

## THE CORPORATION OF HALDIMAND COUNTY

By-law Number /19

**Being a by-law to amend Zoning By-law NE-1-2000, as amended, of the City of Nanticoke, 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 2: Definitions of Zoning By-law NE-1-2000 of the former City of Nanticoke is hereby amended by renumbering the section accordingly and adding the following:
  - a) 2.146 “*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 in an applicable Federal Regulation, as amended from time to time.
  - b) 2.147 “*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 3: General Provisions of Zoning By-law NE-1-2000 of the former City of Nanticoke is hereby amended by adding the following:
  - 3.38 Cannabis Production Facility
    - 3.38.1 Any *cannabis production facility* shall be subject to the following provisions:
      - a) a *cannabis production facility* shall be permitted in the following zones: A, MH, MG, MP, MR, MD, MX
      - 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 <i>dwelling, dwelling house, dwelling unit, day nursery, school, community centre, place of entertainment, place of assembly, place of worship, long term care home, retirement home, campground, tent &amp; trailer park</i> 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 control system</i>	200 metres	200 metres	200 metres

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 7.1.2 Specific Permitted Uses– Heavy Industrial of Zoning By-law NE-1-2000 of the former City of Nanticoke is hereby amended by adding the following:

(f) *cannabis production facility*

4. **THAT** Section 7.2.2 Specific Permitted Uses– General Industrial of Zoning By-law NE-1-2000 of the former City of Nanticoke is hereby amended by adding the following:

(h) *cannabis production facility*

5. **THAT** Section 7.3.2 Specific Permitted Uses –Prestige Industrial of Zoning By-law NE-1-2000 of the former City of Nanticoke is hereby amended by adding the following:

(c) *cannabis production facility*

6. **THAT** Section 7.4.1 Permitted Uses – Rural Industrial of Zoning By-law NE-1-2000 of the former City of Nanticoke is hereby amended by adding the following:

(u) *cannabis production facility*

7. **THAT** Section 7.5.1 Permitted Uses – Disposal Industrial of Zoning By-law NE-1-2000 of the former City of Nanticoke is hereby amended by adding the following:

(h) *cannabis production facility*

8. **THAT** Section 7.6.1 Permitted Uses – Extractive Industrial of Zoning By-law NE-1-2000 of the former City of Nanticoke is hereby amended by adding the following:

(f) *cannabis production facility*

9. **THAT** Section 10.1.1 Permitted Uses – Agricultural Zone of Zoning By-law NE-1-2000 of the former City of Nanticoke is hereby amended by adding the following:

(p) *cannabis production facility*

10. **THAT** Section 4.10.4 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

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

READ a first and second time this 1<sup>st</sup> day of April, 2019.

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

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MAYOR

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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 City of Nanticoke Zoning By-law NE-1-2000 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.

Report No.: PDD-11-2019  
File No.: PLZ-HA-2019-021  
Name: Haldimand County  
Roll No.: Various