



THE DISTRICT OF HOPE

BYLAW NO. 1443

A bylaw to amend the District of Hope Zoning Bylaw 1324

WHEREAS pursuant to Section 479 of the *Local Government Act*, a local government may adopt a Zoning Bylaw;

AND WHEREAS the Council of the District of Hope deems it appropriate to amend Zoning Bylaw 1324, 2012 by making amendments;

NOW THEREFORE the Council of the District of Hope, in open meeting assembled, enacts as follows:

CITATION

1. This bylaw may be cited for all purposes as the ***“District of Hope Zoning Amendment Bylaw No. 1443, 2022”***.

ENACTMENT

2. That **SECTION 2.0 DEFINITIONS**, be amended as follows:

AGRICULTURAL USE means growing, rearing and harvesting of agricultural products excluding cannabis production for commercial purposes, and includes, without limiting the generality of the foregoing:

- a) processing and storage of agricultural products grown, reared, produced or harvested on the same farm;
- b) storage of farm machinery, implements and supplies necessary to the AGRICULTURAL USE, the repair of farm machinery and implements used on that farm;
- c) the keeping of cattle, goats, llamas, poultry, sheep or other livestock and bees;
- d) the keeping, boarding, breeding, training and riding of horses.

CANNABIS PRODUCTION means the lawful production of cannabis and cannabis derivatives for medical and non-medical purposes, in accordance with the Federal Cannabis Act and applicable regulations, and includes cultivation, harvesting, processing, storage, packaging, non-retail distribution, analytical testing, and research. Cannabis production excludes retail cannabis sales and the cultivation of cannabis by an individual for person use and consumption.

LIQUOR PRIMARY USE means a building in which the principal use is the serving or retail sale of liquor for consumption on or off the premises under the Liquor Primary License or Liquor Primary Club License issued under the Liquor Control and Licensing Act as amended from time to time.

RETAIL SALE OF CANNABIS means the use of land, buildings or other structures for dispensing, selling or distributing Cannabis or Health Canada authorized Cannabis related products as lawfully permitted and authorized under a Retail Cannabis Licence and the Cannabis Distribution Act of British Columbia and Cannabis Act of Canada and the respective regulations thereunder enacted and amended from time to time.

3. That **SECTION 5.1 USES PROHIBITED IN ALL ZONES**, be amended as follows:

5.1.2 The following *uses* of land, *buildings* or *structures* shall be prohibited in all *zones*:

- a) unless expressly permitted, the use of an accessory building for residential purposes, other than those expressly permitted; and
- b) unless expressly permitted, any *use* located in part or in total in a tent or a *recreational vehicle* except for temporary *tourist accommodation*; and
- c) the *use* of any *modular storage unit* other than those meeting the criteria of the District of Hope Modular Storage Unit (Shipping Container) Policy Manual or those units approved by Council; and

4. That **SECTION 6.0 OFF STREET PARKING AND LOADING**, be amended as follows:

6.19.2 The minimum number of off-street *parking spaces* required for commercial *use* shall be provided as follows:

Off-Street Parking Spaces Required for Commercial Use

Use	Minimum Number of Off-Street Parking Spaces
<i>Liquor primary use</i> (bar, neighbourhood pub, cocktail lounge, night club)	1 per 3 seats
<i>Marina or dock</i>	1 per boat space
<i>Medical or dental office, veterinary clinic</i>	1 per 25 m ² floor area
Office (<i>Business or professional office</i>)	1 per 30 m ² floor area
Recreational accommodation (<i>campground, holiday park</i>)	1 per <i>sleeping unit</i> , plus 1 visitor <i>parking space</i> per every 3 <i>sleeping units</i>
<i>Restaurant</i> (café, coffee shop, delicatessen, fast food outlet)	1 per 4 indoor seats with a minimum of 3 for employees, plus 1 additional space for every 12 seasonal outdoor seats
Retail uses (<i>general store, financial institution, nursery, commercial service use, retail sale of cannabis</i>)	1 per 20 m ² floor area, excluding any storage area
<i>Tourist accommodation</i> (<i>hotel, motel or motor inn, holiday or tourist cabin</i>)	1 per <i>sleeping unit</i>
Vehicle services (<i>service station, vehicle sales or rental operation, vehicle service or repair, commercial vehicle storage</i>)	1 per 2 employees, plus 2 per service bay

5. That **SECTION 8.0 USE REGULATIONS**, be amended as follows:

8.11 CANNABIS PRODUCTION FACILITY

8.11.1 CONDITIONS OF USE

- a) Residential dwelling units shall not be permitted on the same parcel as the *Cannabis Production Facility*.
- b) Once the site specific Health Canada approvals have been obtained, the *Cannabis Production Facility* use shall become the sole permitted use on that property and all entitlements of other permitted uses will no longer apply until the *Cannabis Production Facility* use ceases.

