

# CITY OF PORT ALBERNI

## BYLAW NO. 5013

### A BYLAW TO AMEND PORT ALBERNI ZONING BYLAW 2014, NO. 4832

The Municipal Council of the City of Port Alberni in Open Meeting Assembled Enacts as follows:

#### 1. Title

This Bylaw may be known and cited for all purposes as "**Zoning Bylaw Text Amendment No. T25 (Cannabis Cultivation), Bylaw No. 5013**".

#### 2. Zoning Text Amendment

Port Alberni Zoning Bylaw 2014, No. 4832 is hereby amended by:

##### A. Under **Section 4 Definitions of the Zoning Bylaw**, add the following text:

***"CANNABIS"** means a cannabis plant, including the phytocannabinoids produce by or found in such a plant regardless of whether that part has been processed or not and any substance or mixture of substances that contains or has on it and part of such a plant and any substance that is identical to a phytocannabinoid produced by or found in such a plant regardless of how the substance was obtained. Marijuana shall have the same definition.*

***"CANNABIS PRODUCTION FACILITY"** means the use of land, buildings or structures for the cultivation, processing, testing, destruction, packaging and shipping of cannabis/marijuana, or any products containing or derived from cannabis that are regulated under the federal Cannabis Act. These facilities may be further categorized as either a standard or micro-cultivation use, a cannabis nursery use, or standard or micro-processing use. May also include any medical marihuana facility regulated under the Access to Cannabis for Medical Purposes Regulations. Specifically excludes storefront or retail outlet distribution of cannabis.*

***"STANDARD CULTIVATION, CANNABIS"** means the indoor large-scale growing of cannabis plants and harvesting material from those plants, as well as associated activities. Canopy space up to or more than 200 square metres (2152 square feet) is permitted.*

***"MICRO-CULTIVATION, CANNABIS"** means the indoor small-scale growing of cannabis plants and harvesting material from those plants, as well as associated activities. Canopy space up to 200 square metres (2152 square feet) is permitted.*

***"NURSERY, CANNABIS"** means the indoor growing of cannabis plants to produce starting material (seed and seedlings) and associated activities. Canopy space must not exceed 50 square metres (538 square feet).*

***"STANDARD PROCESSING, CANNABIS"** means the large-scale manufacturing, packaging and labelling of cannabis products destined for sale to consumers, and the intra-industry sale of these products, including to provincially/territorially authorized distributors, as well as associated activities. There is no limitation on the amount of dried flower processed annually.*

***“MICRO-PROCESSING, CANNABIS”*** means the small-scale manufacturing, packaging and labelling of cannabis products destined for sale to consumers, and the intra-industry sale of these products, including to provincially/territorially authorized distributors, as well as associated activities. Up to 600 kg of dried flower may be processed annually.

**B. Under Section 5 Establishment of Zones of the Zoning Bylaw, add text as follows:**

To section **5.27.1** (the list of Principal Permitted Uses) in the **M1 – Light Industry Zone1:**

*“Standard cultivation, Cannabis”*  
*“Standard processing, Cannabis”*  
*“Micro-cultivation, Cannabis”*  
*“Micro-processing, Cannabis”*  
*“Nursery, Cannabis”*

To section **5.28.1** (the list of Principal Permitted Uses) in the **M2 – Medium Industry Zone:**

*“Standard cultivation, Cannabis”*  
*“Standard processing, Cannabis”*  
*“Micro-cultivation, Cannabis”*  
*“Micro-processing, Cannabis”*  
*“Nursery, Cannabis”*

To section **5.29.1** (the list of Principal Permitted Uses) in the **M3 – Heavy Industry Zone:**

*“Standard cultivation, Cannabis”*  
*“Standard processing, Cannabis”*  
*“Micro-cultivation, Cannabis”*  
*“Micro-processing, Cannabis”*  
*“Nursery, Cannabis”*

To Section **5.20.1** (the list of Principal Permitted Uses) in the **C3 - Service Commercial Zone:**

*“Micro-cultivation, Cannabis”*  
*“Micro-processing, Cannabis”*  
*“Nursery, Cannabis”*

To Section **5.21.1** (the list of Principal Permitted Uses) in the **C4 - Highway Commercial Zone:**

*“Micro-cultivation, Cannabis”*  
*“Micro-processing, Cannabis”*  
*“Nursery, Cannabis”*

**C. Under Section 6 General Regulations of the Zoning Bylaw, add text as follows:**

**“Section 6.27 Cannabis Production Facilities:**

*All Cannabis Production Facilities shall conform to the following:*

- 6.27.1 *Any operational Cannabis Production Facility must be regulated, approved and licensed by Health Canada. A City Business License is also required for operations.*
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- 6.27.2 *A Cannabis Production Facility is not permitted within 300 metres of the nearest property line of a site containing a school, licensed daycares, or another Cannabis Production Facility.*
- 6.27.3 *If zoned favorably a Cannabis Production Facility may operate a cultivation, processing, and retail use in conjunction on site. A Cannabis Production Facility is not permitted in conjunction with any other use.*
- 6.27.4 *A Cannabis Production Facility must be built to contain odor, noise, light and glare within the facility as to avoid adverse effects that impair the use, safety or livability of adjacent properties.*
- 6.27.5 *Any Cannabis Production Facility must obtain a Development Permit from the City. Architectural, landscaping, signage, and lighting plans are required to be submitted in order to be considered for approval.*
- 6.27.6 *A Cannabis Production Facility must limit their hours of operation to occur be between 8:00 am and 8:00 pm.”*

**D. Under Section 7 Parking and Loading Regulations** of the Zoning Bylaw, add text as follows:

To section **7.9 Required Amount of Parking** table under **Commercial Use** Required Parking Spaces add:

*“Cannabis Production Facility: 1 per employee or 1 per 190 m2 (2045 ft2) of gross floor area, whichever is the greater.”*

To section **7.9 Required Amount of Parking** table under **Industrial Use** Required Parking Spaces add:

*“Cannabis Production Facility: 1 per employee or 1 per 190 m2 (2045 ft2) of gross floor area, whichever is the greater.”*

**READ A FIRST TIME THIS 25<sup>TH</sup> DAY OF MAY, 2020.**

**READ A SECOND TIME THIS 25<sup>TH</sup> DAY OF MAY, 2020.**

**A PUBLIC HEARING WAS HELD THIS 14<sup>TH</sup> DAY OF SEPTEMBER, 2020.**

**READ A THIRD TIME THIS 28<sup>TH</sup> DAY OF SEPTEMBER, 2020.**

**FINALLY ADOPTED THIS 13<sup>TH</sup> DAY OF OCTOBER, 2020.**

  
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Mayor

  
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Corporate Officer

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