

THE CORPORATION OF THE
T O W N O F P E L H A M

BY-LAW NO. (2019)

**Being a by-law to amend Zoning By-law 1136 (1987), as amended,
with respect to Cannabis Production in the Town of Pelham**

Town of Pelham

File No. AM-07-19

WHEREAS, Section 34 of the Planning Act. RSO 1990, as amended provides that the governing body of a municipal corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

WHEREAS, the Council of the Town of Pelham considers it to desirable to amend Zoning By-law 1136 (1987) to implement the policies of Official Plan Amendment No. XX with respect to cannabis production in the Town of Pelham;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF PELHAM ENACTS AS FOLLOWS:

1. **THAT** By-law 1136 (1987), as amended, is hereby amended by the addition of Section 6.18(a) (xxiv) to Section 6.18(a) Prohibited Uses as follows:

(xxiv) outdoor storage, growing and production of cannabis.

2. **THAT** By-law 1136 (1987), as amended, is hereby amended by the addition of Section 7.1(i) to Section 7.1 as follows:

(i) Cannabis production within a Greenhouse or Structure;

3. **THAT** By-law 1136 (1987), as amended, is hereby amended by the addition of Section 7.8 as follows:

7.8 REQUIREMENTS FOR CANNABIS PRODUCTION

The regulations of Section 7.3 shall apply to greenhouses and **structures** used for cannabis production. In addition, greenhouses and structures used for cannabis production shall be subject to the following regulations:

(a) Minimum Setback to a Sensitive Land Use

the greater of 150
metres or the
distance
recommended by an
odour impact
analysis

- | | |
|---|---|
| (b) Minimum Planting Strip | 3.0 metres where abutting a sensitive land use. |
| (c) Maximum Parking Area Coverage | 25 percent |
| (d) Minimum Separation Distance Between Cannabis Production Greenhouse Operations | 500 meters |

4. **THAT** By-law 1136 (1987), as amended, is hereby amended by inserting the following alphabetically to Section 22.1(a):

“cannabis production within a Greenhouse or Structure”

5. **THAT** By-law 1136 (1987), as amended, is hereby amended by replacing Section 7.3 (b) with the following:

- | | |
|----------------------|------------------------|
| (b) Minimum Lot Area | 3 hectares (7.4 acres) |
|----------------------|------------------------|

6. **THAT** By-law 1136 (1987), as amended, is hereby amended by replacing Section 7.3 (c) with the following:

- | | |
|--|------------|
| (i) Greenhouse only | 30 percent |
| (ii) Greenhouse in conjunction with use permitted in 7.1 | 40 percent |

7. **THAT** By-law 1136 (1987), as amended, is hereby amended by inserting the following in Section 7.3:

- (h) A retail store is not permitted as an accessory use to a greenhouse.
- (i) Greenhouses requiring more than 10,000 litres of water per day are not permitted.

8. **THAT** By-law 1136 (1987), as amended, is hereby amended by inserting the following in Section 22:

22.3 REGULATIONS FOR CANNABIS PRODUCTION

The regulations of Section 22.2 shall apply to greenhouses and structures used for cannabis production. In addition, greenhouses and structures for cannabis production shall be subject to the following regulations:

- | | |
|--|---|
| (a) Minimum Setback to a Sensitive Land Use | the greater of 150 metres or the distance recommended by an odour impact analysis |
| (b) Minimum Planting Strip abutting a sensitive land use | 3.0 metres where |

- (c) Maximum Parking Area Coverage

25 percent
- (d) Minimum Separation Distance Between Cannabis Production Greenhouse Operations

500 meters

9. **THAT** By-law 1136 (1987), as amended, is hereby amended by adding the following to Section 6.16(a) Parking Requirements:

Greenhouses and Structures for Cannabis Production

1 parking space per employee on the largest shift

10. **THAT** By-law 1136 (1987), as amended, is hereby amended by deleting the definition of “Agricultural Use” from Section 5.5 and replacing it with the following:

“Agricultural Use” means a use of land, building or structure for the purpose of animal husbandry, bee-keeping, dairying, fallow, field crops, forestry, fruit farming, horticulture, market gardening, pasturage, nursery, poultry-keeping, greenhouses, or any other farming use and includes the growing, raising, packing, treating, storing or sale of farm products produced on the farm and other similar uses customarily carried on in the field of general agriculture and which are not obnoxious, but does not include cannabis production.

11. **THAT** By-law 1136 (1987), as amended, is hereby amended by adding and alphabetically inserting new definitions into Section 5 as follows:

“Cannabis Production” means lands, buildings or structures used for the commercial cultivation of marihuana (or alternative names including marijuana) and/or the processing, testing, destruction, packaging and/or shipping of marihuana.

“Sensitive Land Use” means a grade school, secondary school, day care, playground, sporting venue, residential use, place of worship or a community centre.

12. **THAT** this Bylaw shall come into effect and force from and after the date of passing thereof, pursuant to Section 34(21) and 34(30) of the Planning Act, RSO 1990, as amended.

ENACTED, SIGNED AND SEALED THIS

XXth DAY OF XXXXXXXXXX, 2019 A.D.

MAYOR MARVIN JUNKIN

DRAFT