

NO: R049

COUNCIL DATE: March 12, 2018

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **March 8, 2018**

FROM: **General Manager, Planning & Development** FILE: **3900-30**
City Solicitor, Legal Services

SUBJECT: **Cannabis-related Zoning By-law Amendments**

RECOMMENDATION

The Planning & Development Department and the Legal Services Division recommend that Council:

1. Receive this report for information;
2. Amend *Surrey Zoning By-law, 1993, No. 12000*, as described in this report and documented in Appendix "I," and
3. Authorize the City Clerk to bring forward the necessary bylaws for the required readings and to set a date for the required public hearing.

PURPOSE

The purpose of this report is to obtain Council approval to amend *Surrey Zoning By-law, 1993, No. 12000* ("the Zoning By-law") to prohibit non-medical (recreational) cannabis production and distribution within Surrey, prior to Bill C-45 becoming law in the summer of 2018.

A comprehensive cannabis framework for the City is currently under development. A subsequent report outlining recommendations related to production, sale, personal cultivation and personal consumption will be forwarded to Council in the spring of 2018.

BACKGROUND

The Federal government has introduced legislation to legalize non-medical cannabis, also called recreational cannabis, which is expected to come into effect in the summer of 2018. This legislation will establish regulations and restrictions, at a Federal level, on the production, distribution, sale and use of recreational cannabis. Each Province and Territory has, or will be, releasing additional terms and conditions intended to direct municipalities on how to accommodate this use within their communities. As the authority on land use decision making, municipalities must then determine how to accommodate this use as it is appropriate to their community.

Surrey has been reviewing the Federal legislation and Provincial guidelines to determine how best to proceed. Several immediate adjustments are proposed for the Zoning By-law in order to provide the maximum level of control in managing this use once legalization takes effect.

DISCUSSION

The cannabis legalization program specifies both permissions and prohibitions, including:

- Distribution and possession limits;
- Licenses retailer purchases;
- Recreational consumption;
- Home cultivation;
- Continued legal access to medical cannabis;
- Driving while impaired;
- Distribution and possession limits; and
- Youth restrictions.

While municipalities will be examining all aspects of the new legislation to determine what falls within their jurisdiction and what regulatory bylaws need to be added or amended, immediate adjustments to zoning bylaws are being recommended in order to provide the maximum leverage and control in determining specific regulations after legalization has taken effect.

These immediate adjustments involve adding new definitions that are consistent with Federal definitions of cannabis and cannabis-related activities and placing prohibitions on retail sales, dispensaries and production prior to legalization. Making these adjustments to the Zoning By-law will ensure any dispensaries currently operating are solidified as being illegal prior to any legislation change, and will provide additional time to determine how Surrey will manage this use once legalized.

Proposed Zoning By-law Amendments

In order to position Surrey with the maximum level of control regarding recreational cannabis, the Zoning By-law is proposed to be amended as follows.

- a) **Definitions**
 - Add a new definition for Cannabis;
 - Add a new Cannabis Dispensary;
 - Add a new definition for Cannabis Production Facility;
 - Delete existing definitions for:
 - marijuana
 - marijuana dispensary
 - medical marijuana
 - Amend definition for Horticulture to add new cannabis references

b) **General Provisions**

Replace any references to marijuana and marijuana uses with references to cannabis and cannabis-related uses.

c) **Community Commercial B Zone**

Replace any references to marijuana and marijuana uses with references to cannabis and cannabis-related uses.

Next Steps

The changes proposed to the Zoning By-law regarding recreational cannabis dispensaries and production facilities are a first step in Surrey managing the changes coming forward as a result of the changes to Federal legislation.

Staff will continue to review all issues related to this topic and report to Council with other recommended bylaw changes and adjustments once those become identified. Additional Zoning By-law amendments will be forthcoming once recreational cannabis becomes legal later in 2018, and once the City has fully determined how it will be managed within Surrey.

SUSTAINABILITY CONSIDERATIONS

The amendments discussed above support the following Strategic Direction (SD) of the Sustainability Charter:

Public Safety

SD3: Ensure programs, policies and initiatives exist along the public safety continuum, and support the entire community.

CONCLUSION

The proposed changes to the Zoning By-law to prohibit non-medical cannabis sales and production are an initial step in Surrey's management of this new use.

It is recommended that Council:

- Receive this report for information;
- Amend *Surrey Zoning By-law, 1993, No. 12000*, as described in this report and documented in Appendix "I;" and

- Authorize the City Clerk to bring forward the necessary bylaws for the required readings and to set a date for the required public hearing.

Original signed by
Jean Lamontagne
General Manager, Planning & Development

Original signed by
Craig MacFarlane
City Solicitor

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Appendix "I" – Proposed Amendments to *Surrey Zoning By-law, 1993, No. 12000*

Proposed Amendments to Surrey Zoning By-law, 1993, No. 12000

The following proposed amendments to the Zoning Bylaw are presented in the order the sections appear in the By-law, as follows:

Part 1, Definitions

1. Add a new definition for “Cannabis” as follows:

“Cannabis
means all species and genus of the flowering plant in the family *cannabaceae*, whether growing or not, including the seed or clone of such plants.”;

2. Add a new definition for “Cannabis Dispensary” as follows:

“Cannabis Dispensary
means a business or service used for dispensing, selling or distributing *cannabis*, or any product containing *cannabis*, for any purpose including medical use.”;

3. Add a new definition for “Cannabis Production Facility” as follows:

“Cannabis Production Facility
means a business or service growing, cultivating, germinating, producing, storing, warehousing or packaging any product or thing containing *cannabis*.”;

4. Amend the definition for “Horticulture” by deleting the words “*medical marijuana*” and replacing it with “*cannabis*”;
5. Delete the definition for “Marijuana”;
6. Delete the definition for “Marijuana Dispensary”;
7. Delete the definition for “Medical Marijuana”;

Part 4, General Provisions

8. Section C. Uses Prohibited in All Zones
 - a) Sub-section J, by deleting the words “Growing of medical marijuana;” and replacing it with “*Cannabis Dispensary* or *Cannabis Production Facility*”; and
 - b) by deleting sub-section “(l) *marijuana dispensaries*”

Part 36B, Community Commercial B Zone

9. Section B. Permitted Uses

- a) Sub-section 2, by deleting the words "*Marijuana dispensary*" and replacing them with "*Cannabis*"; and
- b) Sub-section 3, by deleting the words "*Growing of medical marijuana*" and replacing them with "*Cannabis production facility*"