

Comparison of General Regulations – “Cannabis Operation”

Zoning Bylaw No. 1085, 1998 – Sections 4.7 & 4.8	Draft Zoning Bylaw No. 1395
<p>Definitions</p> <p>“marihuana operation” means the cultivation, growth, harvesting, processing packaging, storage, distribution, dispensing, trading, or selling of cannabis (marihuana) or its derivatives.</p>	<p>Definitions</p> <p>“agriculture, indoor” means the use of a <i>building</i> or <i>structure</i> for the growing, harvesting, cultivating, propagating, packing, storing and wholesaling of horticultural products, including but not limited to, vegetables, fruits, nuts and flowers, and <i>cannabis production, indoor</i>;</p> <p>“cannabis production, indoor” means the commercial production, cultivation, synthesis, harvesting, altering or propagating of <i>cannabis</i> inside a <i>structure</i>, as permitted by federal enactment, but excludes the growing of <i>cannabis</i> by an individual for their personal use and consumption, or <i>cannabis production, outdoor</i>;</p> <p>“cannabis production, outdoor” means the commercial production, cultivation, synthesis, harvesting, altering or propagating of <i>cannabis</i> outside in a field, as permitted by federal enactment, but excludes the growing of <i>cannabis</i> by an individual for their personal use and consumption, or <i>cannabis production, indoor</i>;</p>
<p>Cannabis Operation (s. 4.7)</p> <p>Cannabis operations are prohibited unless expressly permitted by this Bylaw.</p>	<p>[Not applicable – see “Notes” below]</p>
<p>Discretionary Use Regulations for Cannabis Operation (s. 4.8)</p> <p>.1 Council may approve a rezoning application for a cannabis operation as a site-specific permitted use in the “M1-General Industrial” Zone with consideration of potential impacts respecting public safety, health and welfare, nuisances such as smell, and the environment, and including information provided by the applicant on:</p> <ul style="list-style-type: none"> .1 A description of all discharges to air, sanitary sewers, streams, or groundwater; .2 A ventilation plan with a description of how the system prevents odour and pollen from leaving the building; and .3 Any other information requested by the Director of Planning and Development Services. 	<p>[Not applicable – see “Notes” below]</p>

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<p>.2 The following conditions of use also apply to cannabis operations:</p> <ul style="list-style-type: none"> .1 Cannabis operations shall only be permitted indoors in stand-alone buildings; .2 No other uses shall be permitted in a building containing a cannabis operation, including a dwelling unit; and .3 Cannabis operations must meet all other applicable Municipal, Provincial, and Federal regulations. 	

Notes:

The information provided in this table is a summary of current and proposed zoning regulations. Please refer to the current Zoning Bylaw No. 1085 as well as the most recent version of Draft Zoning Bylaw No. 1395 for actual and proposed regulations on the Zoning Bylaw Update webpage: <https://www.osoyoos.ca/council/zoning-bylaw-update>

- It is proposed that “agriculture, indoor”, which would allow for the cultivation and production of cannabis be listed as a permitted use in the General Industrial (I1) Zone.
- The production of cannabis on a parcel in the I1 zone will be subject to the regulations contained at Section 16.1 of Draft Zoning Bylaw No. 1395.
- References in the current regulations under Zoning Bylaw No. 1085, 1998, to “nuisances such as smell” are seen to be related to the powers granted local governments under Section 325 (“Nuisance and disturbances”) of the *Local Government Act* and are not a zoning regulation under Part 14 of the Act.
- Nuisance regulations for the production of cannabis could be considered for inclusion in a “Good Neighbour” Bylaw (or comparable bylaw).