

Mark-up of Proposed Text Amendment to Zoning Bylaw 12800

Black Font Existing Text in Zoning Bylaw 12800
~~Strikethrough:~~ Proposed deletion from Zoning Bylaw 12800
Underline: Proposed addition to Zoning Bylaw 12800

6. Definitions

6.1 General Definitions

- 6.1(x)** ~~Cannabis~~ means a cannabis plant and anything referred to in subsection 6.1.x.a but does not include anything referred to in subsection 6.1.x.b:
- a. Cannabis includes:
 - i. any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not, other than a part of the plant referred to in subsection 6.1.x.b.
 - ii. any substance or mixture of substances that contains or has on it any part of such a plant;
 - iii. any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.
 - b. Notwithstanding subsection 6.1.x.a, Cannabis does not include:
 - i. a non-viable seed of a cannabis plant;
 - ii. a mature stalk, without any leaf, flower, seed or branch, of such plant;
 - iii. fibre derived from a stalk referred in subsection 6.1.x.b.ii; and
 - iv. the root or any part of the root of such a plant.

Rationale

6.1(x) - New Cannabis definition to align with federal definitions for cannabis in the Cannabis Act.

6.1(x) Cannabis Production and Distribution means development used principally for one or more of the following activities as it relates to Cannabis:

- a. the production, cultivation, and growth of Cannabis;
- b. the processing of raw materials;
- c. the making, testing, manufacturing, assembling or in any way altering the chemical or physical properties of semi-finished or finished goods and products;
- d. the storage or transshipping of materials, goods and products; or
- e. the distribution and sale of materials, goods and products to Cannabis Retail Sales stores or to individual customers.

6.1(x) - New Cannabis Production and Distribution definition to provide ability to appropriately regulate and mitigate potential impacts of specific development.

7.3 Residential-Related Uses

7.3(7) Major Home Based Business means development consisting of the Use of an approved Dwelling or Accessory building by a resident of that Dwelling for one or more businesses that may generate more than one business associated visit per day. The business Use must be secondary to the Residential Use of the building and shall not change the residential character of the Dwelling or Accessory building. The Dwelling may be used as a workplace by a non-resident. This Use includes Bed and Breakfast Operations but does not include General Retail Sales, Cannabis Retail Sales or Cannabis Production and Distribution.

7.3(7) - Clarify intent of the Major and Minor Home Based Business use to exclude Cannabis Retail Sales and Cannabis Production and Distribution.

7.3(8) Minor Home Based Business means development consisting of the Use of an approved Dwelling by a resident of that Dwelling for one or more businesses that shall not require more than one business associated visit per day at the Dwelling. The business Use must be secondary to the Residential Use of the building and no aspects of the business operations shall be detectable from outside the property. The Dwelling shall not be used as a workplace for non-resident employees of the business. This Use does not include General Retail Sales, Cannabis Retail Sales or Cannabis Production and Distribution.

7.4 Commercial Uses

7.4(x) **Cannabis Retail Sales** means development used for the retail sale of Cannabis that is authorized by provincial or federal legislation. This Use does not include Cannabis Production and Distribution.

7.4(x) **Cannabis Lounges** means development where the primary purpose of the facility is the sale of Cannabis to the public, for the consumption within the premises that is authorized by provincial or federal legislation. This Use does not include Cannabis Production and Distribution.

7.4(6) **Bars and Neighbourhood Pubs** means development where the primary purpose of the facility is the sale of alcoholic beverages to the public, for consumption within the premises or off the Site. This Use typically has a limited menu and minors are prohibited from patronizing the establishment during at least some portion of the hours of operation. Typical Uses include neighbourhood pubs, bars, beverage rooms, and cocktail lounges. This Use does not include Cannabis Lounges.

7.4(11) **Convenience Retail Stores** means development used for the retail sale of those goods required by area residents or employees on a day to day basis, from business premises which do not exceed 275 m² in gross Floor Area. Typical Uses include small food stores, drug stores, and variety stores selling confectionery, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter. This Use does not include Cannabis Retail Sales.

