

BY-LAW NUMBER 2020-13

**CORPORATION OF THE TOWNSHIP OF TYENDINAGA
A By-law to Amend
Comprehensive Zoning By-law No. 03-16, As Amended**

WHEREAS By-law No. 03-16, as amended, is the Comprehensive Zoning By-law governing the lands located within the Corporation of the Township of Tyendinaga;

AND WHEREAS the Council of the Corporation of the Township of Tyendinaga, deems it appropriate;

AND WHEREAS authority is granted under Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF TYENDINAGA ENACTS AS FOLLOWS:

1. **THAT** By-Law No. 03-16, as amended, is hereby further amended by the addition of the following to Section 3 entitled "DEFINITIONS":

3.8.1 "AIR TREATMENT CONTROL" shall mean the functional use of industrial grade 2.5 multi-stage carbon filtration system, or similar technology, to reduce and/or treat 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 person.

3.35.1 "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 (a source of foodstuffs, fiber, and biofuel).

3.35.2 "CANNABIS PRODUCTION AND PROCESSING FACILITY" means lands, buildings or structures used for producing, processing, 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 Act, or any applicable legislation, predecessors or successors thereto.

2. **THAT** By-Law No. 03-16, as amended, is hereby further amended by adding the following to the end of existing subsection 3.6 "AGRICULTURAL/AGRICULTURAL USE":

" , but does not include a Cannabis Production and Processing Facility."

3. **THAT** By-Law No. 03-16, as amended, is hereby further amended by the addition of the following to Section 5 entitled "GENERAL PROVISIONS" immediately after item 5.50 thereof:

5.51 Cannabis Production and Processing Facility

Notwithstanding any other provision of this By-law, any Cannabis Production and Processing Facility shall be subject to the following provisions:

- i) No lands, building or structure or portion thereof shall be used for a Cannabis Production and Processing Facility except by the passing of a site specific zone within the Permanent Agriculture (PA) Zone, Marginal Agriculture (MA) Zone, Urban Industrial (UI) Zone or Rural Industrial (RI) Zone categories.
- ii) All lands or portions thereof, used for a Cannabis Production and Processing Facility shall be equipped with air treatment control.
- iii) No lands, building or structure or portion thereof used for a Cannabis Production and Processing Facility that is equipped with air treatment control situated in the Permanent Agriculture (PA) Zone, Marginal Agriculture (MA) Zone, Urban Industrial (UI) Zone or Rural Industrial (RI) Zone may be located closer than 70 metres to any Residential Zone, Institutional Zone and including the following sensitive land uses regardless of the zone category:
 - a dwelling;
 - school (public and private);
 - place of worship;
 - day care nursery;
 - nursing home;

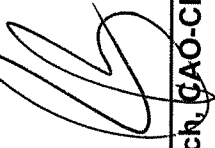
- hospital (public and private);
- park;
- play ground; and
- sports field.

- iv) Outdoor production and processing of *cannabis* is prohibited in all zones.
- v) A building or structure used for security purposes for a *Cannabis Production and Processing Facility* may be located in the required front yard and does not have to comply with the required minimum front yard, side yard, and rear yard setbacks.
- vi) Outdoor storage of *cannabis*, *cannabis* products, *cannabis* by-products and *cannabis* waste is prohibited on the property in which the *Cannabis Production and Processing Facility* is located.
- vii) Required loading spaces shall be located within the enclosed building.
- viii) A *Cannabis Production and Processing Facility* shall only be permitted within the zones as explicitly indicated in this Zoning By-law 03-16, as amended.
- ix) All development in relation to the establishment of or expansion to a *Cannabis Production and Processing Facility* shall be subject to Site Plan Control.

- 4. THAT By-Law No. 03-16, as amended, is hereby further amended by adding the following to subsection 5.31.1 “**Minimum Parking Space Requirements**”:
 - y) Cannabis Production and Processing Facility
 - One (1) space for every thirty-seven (37) square metres (398.3 sq ft) of gross floor area

- 5. THAT this By-law shall come into force and take effect pursuant to the provisions of and the regulations made under the Planning Act, R.S.O., 1990, c.P.13, as amended.

THIS BY-LAW READ A FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED THIS 5th DAY OF AUGUST, 2020.



Brad Roach, CAO-Clerk-Treasurer



Rick Phillips, Reeve