

**THE CORPORATION OF THE
TOWN OF PELHAM
By-law No. 4252 (2020)**

Being a By-law passed pursuant to the provisions of Section 34 of *The Planning Act*, R.S.O. 1990, c.P.13, as amended to amend the Town of Pelham Zoning By-law No. 1136 (1987), as otherwise amended, to establish provisions that apply to cannabis-related uses and industrial hemp-related uses in the Town of Pelham.

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 subsection 34(12) of the Planning Act, R.S. O. 1990, c.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 subsection 7.2 (h):

(h) Minimum setback for a cannabis-related use - outdoor and an industrial hemp-related use - outdoor from a sensitive land use - 300 metres (984 feet).

5. **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
- (b) Industrial Hemp-related Use - indoor

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 by the Federal Cannabis Regulation SOR-2018-144 - 100 metres.
- (c) Minimum Lot Frontage for standard processing and standard cultivation as defined by the Federal Cannabis Regulation SOR-2018-144 - 200 metres.
- (d) Minimum Lot Frontage for industrial hemp-related uses as defined by the Federal Industrial Hemp Regulation SOR-2018-145 - 200 metres.

- (e) Minimum Lot Area for micro-processing and micro-cultivation as defined by the Federal Cannabis Regulation SOR-2018-144 - 3 hectares.
- (f) Minimum Lot Area for standard processing and standard cultivation as defined by the Federal Cannabis Regulation SOR-2018-144 - 10 hectares.
- (g) Minimum Lot Area for industrial hemp-related uses as defined by the Federal Industrial Hemp Regulation SOR-2018-145 - 10 hectares.
- (h) Maximum Lot Coverage - 30 percent.
- (i) Minimum Front Yard for micro-processing and micro-cultivation as defined by the Federal Cannabis Regulation SOR-2018-144 - 20 metres.
- (j) Minimum Front Yard for standard processing and standard cultivation as defined by the Federal Cannabis Regulation SOR-2018-144 - 80 metres.
- (k) Minimum Front Yard for industrial hemp-related uses as defined by the Federal Industrial Hemp Regulation SOR-2018-145 - 80 metres.
- (l) Minimum Side Yard or Rear Yard for micro-processing and micro cultivation uses as defined by the Federal Cannabis Regulation SOR-2018-144 - 15 metres, except where ventilating fans in a wall exhaust into the respective side or rear yard, the minimum yards shall be 25 metres.
- (m) Minimum Side Yard or Rear Yard for standard processing and standard cultivation uses as defined by the Federal Cannabis Regulation SOR-2018-144 - 40 metres, except where ventilating fans in a wall exhaust into the respective side or rear yard, the minimum yards shall be 60 metres.

- (n) Minimum Side Yard or Rear Yard for industrial hemp-related uses as defined by the Federal Industrial Hemp Regulation SOR-2018-145 - 40 metres, except where ventilating fans in a wall exhaust into the respective side or rear yard, the minimum yards shall be 60 metres.
 - (o) Minimum Exterior Side Yard for micro-processing and micro-cultivation as defined by the Federal Cannabis Regulation SOR-2018-144 - 20.5 metres.
 - (p) Minimum Exterior Side Yard for standard processing and standard cultivation as defined by the Federal Cannabis Regulation SOR-2018-144 - 80 metres.
 - (q) Minimum Exterior Side Yard for industrial hemp-related uses as defined by the Federal Industrial Hemp Regulation SOR-2018-145 - 80 metres.
 - (r) No storage area shall be permitted within 30 metres of a street or the lot line of an adjacent lot with a residential use.
6. **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

ENACTED, SIGNED AND SEALED THIS
13TH DAY OF JULY, 2020

Marvin Junkin, Mayor

Nancy J. Bozzato, Town Clerk