non-medical cannabis

Participants: All Electoral Areas



Application Received: **Date:**

Electoral Areas Services Committee: **Date:** May 14, 2018  
**Recommendation:**  
Proceed with external agency referral list and 1<sup>st</sup> and 2<sup>nd</sup> readings of the bylaw

Comox Valley Regional District Board: **Date:** June 5, 2018  
**Decision:** 1<sup>st</sup> and 2<sup>nd</sup> readings

Public hearing: **Date:** June 28, 2018

Comox Valley Regional District Board: **Date:** July 24, 2018  
**Decision:** 3<sup>rd</sup> reading

Ministry of Transportation and Infrastructure **Required:** No

Comox Valley Regional District Board: **Date:**  
Decision:

**Comox Valley Regional District**  
**Bylaw No. 537**

**A Bylaw to Amend the “Comox Valley Zoning Bylaw, 2005”  
being Bylaw No. 2781**

The board of the Comox Valley Regional District, in open meeting assembled, enacts the following amendments to the “Comox Valley Zoning Bylaw, 2005,” being Bylaw No. 2781:

**Section One Text Amendment**

- 1) Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005,” is hereby amended as set out in Schedule A attached to and forming part of this bylaw.

**Section Two Title**

- 1) This Bylaw No. 537 may be cited as the “Comox Valley Zoning Bylaw, 2005, Amendment No. 74”

|                                 |                        |               |             |              |
|---------------------------------|------------------------|---------------|-------------|--------------|
| <b>Read a first time this</b>   | <b>5<sup>th</sup></b>  | <b>day of</b> | <b>June</b> | <b>2018.</b> |
| <b>Read a second time this</b>  | <b>5<sup>th</sup></b>  | <b>day of</b> | <b>June</b> | <b>2018.</b> |
| <b>Public hearing held this</b> | <b>28<sup>th</sup></b> | <b>day of</b> | <b>June</b> | <b>2018.</b> |
| <b>Read a third time this</b>   | <b>24<sup>th</sup></b> | <b>day of</b> | <b>July</b> | <b>2018.</b> |
| <b>Adopted this</b>             |                        | <b>day of</b> |             | <b>2018.</b> |

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 537, being the “Comox Valley Zoning Bylaw, 2005, Amendment No. 74,” as adopted by the board of the Comox Valley Regional District on the    day of    2018.

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Corporate Legislative Officer

## Schedule A

### Section One Text Amendments

- 1) Part 200, “Interpretation”, is hereby amended by deleting the definitions of “Medical marihuana production”, “Retail”, “Wholesale”, “Agricultural Use”, “Agricultural Products” and inserting the following new definitions in alphabetical order:

***“Agricultural use”***

Means the use of land, buildings or structures for the growing, rearing, producing, harvesting, packing, storing and wholesaling of agricultural crops or raising livestock; includes processing crops grown on the land, the storage and repair of farm machinery and implements of husbandry used on that farm, and the storage, sale and processing of agricultural products harvested, reared or produced by the agricultural use. For the purpose of this Bylaw, Agriculture also includes apiculture and aquaculture, but specifically excludes intensive agriculture and cannabis production.

***“Cannabis”***

Has the same meaning as in the *Cannabis Act* (Canada), subject to any prescribed modifications.

***“Cannabis production”***

Means the commercial production, cultivation, synthesis, harvesting, altering, propagating, processing, packaging, storing and distribution of plants or scientific research of cannabis or cannabis products under the *Cannabis Act*.

***“Cannabis production (medical)”***

Means the commercial production, cultivation, synthesis, harvesting, altering, propagating, processing, packaging, storing and distribution of plants or scientific research of cannabis or cannabis products for medicinal purposes in accordance with a license issued by Health Canada under the *Access to Cannabis for Medical Purposes Regulation* (ACMPR).

***“Plant nursery and greenhouse”***

Means the use of land or buildings for growing, cultivating, harvesting, storing and sale of flowers, trees, bushes, bedding plants, and may include the sale of related gardening products and materials but specifically excludes cannabis production.

**“Retail sales”** Means the sale of goods to the general public and the accessory maintenance and repair of goods sold, but excludes vehicular fuels and cannabis.

**“Wholesale”** Means establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies and includes the maintenance and repair of such goods that are sold, but excludes the wholesale distribution of cannabis.”

- 2) Part 302(2) “Uses Prohibited In All Zones” be amended by deleting:
  - “x) Medical marihuana production, or any component thereof, except as expressly permitted elsewhere in this bylaw”and replacing it with the following text:
  - “x) Cannabis production, or any component thereof.
  - xi) Wholesale or retail sale of cannabis.”
- 3) Part 303 (3) (viii) “Uses Permitted on Conditions” be amended as follows:
  - “viii) Cannabis Production (medical)**  
The establishment of medical marihuana production on ALR lands in relation to farming for consistency within the *Agricultural Land Commission Act*, its regulations and orders of the Commission must not be permitted unless by a rezoning of the land.”
- 4) Part 303 (2) “Farm Use Regulations” be amended by inserting the following new text after Part 303(2)(iv):
  - “v) Cannabis Production (Medical)**  
The establishment of cannabis production (medical) on ALR lands in relation to farming for consistency within the *Agricultural Land Commission Act*, its regulations and orders of the Commission must not be permitted unless by a rezoning of the land.”
- 5) Part 304 “Home Occupations”, Part 306 “Domestic Business”, and Part 307 “Domestic Industrial Use” be amended by replacing all instances of “medical marihuana” with “cannabis.”

6) Part 300 “General Regulations” be amended by deleting:

**“316 Medical Marihuana Production**

1. The establishment of medical marihuana production, or any component thereof, on non-ALR lands must not be permitted unless by a rezoning of the land, in accordance with official community plan policies”

and inserting the following:

**“316 Cannabis Production (Medical)**

1. The establishment of cannabis production, or any component thereof, on non-ALR lands must not be permitted unless by a Temporary Use Permit or rezoning of the land, in accordance with Official Community Plan policies”.