7.4(22) **General Retail Stores** means development used for the retail or consignment sale of new goods or merchandise within an enclosed building, not including the sale of gasoline, heavy agricultural and industrial equipment, alcoholic beverages, or goods sold wholesale. Accessory Uses may include the assembly

7.4(x) - New Cannabis Retail Sales Use to provide ability to regulate and mitigate the potential impacts federal legislation to legalize non-medical cannabis and to ensure the activities of this use do not inadvertently become classified under other retail uses.

7.4(x) - New Cannabis Lounges Use to provide ability to regulate and mitigate the potential impacts federal legislation to legalize non-medical cannabis and to ensure the activities of this use do not inadvertently become classified under other eating and drinking establishment uses.

7.4(6) - Clarify intent of the Bars and Neighbourhood Pubs use to exclude Cannabis Lounges.

7.4(11) - Clarify intent of the Convenience Retail Stores use to exclude Cannabis Retail Sales.

7.4(22) - Clarify intent of the General Retail Stores use to exclude Cannabis Retail Sales.

or repair of products sold on Site, or minor public services such as postal services or pharmacies. This Use does not include Aircraft Sales/Rentals, Automotive and Minor Recreation Vehicle Sales/Rentals, Cannabis Retail Sales, Flea Market, Gas Bars, Greenhouses, Plant Nurseries and Garden Centres, Pawn Stores, Major Alcohol Sales, Minor Alcohol Sales, Major Service Stations, Minor Service Stations, Secondhand Stores, and Warehouse Sales.

7.4(23) **Greenhouses, Plant Nurseries and Garden Centres** means development used for propagation, storage and sale of plants, and for the sale of products used for landscaping purposes. This does not include Cannabis Retail Sales or Cannabis Production and Distribution.

7.4(24) **Health Services** means development used for the provision of physical and mental Health Services on an out-patient basis. Services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature. Typical Uses include medical and dental offices, health clinics and counseling services, and medical Cannabis clinics and counseling services.

7.4(37) **Nightclubs** means development where the primary purpose of the facility is the sale of alcoholic beverages to the public, for consumption within the premises or off the Site, in a facility where entertainment facilities take up more than 10% of the Floor Area. This Use typically has a limited menu from a partially equipped kitchen/preparation area and prohibits minors from lawfully utilizing the facility. Typical Uses include dance clubs, cabarets, nightclubs, lounges, neighbourhood pubs and bars, beverage rooms, and cocktail lounges. This Use does not include Cannabis Lounges.

7.5 Industrial Uses

7.4(23) - Clarify intent of the Greenhouse, Plant Nurseries and Garden Centres use to exclude Cannabis Retail Sales or any production, cultivation or growth of Cannabis.

7.4(24) - Clarify intent of the Health Services use to include medical cannabis clinics and counselling services.

7.4(37) - Clarify intent of the Nightclubs use to exclude Cannabis Lounges.

7.5(2) - Clarify intent of the General Industrial Uses to include only Cannabis and Distribution facilities licensed by Health Canada or licensed pursuant to the Cannabis

7.5(2) **General Industrial Uses** means development used principally for one or more of the following activities:

- a. the processing of raw materials;
- b. the making, manufacturing or assembling of semi-finished or finished goods, products or equipment;
- c. the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in Non-industrial Zones;
- d. the storage or transshipping of materials, goods and equipment;
- e. the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to General Retail Stores or other sales Uses defined in this Bylaw for resale to individual customers; or
- f. the training of personnel in general industrial operations.

This Use includes vehicle body repair and paint shops and Cannabis Production and Distribution facilities licensed and operating pursuant to federal legislation.

This Use does not include Major Impact Utility Services and Minor Impact Utility Services or the preparation of food and beverages for direct sale to the public.

7.5(6) **Urban Indoor Farms** means the cultivation and harvesting of plant and/or animal products primarily within enclosed buildings for the primary purpose of wholesale or retail sales. Accessory activities may include on-Site sales, composting of plants grown on-Site, outdoor storage, and food packaging and processing. Typical activities include vertical farms, hydroponic systems and aquaponic systems. This Use does not include Livestock Operations, Rural Farms, Recreational Acreage Farms, Urban Outdoor Farms, Urban Gardens, or ~~the cultivation or growth of cannabis-~~ Cannabis Production and Distribution, unless licensed and operating pursuant to federal legislation.

