

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 500XN-20**

Cannabis Production and Processing

A BY-LAW PURSUANT TO SECTION 34 OF THE ONTARIO PLANNING ACT TO AMEND BY-LAW 500A-74, AS AMENDED, ENTITLED A BY-LAW TO REGULATE THE USE OF LAND AND THE CHARACTER, LOCATION AND USE OF BUILDINGS AND STRUCTURES THEREON.

WHEREAS the Town of Niagara-on-the-Lake Council is empowered to enact this By-law by virtue of the provisions of Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended;

AND WHEREAS this By-law conforms to the Town of Niagara-on-the-Lake Official Plan.

AND WHEREAS, although not an acknowledgement that Cannabis Production and Processing constitutes a Normal Farm practice, it is asserted that a close analogue in terms of odour creation are poultry production facilities which commonly require a 600 meter setback.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE enacts as follows:

1. That By-law 500WO-14 is hereby repealed.
2. That Section 2 (Definitions) is hereby amended by adding the following definitions:

2.2AAA Air Treatment Control shall mean the functional use of technology to prevent the emission of pollen, dust and odours expelled from a facility and sized accordingly in comparison to the facility it serves as designed by a qualified professional engineer.

2.13AA Cannabis: shall mean a genus of flowering plants in the family *Cannabaceae*. Synonyms include but are not limited to marijuana, and marihuana. This definition does not include the industrial or agricultural production of hemp.

2.13AAA Cannabis Production and Processing: means buildings or structures used for producing, processing, storing, testing, destroying, packaging and/or

shipping of cannabis authorized by an issued license or registration by the federal Minister of Health, pursuant to the Cannabis Regulations, SOR/2018-144, to the *Cannabis Act*, S.C. 2018, c.16, as amended from time to time, or any successors thereto.

2.68D Sensitive Land Use: means buildings, amenity areas or outdoor spaces where humans may be adversely affected by adjacent industrial-type land uses, including but not limited to residential uses, day care centres, churches, cultural heritage features, schools, parks and open space.

3. That Section 4.1(a) (Uses Permitted – Rural (A) Zone) is hereby amended by adding the following permitted Rural Use:
 - Cannabis Production and Processing
4. That Section 4.2 Zone Requirements (Rural (A) Zone) is hereby amended by adding Section 4.2.1 which reads as follows:

4.2.1 Cannabis Production and Processing

In addition to the zone requirements of Section 4.2, the following provisions shall apply to Cannabis Production and Processing:

- a) No lands, building or structure or portion thereof used for Cannabis Production and Processing purposes that is equipped with air treatment control situated in the Rural (A) Zone may be located closer to any sensitive land use than 600 metres from the property line of the nearest sensitive use.
 - b) No lands, building or structure or portion thereof used for Cannabis Cultivation, Production and Processing purposes that is not equipped with air treatment control may be situated in the Rural (A) Zone.
 - c) A building or structure used for security purposes for Cannabis Production and Processing may be located in the required front yard with the minimum front yard and minimum side yard requirements established through Site Plan Control.
 - d) Outdoor storage is prohibited on the property in which the Cannabis Production and Processing is located.
 - e) Cannabis Production and Processing shall only be permitted within the zones as explicitly indicated in the Zoning By-law.
 - f) All development in relation to the establishment of or expansion to Cannabis Production and Processing shall be subject to Site Plan Control.
5. If no notice of objection is filed with the Clerk within the time provided, this By-law shall come into force and take effect on the date of passing by the Council

of the Corporation of the Town of Niagara-on-the-Lake in accordance with Section 34 of the Planning Act, R.S.O. 1990.

If a notice of objection is filed with the Clerk, this By-law shall become effective on the date of passing hereof, subject to receiving the approval of the Local Planning Appeal Tribunal.

READ A FIRST, SECOND AND THIRD TIME THIS 22nd DAY OF JUNE, 2020.


LORD MAYOR BETTY DISERO


TOWN CLERK PETER TODD

<i>Applicant:</i>	name
<i>File Number:</i>	500XX-18
<i>Report Number:</i>	CDS-1x-xxx
<i>Assessment Roll Number:</i>	2627x0000