CITY OF KELOWNA

BYLAW NO. 11376
TA16-0007 – Medical Marihuana Amendments

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT **Section 2 – Interpretation, 2.3 General Definitions** be amended by:

   a) deleting the definition for **MEDICAL MARIHUANA PRODUCTION FACILITY** that reads:

   "MEDICAL MARIHUANA PRODUCTION FACILITY means a facility for the producing, processing, setting, providing, shipping, delivering and destroying of medical marihuana and can include analytical testing in permitted industrial zones and must be licensed under the Health Canada Marihuana for Medical Purposes Regulations (SOR/210 -119)."

   And replacing it with:

   "MEDICAL MARIHUANA PRODUCTION FACILITY means a facility for the producing, processing, setting, providing, shipping, delivering and destroying of medical marihuana and can include analytical testing in permitted industrial zones and must be licensed by Health Canada**.** This **use** does not include the retail sale or dispensing of marihuana."

   b) deleting the definition for **RETAIL STORE – CONVENIENCE** that reads:

   "RETAIL STORE – CONVENIENCE means **development** used for the retail sale of those goods required by area residents (including tourists temporarily resident in a neighbourhood) and employees on a day to day basis, from **business premises** which do not exceed 235 m^2 in **gross floor area**. Typical **uses** include but are not necessarily limited to: small food stores, drug stores, florists, or variety stores selling confectionery, tobacco, groceries, beverages, pharmaceutical items, personal care items, hardware, printed matter, seasonal or tourism related rentals or the rental of videos. In the W2 Zone, this includes items normally required by people using marina facilities, but does not include the rental of personal watercraft or rental of automobiles."

   And replacing it with:

   "RETAIL STORE – CONVENIENCE means **development** used for the retail sale of those goods required by area residents (including tourists temporarily resident in a neighbourhood) and employees on a day to day basis, from **business premises** which do not exceed 235 m^2 in **gross floor area**. Typical **uses** include but are not necessarily limited to: small food stores, drug stores, florists, or variety stores selling confectionery, tobacco, groceries, beverages, pharmaceutical items, personal care items, hardware, printed matter, seasonal or tourism related rentals or the rental of videos. This **use** does not include the retail sale or dispensing of marihuana. In the W2 Zone, this includes items normally required by people using marina facilities, but does not include the rental of personal watercraft or rental of automobiles."

   c) deleting the definition for **RETAIL STORE, GENERAL** that reads:

   "RETAIL STORE, GENERAL means **premises** where goods, merchandise and other material are offered for sale at retail to the general public and includes limited on-site storage or limited seasonal outdoor sales to support that store's operations. Typical **uses** include but are not

limited to grocery, hardware, pharmaceutical, clothing, appliance and sporting goods stores. This **use** excludes **warehouse sales** and sale of gasoline, heavy agricultural and industrial equipment, second-hand goods, and retail stores requiring **outdoor storage**."

And replacing it with:

"RETAIL STORE, GENERAL means **premises** where goods, merchandise and other material are offered for sale at retail to the general public and includes limited on-site storage or limited seasonal outdoor sales to support that store's operations. Typical **uses** include but are not limited to grocery, hardware, pharmaceutical, clothing, appliance and sporting goods stores. This **use** excludes **warehouse sales** and sale of gasoline, heavy agricultural and industrial equipment, second-hand goods, and retail stores requiring **outdoor storage**. This **use** does not include the retail sale or dispensing of marihuana."

d) deleting the definition for **RETAIL STORES, HEALTH PRODUCTS** that reads:

"RETAIL STORES, HEALTH PRODUCTS means a retail outlet where products related to the health industry are sold, rented, custom fitted or repaired. Such uses include but are not limited to pharmacies, health food stores, naturopathic stores, uniform stores. Limited convenience retail is permitted as a secondary use."

And replacing it with:

"RETAIL STORES, HEALTH PRODUCTS means a retail outlet where products related to the health industry are sold, rented, custom fitted or repaired. Such uses include but are not limited to pharmacies, health food stores, naturopathic stores, uniform stores. Limited convenience retail is permitted as a secondary use. This **use** does not include the retail sale or dispensing of marihuana."

e) deleting the definition for **RETAIL STORE, SERVICE COMMERCIAL** that reads:

"RETAIL STORE, SERVICE COMMERCIAL means **premises** where goods, merchandise or other materials are offered for sale at retail to the general public and require extensive on-site storage to support the store's operations, either for product storage, or for processing, manufacturing or repairing goods sold on site. Typical **uses** include but are not limited to sales of automotive parts, and bakeries and butchers that process on site."

And replacing it with:

'RETAIL STORE, SERVICE COMMERCIAL means **premises** where goods, merchandise or other materials are offered for sale at retail to the general public and require extensive on-site storage to support the store's operations, either for product storage, or for processing, manufacturing or repairing goods sold on site. Typical **uses** include but are not limited to sales of automotive parts, and bakeries and butchers that process on site. This **use** does not include the retail sale or dispensing of marihuana."

f) deleting the definition for **HEALTH SERVICES, MAJOR** that reads:

"HEALTH SERVICES, MAJOR means a **development** used for the provision of physical or mental **health services** on an out-patient basis. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative or counseling nature. Typical **uses** include, but are not limited to, medical and dental **offices**,

chiropractors, massage therapists and acupuncture clinics, health clinics, and counseling services."
And replacing it with:

"HEALTH SERVICES, MAJOR means a **development** used for the provision of physical or mental **health services** on an out-patient basis. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative or counseling nature. Typical **uses** include, but are not limited to, medical and dental **offices**, chiropractors, massage therapists and acupuncture clinics, health clinics, and
counseling services. This **use** does not include the retail sale or dispensing of marihuana."

2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

_____
(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this .

_____
Mayor

_____
City Clerk