

THE CORPORATION OF HALDIMAND COUNTY

By-law Number /19

**Being a by-law to amend Zoning By-law 1-DU 80, as amended,
of the Town of Dunnville, in the name of the Corporation of
Haldimand County.**

WHEREAS this by-law is enacted in accordance with Section 34 and 41 of the *Planning Act*, R.S.O. 1990, c.P.13 as amended;

AND WHEREAS this by-law conforms to the Haldimand County Official Plan;

NOW THEREFORE, the Council of The Corporation of Haldimand County enacts as follows:

1. **THAT** Section 4: Definitions of Zoning By-law 1-DU 80 of the former Town of Dunnville is hereby amended by renumbering the section accordingly and adding the following:

- a) 4.118 “*Cannabis Production Facility*” shall mean any *building* or *structure* licensed and authorized by Health Canada to ship, deliver, transport, destroy, grow, dry, export and/or import *cannabis* for medical or non-medical purposes, including related research as defined an applicable Federal Regulation, as amended from time to time.
- b) 4.119 “*Air Treatment Control System*” shall mean a system designed, approved and implemented in accordance with a license issued by Health Canada for the purposes of controlling emissions, including odour.

2. **THAT** Section 6: General Provisions of Zoning By-law 1-DU 80 of the former Town of Dunnville is hereby amended by adding the following:

6.30 Cannabis Production Facility

6.30.1 Any *cannabis production facility* shall be subject to the following provisions:

- a) a *cannabis production facility* shall be permitted in the following zones: A, MG, ML, MM, MR, MD, MX, MS
- b) a *cannabis production facility* will be subject to site plan control pursuant to Section 41 of the Planning Act;
- c) in addition to the requirements of this Section, a *cannabis production facility* shall comply with all *zone* provisions of the *zone* it is located within;

- d) a *cannabis production facility* will be prohibited on any lot containing a dwelling, *dwelling house* or *dwelling unit*;
- e) a *cannabis production facility* shall be subject to the following setbacks:

	Setback to any Residential, Commercial, Institutional or Open Space Zone	Setbacks to the following uses located on a separate lot: a dwelling, <i>dwelling house</i> , <i>dwelling unit</i> , day nursery, school, community centre, place of entertainment, place of assembly, place of worship, long term care home, retirement home, campground, tent & trailer park or cultural facility	Setback to any settlement area boundary
A <i>cannabis production facility</i> with a total gross floor area less than 6,967 square metres and with an <i>air treatment control system</i>	150 metres	150 metres	150 metres
A <i>cannabis production facility</i> with a total gross floor area greater than 6,967 square metres and less than 9,290 square metres and with an <i>air treatment</i>	200 metres	200 metres	200 metres

<i>control system</i>			
A <i>cannabis production facility</i> with a total gross floor area greater than 9,290 square metres and with an <i>air treatment control system</i>	250 metres	250 metres	250 metres
A <i>cannabis production facility</i> of any size where an <i>air treatment control system</i> is not provided	300 metres	300 metres	300 metres

- f) the parking requirement for a *cannabis production facility* shall be 1 *parking space* per 100 square metres of gross floor area;
- g) *outdoor storage* is prohibited on a property on which a *cannabis production facility* is located;
- h) no outdoor signage or advertising shall be *permitted*;
- i) where a *cannabis production facility* is located on a lot, no other use shall be *permitted* on the lot or within the *building* as a whole, other than the growing of agricultural crops other than cannabis;
- j) the minimum *lot area* must be greater than 4.0 hectares;
- k) minimum *setback* for all *structures* associated with a *cannabis production facility* is 30 metres from all property lines;
- l) a *building* or *structure* used for security purposes for a *cannabis production facility* may be located in the *front yard* and does not have to comply with the *required minimum front yard setback*;
- m) *loading spaces* for a *cannabis production facility* must be in a wholly enclosed *building*;
- n) all uses and activities associated with the *cannabis production facility* must take place entirely within a *building*.

3. **THAT** Section 23.1 Permitted Uses– General Industrial of Zoning By-law 1-DU 80 of the former Town of Dunnville is hereby amended by adding the following:

(p) *cannabis production facility*
4. **THAT** Section 24.1 Permitted Uses –Light Industrial of Zoning By-law 1-DU 80 of the former Town of Dunnville is hereby amended by adding the following:

(x) *cannabis production facility*
5. **THAT** Section 25.1 Permitted Uses – Marine Industrial of Zoning By-law 1-DU 80 of the former Town of Dunnville is hereby amended by adding the following:

(i) *cannabis production facility*
6. **THAT** Section 26.1 Permitted Uses – Rural Industrial of Zoning By-law 1-DU 80 of the former Town of Dunnville is hereby amended by adding the following:

(p) *cannabis production facility*
7. **THAT** Section 27.1 Permitted Uses – Disposal Industrial of Zoning By-law 1-DU 80 of the former Town of Dunnville is hereby amended by adding the following:

(f) *cannabis production facility*
8. **THAT** Section 28.1 Permitted Uses – Extractive Industrial of Zoning By-law 1-DU 80 of the former Town of Dunnville is hereby amended by adding the following:

(f) *cannabis production facility*
9. **THAT** Section 29.1 Permitted Uses – Special Industrial of Zoning By-law 1-DU 80 of the former Town of Dunnville is hereby amended by adding the following:

(c) *cannabis production facility*
10. **THAT** Section 30.1 Permitted Uses – Agricultural Zone of Zoning By-law 1-DU 80 of the former Town of Dunnville is hereby amended by adding the following:

(n) *cannabis production facility*
11. **THAT** Section 7.10.4 is hereby amended by adding the following:

rr) Type of Use: Cannabis Production Facility

Minimum Parking Spaces Required: 1 per 100 square metres of gross floor area

12. **AND THAT** this by-law shall take force and effect on the date of passage.

READ a first and second time this 1st day of April, 2019.

READ a third time and finally passed this 1st day of April, 2019.

MAYOR

CLERK

Schedule “A”**PURPOSE AND EFFECT OF BY-LAW NO. /19**

This By-law affects lands located throughout Haldimand County zoned ‘Agriculture (A)’ or zoned industrial.

The purpose of this general amendment to the Town of Dunnville Zoning By-law 1-DU-80 is to address an emerging land use issue by establishing a definition of and specific controls and regulations to cannabis production facilities within Haldimand County.

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File No.: PLZ-HA-2019-021
Name: Haldimand County
Roll No.: Various