



The Corporation of the Town of Pelham

By-law No. XX-2024

Being a By-law to amend Town of Pelham Zoning By-law No. 4481(2022) to regulate cannabis-related uses and industrial hemp-related uses in the Town of Pelham.

File No. AM-05-2024

WHEREAS on August 30, 2022, the Council of the Corporation of the Town of Pelham approved Town of Pelham Comprehensive Zoning By-law No. 4481 (2022) to regulate the use of land, buildings and structures within the Town of Pelham (“the Zoning By-law”);

AND WHEREAS the Council of the Corporation of the Town of Pelham has initiated an application to amend the Zoning By-law to regulate cannabis-related uses and industrial hemp-related uses in the Town of Pelham;

AND WHEREAS the Council of the Corporation of the Town of Pelham has conducted a public hearing in regard to this application, as required by sub-section 34(12) of the *Planning Act*, R.S.O. 1990, c. P.13 (“the *Planning Act*”);

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it desirable to amend the Zoning By-law as set out herein and has authority to do so under the provisions of the *Planning Act*;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

- 1. THAT** Section 1.4 d) of the Zoning By-law is hereby amended to add the following zones and symbols to the chart for Rural/Agricultural Zones:

Zone	Symbol
Agricultural Zone – Cannabis	A-CAN
Specialty Agriculture Zone – Cannabis	SA-CAN
Rural Employment Zone – Cannabis	RE-CAN

- 2. THAT** Section 2 of the Zoning By-law is hereby amended to add the following definitions, which shall be interspersed alphabetically:

CANNABIS-RELATED USE – INDOOR means those activities authorized in accordance with the Federal cannabis Regulation SOR-2018-144 as amended that are carried out within an enclosed building or structure.

CANNABIS-RELATED USE - OUTDOOR means those activities authorized in accordance with the Federal cannabis Regulation SOR-2018-144 as amended that only involve the growing and harvesting of cannabis outdoors.

INDUSTRIAL HEMP-RELATED USE - INDOOR means those activities authorized in accordance with the Federal cannabis Regulation SOR-2018-145 as amended that are carried out within an enclosed building or structure.

INDUSTRIAL HEMP-RELATED USE – OUTDOOR means those activities authorized in accordance with the Federal cannabis Regulation SOR-2018-145 as amended that only involve the growing and harvesting of hemp outdoors.

SENSITIVE LAND USE means school, day care, playground, sporting venue, park, recreational area, residence, place of worship, community centre or any other place where people regularly gather or sleep.

3. **THAT** Section 4.1.1 a) is hereby amended by adding the following minimum parking requirements to the chart for Other Uses:

Cannabis-Related Uses – Indoor	1 space per 100m ² (1976.39 ft ²) GFA
Industrial Hemp-related Uses – Indoor	1 space per 100m ² (1976.39 ft ²) GFA

4. **THAT** Section 5 is hereby amended by adding the following zoning categories and their permitted uses:

Zone	Permitted Uses
Agricultural Zone – Cannabis (A-CAN)	<ul style="list-style-type: none"> • Cannabis-Related Use – Indoor; and • Industrial Hemp-Related Use – Indoor.
Specialty Agriculture Zone – Cannabis (SA-CAN)	<ul style="list-style-type: none"> • Cannabis-Related Use – Indoor; and • Industrial Hemp-Related Use – Indoor.
Rural Employment Zone – Cannabis (RE-CAN)	<ul style="list-style-type: none"> • Cannabis-Related Use – Indoor; and • Industrial Hemp-Related Use – Indoor.

5. **THAT** Section 5.1.2 is amended the following Zone Requirements for Agricultural Uses:

Minimum Setback for Cannabis-Related Use – Outdoor from a Sensitive Land Use	300.0m
Minimum Setback for Industrial Hemp-Related Use – Outdoor from a Sensitive Land Use	300.0m

6. **THAT** Section 5 is amended to add Section 5.1.A: Agricultural Zone – Cannabis (A-CAN), the full text of which is appended hereto as Schedule “A” and forms part of this By-law.

7. **THAT** Section 5.2.2 is amended the following Zone Requirements for Specialty Agricultural Uses:

Minimum Setback for Cannabis-Related Use – Outdoor from a Sensitive Land Use	300.0m
Minimum Setback for Industrial Hemp-Related Use – Outdoor from a Sensitive Land Use	300.0m

8. **THAT** Section 5 is amended to add Section 5.2.A: Specialty Agricultural Zone – Cannabis (SA-CAN), the full text of which is appended hereto as Schedule “B” and forms part of this By-law.

