



BYLAW NO. 352

A BYLAW TO AMEND THE ZONING REGULATIONS APPLICABLE TO QUADRA ISLAND

WHEREAS the former Comox-Strathcona Regional District has, by Bylaw No. 1213, adopted zoning regulations for Quadra Island and vicinity pursuant to Part 14 of the *Local Government Act*;

AND WHEREAS a bylaw of the former Comox-Strathcona Regional District that regulates the use or development of land within the area comprising the Strathcona Regional District remains in force until amended or repealed;

AND WHEREAS the Regional Board wishes to amend the aforesaid Bylaw No. 1213 having due regard to the requirements of the *Local Government Act*;

NOW THEREFORE the Board of Directors of the Strathcona Regional District, in open meeting assembled, enacts as follows:

Amendments

1. Bylaw No. 1213, being Quadra Island Zoning Bylaw 1990, is hereby amended as set out in Schedule 'A', attached to and forming part of this bylaw.

Citation

2. This bylaw may be cited for all purposes as Bylaw No. 352, being Quadra Island Zoning Bylaw 1990, Amendment No. 127.

READ A FIRST TIME ON THE 19TH OF AUGUST, 2020

READ A SECOND TIME ON THE 19TH DAY OF AUGUST, 2020

PUBLIC HEARING HELD ON THE 16TH DAY OF SEPTEMBER, 2020

READ A THIRD TIME ON THE 7TH DAY OF OCTOBER, 2020

RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE 7TH DAY OF OCTOBER, 2020

Chair

Corporate Officer

SCHEDULE 'A'

SECTION ONE TEXT AMENDMENT

1. Amend PART 4 DEFINITIONS, Section 4.1, by adding the following text in bold:

- 'AGRICULTURAL USE'** add to the end of the existing definition: **Agricultural use excludes cannabis production and cannabis retail where these are not an ALCA protected use.**
- 'ALCA PROTECTED USE'** means a use, which may be farm use or non-farm use, defined and regulated by the *Agricultural Land Commission Act (BC)* and ALR Regulations that may not be prohibited by local government when it takes place on ALR.
- 'CANNABIS'** means the same as in the *Cannabis Act (Canada)*.
- 'CANNABIS PRODUCT'** means the same as in the Cannabis Regulations (Canada).
- 'CANNABIS PRODUCTION'** means the lawful production of cannabis as licensed under the Cannabis Regulations (Canada).
- 'CANNABIS RETAIL'** means the lawful retail sale of cannabis and/or cannabis products for consumption off premise and for the purposes of this bylaw, does not include lawful cannabis sale for medical purposes.
- 'COMMERCIAL'** means any activity in which goods or services are exchanged for monetary gain and excludes cannabis production. Commercial use may include cannabis retail when explicitly permitted in this bylaw or where it is an ALCA protected use.
- 'COMMERCIAL GREENHOUSE'** means a building for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouse but are sold directly from such lot at wholesale or retail. A commercial greenhouse excludes cannabis production or cannabis retail where these are not an ALCA protected use.
- 'LIGHT INDUSTRIAL USE'** means a use providing for the processing, fabricating, assembling, storing, transporting, distributing, wholesaling, testing, servicing or repairing of goods, materials or things, and the selling of heavy industrial equipment, includes the operation of truck terminals, and petroleum storage depots in upland areas sufficient for local consumption. Light industrial use may include cannabis production when explicitly permitted in this bylaw or where it is an ALCA protected use.

'NURSERY'

means an area used only for the display and sale of wholesale and retail nursery stock, fertilizers, insecticides, herbicides, seeds, and small garden hand tools and excludes cannabis production and cannabis retail where these are not an ALCA protected use.

'RESEARCH LABORATORY'

add to the end of the existing definition: **and excludes research licensed by the Cannabis Regulations where it is not an ALCA protected use.**

'RETAIL STORE'

means a building, or part thereof, in which retail takes place.

'RETAIL'

means the sale of goods to the public in relatively small quantities for use or consumption rather than for resale. Retail excludes gasoline service stations, the sale of fuel, cannabis production and cannabis retail where these are not an ALCA protected use.

**'WAREHOUSE' or
'WAREHOUSING'**

means a building, or part thereof, used for the receiving and storage of commercial, industrial, household or private goods and freight, and includes the storage of goods by a distributor or supplier who markets goods for retail sale at other locations. Warehouse excludes cannabis production and cannabis retail where these are not an ALCA protected use.

'WHOLESALE'

means the selling of goods to

- retailers;
- industrial, commercial, institutional, or professional business users; or
- other wholesalers.

Wholesale includes acting as agents or brokers and buying goods for, or selling goods to, such individuals or companies and includes the maintenance and repair of such goods that are sold. Wholesale excludes cannabis production and cannabis retail where these are not an ALCA protected use.

**'WHOLESALE
ESTABLISHMENT'**

means a building or part thereof in which *wholesale* occurs.

2. Amend PART 10 LAND USE REQUIREMENTS, Section 10.1 Home Occupations and Industries, by adding to the end of 10.1.1: **Cannabis production and cannabis retail are prohibited as a home occupation.**

3. Insert after PART 10 LAND USE REQUIREMENTS, Section 10.9:

10.10 CANNABIS PRODUCTION

The following requirements apply to cannabis production:

- (a) A building or structure for cannabis production must be built and maintained to contain odour, dust, noise, light and glare within the facility as to avoid adverse effects that impair the use, safety or livability of adjacent properties.
- (b) The total floor area of a building or structure for cannabis production must be 1,000 square metres or less.

4. Amend PART 11 ZONES, 11.1 General Provisions, 11.1.5 Uses Prohibited In All Zones by adding:

- i) Replace the period with a **semicolon at the end of c)**.
- ii) Add:
 - d) **Cannabis production except where explicitly permitted elsewhere in this bylaw or where permitted as an ALCA protected use.**
 - e) **Cannabis retail except where explicitly permitted elsewhere in this bylaw or where permitted as an ALCA protected use.**

5. Amend PART 11 ZONES, 11.1 General Provisions, insert after 11.1.5:

11.1.6 Rezoning will be required for the establishment of either one of or both cannabis production and cannabis retail where not permitted as an ALCA protected use.

6. Amend PART 11 ZONES, 11.8 INDUSTRIAL ONE (I-1), 11.8.1 PERMITTED USES:

- I) **ONLY ON Lot 3, District Lot 207 & 180, Quadra Island, Sayward Land District, Plan VIP59552:**
 - i) **cannabis production only indoors.**