

**THE CORPORATION OF THE
TOWN OF PELHAM
By-law Number XXXX (2020)**

**Being a By-law passed pursuant to the provisions of
Section 34 of *The Planning Act*, R.S.O. 1990, as amended to amend
the Town of Pelham Zoning By-law No. 1136 (1987), as otherwise
amended.**

Whereas the Council of the Corporation of the Town of Pelham has initiated an application to amend By-Law No. 1136 (1987) otherwise known as the Zoning By-Law, insofar as is necessary to establish provisions that apply to cannabis-related uses and industrial hemp-related uses in the Town of Pelham.

And Whereas the Council of the Corporation of the Town of Pelham conducted a public hearing in regard to this application, as required by Section 34(12) of the Planning Act, R.S. O. 1990, Chap. P. 13, as amended.

And Whereas the Council of the Corporation of the Town of Pelham deems it advisable to amend Zoning By-law 1136 (1987), as otherwise amended, with respect to the above described lands, and under the provisions of the Planning Act has the authority to do so.

Now therefore the Council of the Corporation of the Town of Pelham enacts as follows:

1. **That** Section 3.0 of this By-law No. 1136 (1987), as amended, is further amended to add the new zones and symbols as follows:

Zone	Symbol
Agricultural - Cannabis	A – CAN
General Industrial - Cannabis	M2 – CAN

2. **THAT** By-law 1136 (1987), as amended, is hereby amended by the addition of definitions in Section 5.0, as follows:

- i) "Cannabis-related use - indoor" means those activities authorized in accordance with the Federal Cannabis Regulation SOR-2018-144 as amended that are carried out within an enclosed building or structure.
- ii) "Cannabis-related use - outdoor" means those activities authorized in accordance with the Federal Cannabis Regulation SOR-2018-144 as amended that only involve the growing and harvesting of cannabis outdoors.
- iii) "Industrial hemp-related use - indoor" means those activities authorized in accordance with the Federal Industrial Hemp Regulation SOR-2018-145 as amended that are carried out within an enclosed building or structure.
- iv) "Industrial hemp-related use - outdoor" means those activities authorized in accordance with the Federal Industrial Hemp Regulation SOR-2018-145 as amended that only involve the growing and harvesting of hemp outdoors.
- v) "Sensitive land use" means school, day care, playground, sporting venue, park, recreational area, residence, place of worship, community centre or any other place where people regularly gather or sleep.

3. **THAT** By-law 1136 (1987), as amended, is amended by the addition of parking requirements in Section 6.16 (a), as follows:

Cannabis-related uses - indoor and industrial hemp-related uses - indoor - 1 parking space per 100 m² (1076.39 ft²) of gross floor area

4. **THAT** By-law 1136 (1987), as amended, is hereby amended by the addition of a new Section 7A - Agricultural - Cannabis A-CAN Zone:

SECTION 7A – AGRICULTURAL CANNABIS - A-CAN ZONE

Subject to the general provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply throughout the Agricultural Cannabis Zone.

7A.1 PERMITTED USES

- (a) Cannabis-related Use - indoor and outdoor
- (b) Industrial Hemp-related Use - indoor and outdoor

7A.2 REGULATIONS FOR PERMITTED USES IN SUBSECTION 7A.1

- (a) A retail store is not permitted as an accessory use to any of the permitted uses listed in Subsection 7A.1.
- (b) Minimum Lot Frontage for micro-processing and micro-cultivation as defined and set out by the Federal Cannabis Regulation SOR-2018-144 - 100 m
- (c) Minimum Lot Frontage for standard processing and standard cultivation as defined and set out by the Federal Cannabis Regulation SOR-2018-144 - 200 m
- (d) Minimum Lot Frontage for industrial hemp-related uses as defined and set out by the Federal Industrial Hemp Regulation SOR-2018-145 - 200 m
- (e) Minimum Lot Area for micro-processing and micro-cultivation as defined and set out by the Federal Cannabis Regulation SOR-2018-144 - 3 hectares
- (f) Minimum Lot Area for standard processing and standard cultivation as defined and set out by the Federal Cannabis Regulation SOR-2018-144 - 10 hectares

- (g) Minimum Lot Area for industrial hemp-related uses as defined and set out by the Federal Industrial Hemp Regulation SOR-2018-145 - 10 hectares
- (h) Maximum Lot Coverage - 30 percent
- (i) Minimum Front Yard - 100 metres
- (j) Minimum Side Yard or Rear Yard for micro-processing and micro cultivation uses as defined and set out by the Federal Cannabis Regulation SOR-2018-144 - 30 metres, except where ventilating fans in a wall exhaust into the respective side or rear yard, the minimum yards shall be 50 metres
- (k) Minimum Side Yard or Rear Yard for standard processing and standard cultivation uses as defined and set out by the Federal Cannabis Regulation SOR-2018-144 and industrial hemp-related uses as defined and set out by the Federal Industrial Hemp Regulation SOR-2018-145 - 60 metres, except where ventilating fans in a wall exhaust into the respective side or rear yard, the minimum yards shall be 80 metres
- (l) Minimum Exterior Side Yard - 100 metres
- (m) All greenhouses shall be located a minimum distance of 45 m from any lot line of a lot with a residential use
- (n) No storage area shall be permitted within 30 metres of a street or the lot line of an adjacent lot with a residential use

5. **THAT** By-law 1136 (1987), as amended, is hereby amended by the addition of a new Section 23A - General Industrial - Cannabis M2-CAN Zone

SECTION 23A – GENERAL INDUSTRIAL - M2-CAN ZONE

Subject to the general provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply throughout the General Industrial Cannabis Zone.

