

BYLAW OPTION A

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2019-##

A BY-LAW TO AMEND ZONING BY-LAW NO. 2017-70, AS AMENDED, OF THE TOWNSHIP OF WEST LINCOLN

WHEREAS THE TOWNSHIP OF WEST LINCOLN COUNCIL IS EMPOWERED TO ENACT THIS BY-LAW BY VIRTUE OF THE PROVISIONS OF SECTION 34 OF THE PLANNING ACT, 1990;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY enacts as follows:

1. THAT the Definition for *Medical Marihuana Production Facility* in Section 2 of Zoning By-law 2017-70, as amended, is hereby deleted.
2. THAT Section 2 of Zoning By-law 2017-70, as amended, is hereby further amended by adding the following definitions (in appropriate alphabetical order):

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 *hemp* (a source of foodstuffs (hemp milk, hemp seed, hemp oil), fiber and biofuels).

CANNIBIS CULTIVATION AND/OR PROCESSING means lands, and/or buildings and/or structures used for cultivation and/or producing and/or processing and/or testing and/or destroying and/or packaging, and/or shipping of cannabis.

AIR TREATMENT CONTROL shall mean the functional use of industrial grade multi-stage carbon filtration system, or similar technology, to reduce and/or treat the emission of pollen, dust and/or odours expelled from a facility; and sized accordingly in comparison to the facility it serves as designed by a qualified person.

LICENCED PRODUCTION FACILITY shall mean a facility licensed under the Federal Cannabis Act filed with the Minister of Health for the Cultivation of Cannabis. This includes Standard Cultivation, Micro Cultivation, Nursery License, Standard Processing and Micro Processing.

3. THAT the Definition for Agricultural Use in Section 2 of Zoning By-law 2017-70, as amended, is hereby deleted and replaced with the following: (in appropriate alphabetical order):

AGRICULTURAL USE means the growing of crops, including nursery or horticultural crops; raising of livestock; raising of other animals for food, fur or fiber, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; **(but does not include *Cannabis Cultivation and/or Processing* which is subject to a site specific zone amendment)** and associated on-farm *buildings* and *structures*.

4. THAT Section 3.10.3 of Zoning By-law 2017-70, as amended, be deleted and replaced with the following:

3.10.3 Cannabis Cultivation and Processing

The following regulations apply to *Cannabis Cultivation and/or Processing*:

- a) *Cannabis Cultivation and/or Processing* are permitted subject to a site specific zone amendment.
- b) *Cannabis Cultivation and Processing* are not permitted in any zone unless a site specific zoning bylaw amendment is granted, without appeal on lands zoned:
 - i. Agricultural 'A'
 - ii. Agricultural Purposes Only 'APO'
 - iii. Employment 'M2'
- c) *Air Treatment Control* shall be provided for any *Cannabis Cultivation and/or Processing* building and/or structure in order to minimize or eliminate odour and/or pollen emissions to an acceptable standard, as guaranteed by a qualified professional.
- d) Where such zoning bylaw amendment approval is obtained within an Agricultural 'A' or Agricultural Purposes Only 'APO' zone, facilities are subject to the following regulations:

- i. All *Cannabis Cultivation and/or Processing* where permitted in Agricultural ‘A’ and Agricultural Purposes Only ‘APO’ zones through a site specific bylaw amendment shall meet, at a minimum, all Health Canada (Government of Canada) regulations and guidelines for *Licensed Production Facilities* and any other Federal and Provincial regulations, as amended from time to time.
 - ii. All *Cannabis Cultivation and Processing* where permitted in Agricultural Zones shall have a minimum setback of 150m from all *lot lines* and 200 metres to Hamlets or Settlement Areas boundaries.
 - iii. No *outside storage*, outdoor *Cannabis Cultivation and/or Processing* shall be permitted.
 - iv. For any *Cannabis Cultivation and/or Processing building or structure* that consists of more than 10% glass and where artificial lighting is required, a solid fence having a minimum *height* of 1.8 metres shall be provided and maintained around the entire perimeter of the buildings used for cannabis production. Shading and screening are required within the greenhouse to minimize light pollution.
 - v. Notwithstanding Clause (iv) of this Subsection, a completely enclosed security fence having a minimum *height* of 1.8 metres shall be provided and maintained around the perimeter of the operation and all buildings on the lot that are used for *Cannabis Cultivation and/or Processing* .
 - vi. All *Cannabis Cultivation and/or Processing* shall be located within a completely enclosed warehouse style facility or double walled poly or glass greenhouse. Hooped style greenhouses or other temporary style structures that are not adequately constructed as to prevent unwanted emissions, will not be permitted.
- e) Where such zoning bylaw amendment approval is obtained within an Employment ‘M2’ zone, facilities are subject to the following regulations:
- i. All *Cannabis Cultivation and/or Processing* where permitted in Employment ‘M2’ zones through a site specific bylaw amendment shall meet, at a minimum, all Health Canada (Government of Canada) regulations and guidelines for *Licensed Production Facilities* and any other Federal and Provincial regulations, as amended from time to time.
 - ii. All *Cannabis Cultivation and/or Processing* where permitted in Employment Zones shall have a minimum setback of 150 metres from *lots* that are zoned *residential or institutional*, and 30 metres to any other lot line except where specifically provided otherwise.
 - iii. No *outside storage or outdoor Cannabis Cultivation and/or Processing* shall be permitted.
 - iv. A completely enclosed security fence having a minimum *height* of 1.8 metres shall be provided and maintained around the perimeter of the operation and all buildings on the lot that are used for a *Cannabis Cultivation and/or Processing*.
 - v. All *Cannabis Cultivation and/or Processing* where permitted in Employment Zones shall be located within a completely enclosed warehouse style facility fitted with *Air Treatment Control*. Greenhouses are not permitted.
- f) Applications for rezoning as outlined in Section 3.10.3 a) shall be evaluated based on scale, compatibility, buffering techniques, and enforced through site plan control.
- g) This bylaw does not prevent the keeping of up to four (4) plants per address as permitted under the federal Cannabis Act S.C. 2018, c. 16, as amended from time to time.

5. THAT “*Cannabis Cultivation and/or Processing* of more than four (4) plants, unless otherwise permitted through a zoning bylaw amendment” be added to the Part 3.13 Prohibited Uses in Zoning By-law 2017-70, as amended.

6. AND THAT this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
____ DAY OF _____, 2019.**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

DRAFT