

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON
BY-LAW NO. 47-2019
(Cannabis Facility Definition and Regulation – November 12, 2019)

Being a By-law to amend By-law No. 12-79, as amended, the Zoning By-law for the Township of Melancthon to define and regulate cannabis facilities

WHEREAS the Council of the Corporation of the Township of Melancthon is empowered to pass By-laws to regulate the use of land pursuant to Section 34 of the Planning Act, 1990;

AND WHEREAS Council of the Corporation of the Township of Melancthon wishes to update the definitions and regulations governing cannabis facilities;

AND WHEREAS the Council of the Corporation of the Township of Melancthon deems it advisable to amend By-Law 12-79, as amended;

NOW THEREFORE the Council of the Corporation of the Township of Melancthon enacts as follows:

1. Zoning By-law 12-79 as amended, is further amended in the following manner:

- a) Sub-section 2.50a is deleted.
- b) Section 2 is amended by adding the following new definitions after sub-section 2.10:

2.10a Cannabis means:

- i. A Cannabis plant including hemp or industrial hemp;*
- ii. Any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;*
- iii. any substance or mixture of substances that contains or has on it any part of such a plant; and*
- iv. any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.*

2.10b Cannabis Plant means a plant that belongs to the genus "Cannabis".

2.10c Cannabis Facility means a building or buildings, designed, used, or intended to be used in an accessory manner to the outdoor growing of cannabis for one or more of the following: cultivation, growing, cloning, propagation, production, processing, harvesting, testing, alteration, destruction, storage, research packaging, shipment or distribution of cannabis in accordance with applicable federal law and regulation but does not include a building or part thereof solely designed, used, or intended to be used for the retail sale of cannabis.

- c) Section 3 is amended by adding the following new sub-section after sub-section 3.23:

3.24 Cannabis Facilities

Notwithstanding the permitted uses and regulations of the Agricultural (A1) Zone, a Cannabis Facility shall be a permitted use in the A1 Zone

provided the lot on which the Cannabis Facility is constructed is utilized for outdoor cultivation of Cannabis and the following regulations shall apply:

- i. Minimum Lot Area: 40 ha*
- ii. Minimum Lot Frontage: 150 metres*
- iii. Minimum Setback from any Lot Line: 15 metres*
- iv. Minimum Separation from any dwelling on a separate parcel: 300 metres*
- v. Minimum Separation from a vacant lot with a lot area of 4.1 ha or less: 300 metres*
- vi. Minimum Separation from another Cannabis Facility (separate lot): 2,000 metres*
- vii. Minimum Separation from a settlement area boundary: 2,000 metres*
- viii. Maximum Lot Coverage of all buildings and structures: 5%*
- ix. Minimum Lot Area required to be used for outdoor cultivation of Cannabis each calendar year: 20 ha*
- x. Minimum Parking Requirement: 1 space/250 m²*

Any lands utilized for the outdoor growing of Cannabis and/or a Cannabis Facility shall be subject to site plan control. For the purpose of item iv), where a dwelling is lawfully constructed within 300 metres of an existing, lawful Cannabis Facility, the existing Cannabis Facility shall be deemed to comply with item iv) of this By-law. For the purpose of item vii) the settlement area boundaries shall be as established by the Township of Melancthon Official Plan.

2. In all other respects, the provisions of By-law 12-79, as amended shall apply.

This By-law shall come into effect upon the date of passage hereof, subject to the provisions of Section 34 (30) and (31) of the Planning Act (Ontario).

READ A FIRST AND SECOND TIME on the 21st day of November 2019.

READ A THIRD TIME and finally passed this 21st day of November 2019.

Original Signed

Mayor

Original Signed

Clerk