23A.1 PERMITTED USES

- (a) Cannabis-related Use - Indoor
- (b) Industrial Hemp-related Use - Indoor

23A.2 REGULATIONS FOR PERMITTED USES IN SUBSECTION 23A.1

- (a) A retail store is not permitted as an accessory use to any of the permitted uses listed in Subsection 23A.1.
- (b) The provisions of Subsection 22.2 shall apply to all permitted uses within the General Industrial Cannabis M2-CAN Zone

6. **THAT** By-law 1136 (1987), as amended, is hereby amended by the addition of a new Section 30-299 - Exceptions

A-299 Notwithstanding the regulations of the Agricultural (A) zone, only the gross floor area that existed on the effective date of the zoning by-law amendment that included this section in the by-law is permitted.

7. **THAT** By-law 1136 (1987), as amended, is hereby amended by the addition of a new Section 30-300 - Exceptions

A-300 Notwithstanding the regulations of the Agricultural (A) zone, only the gross floor area that existed on the effective date of

the zoning by-law amendment that included this section in the by-law is permitted.

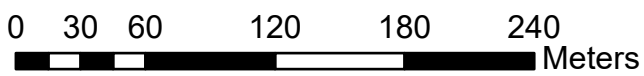
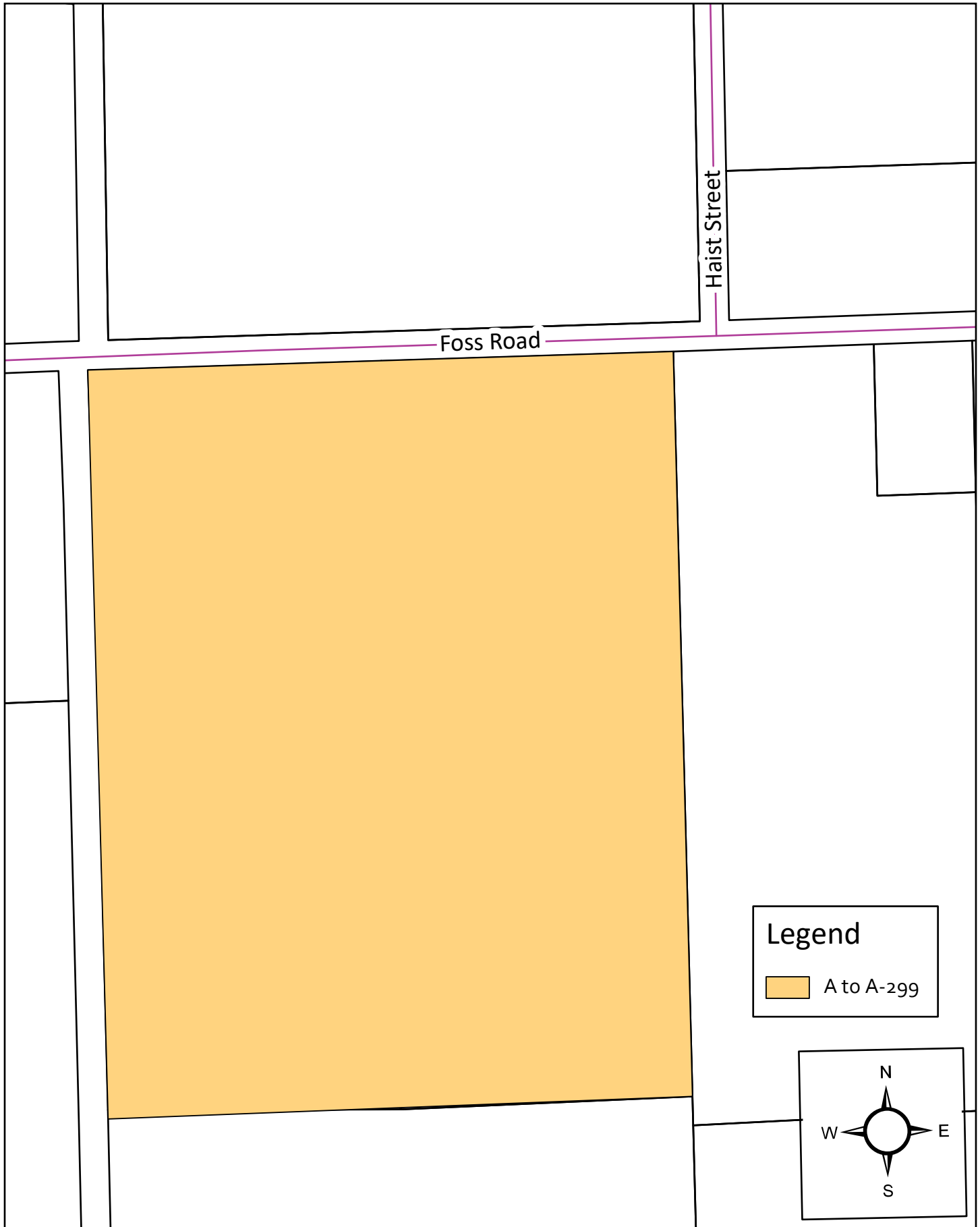
Read a first, second, and third time and finally passed this XXth day of XX, 2020.