9. **THAT** Section 5 is amended to add Section 5.3.A: Rural Employment Zone – Cannabis (RE-CAN), the full text of which is appended hereto as Schedule “C” and forms part of this By-law.
10. **THAT** all other provisions of the Zoning By-law remain in full force and effect and continue to apply.
11. **THAT** this By-law shall come into force and take effect on the date of final passing by the Council of the Corporation of the Town of Pelham, subject to the provisions of the *Planning Act*.

Read, enacted, signed and sealed on this X day of [Month], 2024.

Marvin Junkin, Mayor

Sarah Leach, Town Clerk

DRAFT

A-CAN

5.1.A AGRICULTURAL ZONE – CANNABIS



Subject to the general provisions of Section 3 and all other applicable requirements of this By-law, the provisions of this section shall apply throughout the Agricultural Zone – Cannabis (A-CAN).

5.1.A.1 Permitted Uses

- a) Cannabis-Related Use – Indoor; and
- b) Industrial Hemp-Related Use – Indoor.

A retail store is not permitted as an accessory use to any of the permitted uses listed in this section.

5.1.A.2 Zone Requirements for Permitted Uses

Minimum Lot Frontage for micro-processing and micro-cultivation as defined by the Federal Cannabis Regulation SOR-2018-144	100.0m
Minimum Lot Frontage for standard processing and standard cultivation as defined by the Federal Cannabis Regulation SOR-2018-144	200.0m
Minimum Lot Frontage for industrial hemp-related uses as defined by the Federal Industrial Hemp Regulation SOR-2018-145	200.0m
Minimum Lot Area for micro-processing and micro-cultivation as defined by the Federal Cannabis Regulation SOR-2018-144	3.0ha

Minimum Lot Area for standard processing and standard cultivation as defined by the Federal Cannabis Regulation SOR-2018-144	10.0ha
Minimum Lot Area for industrial hemp-related uses as defined by the Federal Industrial Hemp Regulation SOR-2018-145	10.0ha
Maximum Lot Coverage	30%
Minimum Front Yard for micro-processing and micro-cultivation as defined by the Federal Cannabis Regulation SOR-2018-144	20.0m
Minimum Front Yard for standard processing and standard cultivation as defined by the Federal Cannabis Regulation SOR-2018-144	80.0m
Minimum Front Yard for industrial hemp-related uses as defined by the Federal Industrial Hemp Regulation SOR-2018-145	80.0m
Minimum Side Yard or Rear Yard for micro-processing and micro cultivation as defined by the Federal Cannabis Regulation SOR-2018-144	15.0m, except where ventilating fans in a wall exhaust into the respective Side Yard or Rear Yard, in which case the minimum Yard shall be 25.0m
Minimum Side Yard or Rear Yard for standard processing and standard cultivation as defined by the Federal Cannabis Regulation SOR-2018-144	40.0m, except where ventilating fans in a wall exhaust into the respective Side Yard or Rear Yard, in which case the minimum Yard shall be 60.0m
Minimum Side Yard or Rear Yard for industrial hemp-related uses as defined by the Federal Industrial Hemp Regulation SOR-2018-145	40.0m, except where ventilating fans in a wall exhaust into the respective Side Yard or Rear Yard, in which case the minimum Yard shall be 60.0m
Minimum Exterior Side Yard for micro-processing and micro cultivation as defined by the Federal Cannabis Regulation SOR-2018-144	20.5m

Schedule "A" to By-law No. XX-2024

Minimum Exterior Side Yard for standard processing and standard cultivation as defined by the Federal Cannabis Regulation SOR-2018-144 80.0m

Minimum Exterior Side Yard for industrial hemp-related uses as defined by the Federal Industrial Hemp Regulation SOR-2018-145 80.0m

Minimum Setback for storage area from Streetline Lot Line of an adjacent lot with a Residential Use 30.0m

SA-CAN

5.2.A SPECIALTY AGRICULTURAL ZONE – CANNABIS



Subject to the general provisions of Section 3 and all other applicable requirements of this By-law, the provisions of this section shall apply throughout the Specialty Agricultural Zone – Cannabis (SA-CAN).

5.2.A.1 Permitted Uses

- a) Cannabis-Related Use – Indoor; and
- b) Industrial Hemp-Related Use – Indoor.

A retail store is not permitted as an accessory use to any of the permitted uses listed in this section.