- c) Accessory uses and structures must be associated with the *Cannabis Production Facility*.
- d) The minimum lot area for a parcel shall be 4.0 hectares (~9.9 acres).
- e) The minimum setbacks shall be:

Front Lot Line	15.0 metres (~49.5 feet)
Rear Lot Line	15.0 metres (~49.5 feet)
Interior Side Lot Line	15.0 metres (~49.5 feet)
Exterior Side Lot Line	15.0 metres (~49.5 feet)

8.11.2 OTHER REGULATIONS

- a) *Cannabis Production Facilities* and associated structures shall be located a minimum of 100 metres (328 feet) from all residential zoned property and Country Residential (CR-1) properties and those Comprehensive Development zoned properties that are residential.
- b) *Cannabis Production Facilities* shall be located a minimum of 500 metres (~1640 feet) from all schools, churches, hospitals and senior housing.
- c) Servicing for the facilities shall be designed by a qualified professional. A plan acceptable to the District shall be submitted to describe their method to protect emissions to the air (odors and noise), sanitary sewer, storm sewer, potable water and ground water.
- d) Outdoor lighting shall be designed such that it will not have a negative impact on neighbouring properties.
- e) Must provide proof of a valid application to Health Canada under the Cannabis Act.

8.12 RETAIL SALE OF CANNABIS

8.12.1 CONDITIONS OF USE

The retail sale of cannabis must meet the following property to property proximity setbacks:

- 100 metres from both the Parks and Recreation (P-1) Zone and Institutional (P-2) zone;
- 100 metres from a Day Care holding a valid District of Hope Business Licence; and
- 400 metres from an existing cannabis retailer.

Further shall adhere to:

- Cannabis Act of Canada as amended from time to time;
- Retail Cannabis Licence and the Cannabis Distribution Act of British Columbia as amended from time to time;
- District of Hope Business Licence Bylaw as amended from time to time; and the
- Cannabis & Liquor Licencing Policy as amended from time to time.

6. That **SECTION 11.0 COMMERCIAL ZONES** be amended as follows:

11.1 DOWNTOWN COMMERCIAL (CBD) ZONE

11.1.2 PERMITTED USES

.1 The following *principal uses* and no others shall be permitted:

- a) *Assembly use;*
- b) *Bus depot and taxi office;*
- c) *Business or professional office;*
- d) *Civic use;*
- e) *Commercial service use;*
- f) *Day care;*
- g) *Entertainment facility;*
- h) *Financial institution;*
- i) *Hotel;*
- j) *Liquor primary use* including, but not limited to and without limiting the generality of the foregoing, a cabaret, lounge or night club;
- k) *Medical or dental office;*
- l) *Motel or motor inn;*
- m) *Off-street parking area;*
- n) *Place of worship;*
- o) *Public market;*
- p) *Radio and television broadcasting station;*
- q) *Recreation facility* including, without limiting the generality of the foregoing, a bowling alley, billiard and pool room, racquet sports and fitness centre;
- r) *Restaurant;*
- s) *Retail store;*
- t) *Specialty retail;*
- u) *Tourist information booth;*
- v) *Veterinary clinic;*

- w) *Video games arcade;*
- x) *Retail sale of cannabis.*

11.1.3 CONDITIONS OF USE

- .1 All *multiple family dwellings* and *accessory dwelling units* shall be only located above the ground floor, shall have separate entrances leading directly to the *street* and shall be divided from the other *uses* by walls.
- .2 Any *home based business* shall be subject to the Home Based Business Use Regulations of this Bylaw.
- .3 A *dwelling unit* accessory to a *motel or motor inn* may be located on the ground floor but shall be located within the same *building* as the *motel or motor inn*.
- .4 The *retail sale of cannabis* shall be subject to the Retail Sale of Cannabis Use Regulations of this Bylaw.