Act. This use would exclude the production and distribution of non-medical cannabis.

7.5(6) - Clarify intent of the Urban Indoor Farms use to exclude any production, cultivation or growth of Cannabis, unless licensed by Health Canada. The intent is not to restrict those registered for personal or designated production with Health Canada to grow cannabis for medical purposes.

7.6 Agricultural and Natural Resource Development Use Classes

- 7.6(1) **Rural Farms** means development for the primary production of farm products such as: dairy products; poultry products; cattle, hogs, sheep and other animals; wheat or other grains; and vegetables or other field crops in rural and peri-urban areas. This does not include Livestock Operations Recreational Acreage Farms, Urban Gardens, Urban Indoor Farms, ~~or~~ Urban Outdoor Farms, or Cannabis Production and Distribution, unless licensed and operating pursuant to federal legislation.
- 7.6(4) **Recreational Acreage Farms** means development for small-scale, non-commercial agricultural pursuits Accessory to Residential or Residential Related Uses in rural residential areas. This Use shall be developed so that it does not unduly interfere with the general enjoyment of adjacent property. Animals shall be kept for the use or enjoyment of the householder only. This Use does not include Livestock Operations, Rural Farms, Urban Indoor Farms, Urban Outdoor Farms, ~~or~~ Urban Gardens, or Cannabis Production and Distribution, unless licensed and operating pursuant to federal legislation.
- 7.6(6) **Urban Outdoor Farms** means the cultivation and harvesting of plant and/or animal products in urban areas, primarily as an interim Use on idle or under-used land for the primary purpose of wholesale or retail sales. Cultivation and harvesting may occur within unenclosed structures primarily lit by natural light and used for the extension of the growing season, such as coldframes and hoophouses. Accessory structures may include Hen Enclosures or those used for the operation of the Site. Accessory activities may include on-Site sales, composting of plants grown on-Site, or outdoor storage. This Use does not include Livestock Operations, Rural Farms, Recreational Acreage Farms, Urban Indoor Farms, ~~or~~ Urban Gardens, or Cannabis Production and Distribution, unless licensed and operating pursuant to federal legislation.

7.6(1) - Clarify intent of the Rural Farms use to exclude any production, cultivation or growth of Cannabis, unless licensed by Health Canada..

7.6(4) - Clarify intent of the Recreational Acreage Farms use to exclude any production, cultivation or growth of Cannabis, unless licensed by Health Canada.

7.6(4) - Clarify intent of the Urban Outdoor Farms use to exclude any production, cultivation or growth of Cannabis, unless licensed by Health Canada.

7.8 Community, Educational, Recreational and Cultural Service Use Classes

7.8(8) **Private Clubs** means development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, without on-site residences. Private Clubs may include rooms for eating, drinking and assembly. This Use does not include Cannabis Lounges.

7.8(8) - Clarify intent of the Private Clubs use to exclude Cannabis Lounges.

7.8(18) **Urban Gardens** means the cultivation and harvesting of plant and/or animal products in urban areas for the primary purpose of beautification, education, recreation, or social or community programming. Accessory buildings or structures may include Hen Enclosures, or those used for the operation of the Site and the extension of the growing season, such as coldframes, hoop houses and greenhouses. On-Site sales and processing of plants or animal products are prohibited. Accessory activities may include outdoor storage or composting of plants grown on-Site. Typical activities include community gardens. This Use does not include Livestock Operations, Rural Farms, Recreational Acreage Farms, Urban Indoor Farm, ~~or~~ Urban Outdoor Farms, or Cannabis Production and Distribution, unless licensed and operating pursuant to federal legislation.

7.8(18) - Clarify intent of the Urban Gardens use to exclude any production, cultivation or growth of Cannabis, unless licensed by Health Canada.