5.2.A.2 Zone Requirements for Permitted Uses

Minimum Lot Frontage for micro-processing and micro-cultivation as defined by the Federal Cannabis Regulation SOR-2018-144	100.0m
Minimum Lot Frontage for standard processing and standard cultivation as defined by the Federal Cannabis Regulation SOR-2018-144	200.0m
Minimum Lot Frontage for industrial hemp-related uses as defined by the Federal Industrial Hemp Regulation SOR-2018-145	200.0m

Schedule "B" to By-law No. XX-2024

Minimum Lot Area for micro-processing and micro-cultivation as defined by the Federal Cannabis Regulation SOR-2018-144	3.0ha
Minimum Lot Area for standard processing and standard cultivation as defined by the Federal Cannabis Regulation SOR-2018-144	10.0ha
Minimum Lot Area for industrial hemp-related uses as defined by the Federal Industrial Hemp Regulation SOR-2018-145	10.0ha
Maximum Lot Coverage	30%
Minimum Front Yard for micro-processing and micro-cultivation as defined by the Federal Cannabis Regulation SOR-2018-144	20.0m
Minimum Front Yard for standard processing and standard cultivation as defined by the Federal Cannabis Regulation SOR-2018-144	80.0m
Minimum Front Yard for industrial hemp-related uses as defined by the Federal Industrial Hemp Regulation SOR-2018-145	80.0m
Minimum Side Yard or Rear Yard for micro-processing and micro cultivation as defined by the Federal Cannabis Regulation SOR-2018-144	15.0m, except where ventilating fans in a wall exhaust into the respective Side Yard or Rear Yard, in which case the minimum Yard shall be 25.0m
Minimum Side Yard or Rear Yard for standard processing and standard cultivation as defined by the Federal Cannabis Regulation SOR-2018-144	40.0m, except where ventilating fans in a wall exhaust into the respective Side Yard or Rear Yard, in which case the minimum Yard shall be 60.0m
Minimum Side Yard or Rear Yard for industrial hemp-related uses as defined by the Federal Industrial Hemp Regulation SOR-2018-145	40.0m, except where ventilating fans in a wall exhaust into the respective Side Yard or Rear Yard, in which case the minimum Yard shall be 60.0m

Schedule "B" to By-law No. XX-2024

Minimum Exterior Side Yard for micro-processing and micro cultivation as defined by the Federal Cannabis Regulation SOR-2018-144 20.5m

Minimum Exterior Side Yard for standard processing and standard cultivation as defined by the Federal Cannabis Regulation SOR-2018-144 80.0m

Minimum Exterior Side Yard for industrial hemp-related uses as defined by the Federal Industrial Hemp Regulation SOR-2018-145 80.0m

Minimum Setback for storage area from Streetline Lot Line of an adjacent lot with a Residential Use 30.0m

RE-CAN

5.3.A RURAL EMPLOYMENT ZONE – CANNABIS



Subject to the general provisions of Section 3 and all other applicable requirements of this By-law, the provisions of this section shall apply throughout the Rural Employment Zone – Cannabis (RE-CAN).

5.3.A.1 Permitted Uses

- a) Cannabis-Related Use – Indoor; and
- b) Industrial Hemp-Related Use – Indoor.

A retail store is not permitted as an accessory use to any of the permitted uses listed in this section.

5.3.A.2 Zone Requirements for Permitted Uses

Minimum Lot Frontage	30.0m
Minimum Lot Area	2000.0m ²
Maximum Lot Coverage	60%
Minimum Front Yard	14.0m
Minimum Exterior Side Yard	14.0m
Minimum Side Yard	6.0m, except where adjacent to a Residential Zone, in which case the minimum Side Yard shall be 9.0m

Minimum Rear Yard

7.5m, except where adjacent to a Residential Zone, in which case the minimum Rear Yard shall be 15.0m

5.3.A.3 Additional Requirements

- a) Notwithstanding Section 5.3.A.2, no minimum Side Yard or Rear Yard shall be required adjacent to a railway spur.
- b) Outside storage shall only be permitted within a Rear Yard which is screened from public view.
- c) A landscaped amenity area of a minimum width of 3.0m shall be provided adjacent to any Residential Zone or Commercial Zone or a Street that abuts the Side Yard or Rear Yard.
- d) Exterior lighting and illuminated signage shall be directed away from any adjacent Residential Zone.
- e) Required loading spaces shall not be located in any Front Yard or any Yard adjacent to a Residential Zone.