11.4 REGIONAL COMMERCIAL (C-3) ZONE

11.4.2 PERMITTED USES

- .1 The following *principal uses* and no others shall be permitted:
 - a) *Business or professional office;*
 - b) *Financial institution;*
 - c) *Liquor primary use;*
 - d) *Medical or dental office;*
 - e) *Restaurant;*
 - f) *Retail store;*
 - g) *Retail sale of cannabis.*

11.4.3 CONDITIONS OF USE

- .1 All *accessory buildings or structures* shall also be subject to the Accessory Buildings and Structures General Regulations of this Bylaw.
- .2 All *accessory dwelling units* shall only be located above the ground floor and shall have separate entrances leading directly to grade and be divided from the other *uses* by walls.
- .3 The *retail sale of cannabis* shall be subject to the Retail Sale of Cannabis Use Regulations of this Bylaw.

11.6 COMMERCIAL TRANSITION (C-5) ZONE

11.6.2 PERMITTED USES

- .1 The following *principal uses* and no others shall be permitted:
 - a) *Apartment;*
 - b) *Business or professional office;*
 - c) *Day care;*
 - d) *Medical or dental office;*
 - e) *Motel or motor inn;*
 - f) *One family residence;*
 - g) *Restaurant;*
 - h) *Retail store;*
 - i) *Retail sale of cannabis.*

11.6.3 CONDITIONS OF USE

- .1 There shall be no more than 1 *one family residence* on a *parcel*.
- .2 No side of a *one family residence* shall have an overall dimension of less than 6 metres (~20 feet) excluding additions and projections.
- .3 All *accessory buildings or structures* shall be subject to the Accessory Buildings and Structures General Regulations of this Bylaw.
- .4 A *bed and breakfast* shall be limited to 3 *sleeping units*.
- .5 *Boarding* of not more than 2 persons shall be permitted in a *one family residence* only.
- .6 A day care shall not be located in any dwelling unit of an apartment or multiple family dwelling.
- .7 All *home based businesses* shall be subject to the Home Based Business Use Regulations of this Bylaw.
- .8 A common amenity area of not less than 100 square metres (~1,076 square feet) and minimum dimension of not less than 6 metres (~20 feet) shall be provided for all *buildings* containing 10 or more *dwelling units* on a *parcel*. Such a common amenity area may include, without limiting the generality of the foregoing, a swimming pool, sauna, exercise room, tennis courts, *playground*, courtyard, craft and games room, meeting room and similar recreational/social oriented facilities.

- .9 An outdoor amenity area of not less than 15 square metres (~161 square feet) and having minimum dimension of not less than 3 metres (~10 feet) shall be provided for and contiguous to each ground oriented *dwelling unit* in a *multiple family dwelling*.
 - .10 An amenity area of not less than 5 square metres (~54 square feet) and minimum dimension of not less than 1.5 metres (~5 feet) shall be provided for and contiguous to each *dwelling unit* in an *apartment* and may include, without limiting the generality of the foregoing, a patio, sun deck, balcony or terrace.
 - .11 All accessory *dwelling units* shall only be located above the ground floor and shall have separate entrances leading directly to grade and be divided from the other *uses* by walls.
 - .12 The *retail sale of cannabis* shall be subject to the Retail Sale of Cannabis Use Regulations of this Bylaw.
7. That the SPECIAL REGULATIONS section in all COMMERCIAL ZONES, be amended as follows:

Licensed liquor establishments and the retail sale of liquor shall be subject to and comply with the provisions of the Liquor Control and Licensing Act as amended from time to time.

Read a first time this 28th day of March, 2022.

Read a second time this 28th day of March, 2022.

Advertised in the Hope Standard Newspaper on the 15th day of April, 2022 and the 22nd day of April, 2022.

Public Hearing held on the 25th day of April, 2022.

Read a third time this 25th day of April, 2022.

Received Ministry of Transportation & Infrastructure approval this 3rd day of May, 2022.

Adopted this 9th day of May, 2022.

Original Signed by Peter Robb
Mayor

Original Signed by Donna Bellingham
Director of Corporate Services