Marvin Junkin, Mayor

Nancy J. Bozzato, Clerk

Corporate Seal

Schedule 'A'

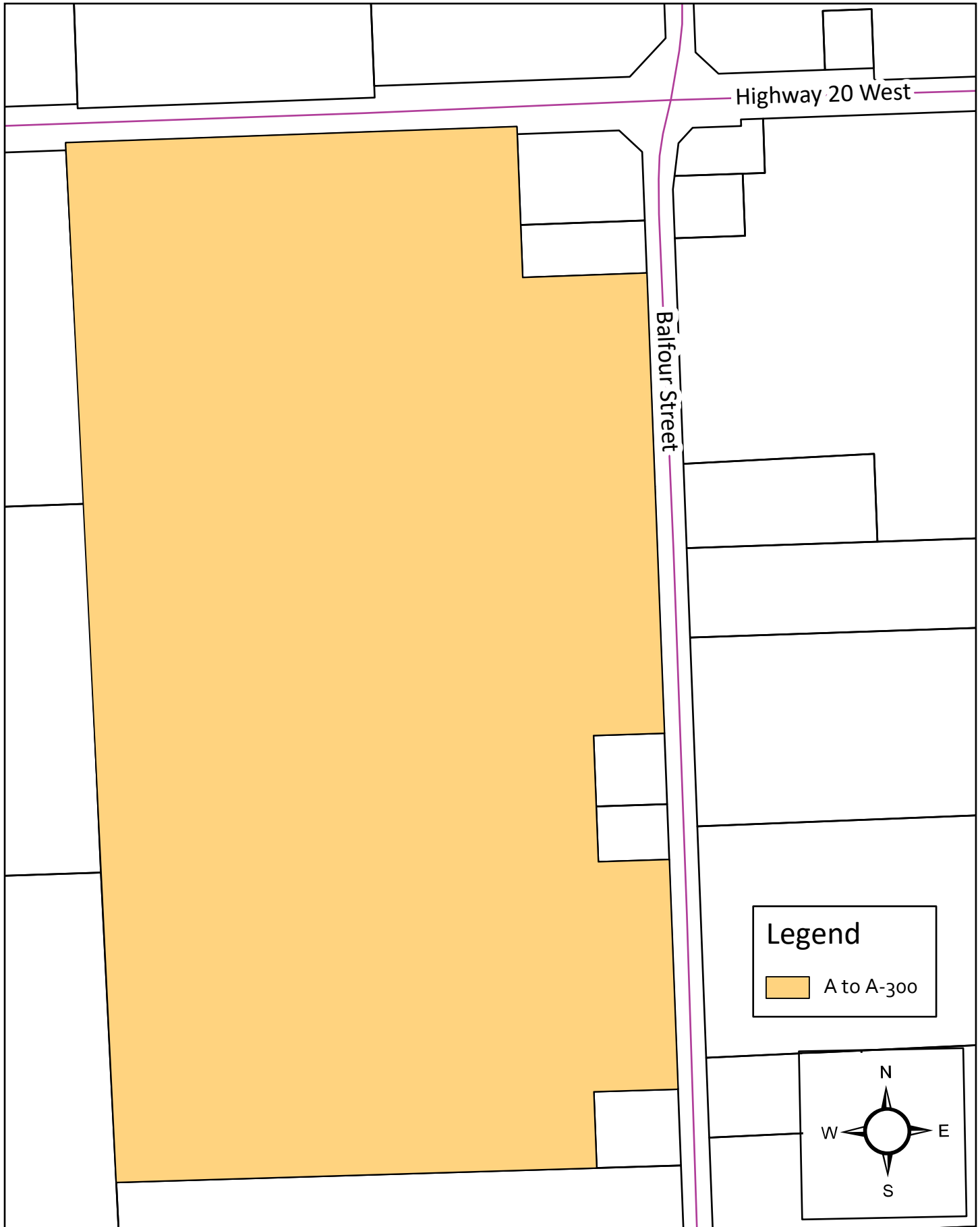


This is Schedule 'A' to By-law No. _____ (2020) passed the _____ day of _____, 2020.

Mayor: Marvin Junkin

Clerk: Nancy J. Bozzato

Schedule 'A'



0 30 60 120 180 240
Meters

This is Schedule 'A' to By-law No. _____ (2020) passed the _____ day of _____, 2020.

Mayor: Marvin Junkin

Clerk: Nancy J. Bozzato