

BY-LAW NUMBER 125-20

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THE CORPORATION OF THE COUNTY OF BRANT

To amend By-Law Number 61-16, the Zoning By-Law for the County of Brant, as amended to update provisions related to Cannabis Production and Processing

WHEREAS the *Planning Act* empowers a municipality to pass By-Laws prohibiting the use of land and the erection, location and use of buildings or structures, except as set out in the By-law;

AND WHEREAS this By-Law is in conformity with the Official Plan for the County of Brant;

AND WHEREAS the Council of the Corporation of the County of Brant deems it to be desirable for the future development and use of the lands described above;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT HEREBY ENACTS the following amendments to By-law Number 61-16, being the Zoning By-law for the County of Brant:

1. **THAT** the Table of Contents is hereby amended by removing the term “Cannabis Production Facility” and replacing it with the term “Cannabis Production and Processing” in relation to the provisions set out under Section 4 General Provisions, Subsection 4.23.

2. **THAT** Section 3 Definitions is hereby amended by wholly removing the term “Cannabis Production Facility” and associated definition, and replacing with the following term and definition for “Cannabis Production and Processing”:

Cannabis Production and Processing

Shall mean lands, buildings, or structures used for the production, processing, testing, destroying, packaging, storage and/or shipping of cannabis authorized by an issued license or registration by the federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the *Controlled Drugs and Substances Act*, SC 1996, c 19, and the *Cannabis Act*, S.C. 2018, c. 16, as amended from time to time, or any successors thereto.

3. **THAT** Section 3 Definitions is hereby amended by adding the following terms and definitions:

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 (hemp milk, hemp seed, hemp oil), fiber and biofuels).

Air Treatment Control

Shall mean the functional use of industrial grade multi-stage carbon filtration system, or similar technology, to reduce and/or treat the emission of pollen, dust and odours expelled from a facility, as sized accordingly in comparison to the facility it serves as designed, operated and maintained by a qualified person.

4. **THAT** Section 4 General Provisions, Subsection 4.20 Lighting is hereby amended by removing the specific section in its entirety, and replacing as follows:

4.20 Lighting

Where private lighting facilities, whether internal or external to any *building* or *structure*, are provided in any *Zone* to illuminate *buildings*, *structures*, or *uses*, they shall be

designed to be energy efficient, be directed downwards, and located or arranged to deflect glare away from surrounding residential uses, streets, and the night sky, and to avoid causing nuisance to surrounding property owners, or any confusion with traffic signals.

5. **THAT** Section 4 General Provisions, Subsection 4.23 Cannabis Production Facility is hereby amended by removing the specific section in its entirety, and replacing as follows:

4.23 Cannabis Production and Processing

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

- a) A lot, building or structure or portion thereof used for *Cannabis Production and Processing* purposes that is equipped with *air treatment control* situated in Agricultural Zone (A) or Agricultural Employment (AE) Zone, Light Industrial Zone (M2) and Heavy Industrial Zone (M3) shall not be located closer to any Residential Zone or use, Institutional Zone or use, or Open Space Zone than 150 metres.
- b) A lot, building or structure or portion thereof used for Cannabis Production and Processing purposes that is not equipped with *air treatment control* situated in the Agricultural Zone (A) or Agricultural Employment (AE) Zone, Light Industrial Zone (M2) and Heavy Industrial Zone (M3) shall not be located closer to any Residential Zone or use, Institutional Zone or use, or Open Space Zone than 300 metres.
- c) A lot, building or structure or portion thereof used for *Cannabis Production and Processing* purposes that is equipped with *air treatment control* situated in Agricultural Zone (A) or Agricultural Employment (AE) Zone, Light Industrial Zone (M2) and Heavy Industrial Zone (M3) shall not be located closer than 150m to any of the following uses:
 - *Dwelling on a separate lot;*
 - *Group Home;*
 - *Lodging House;*
 - *Art Gallery;*
 - *Community Centre;*
 - *Day Care;*
 - *Hospital;*
 - *Library*
 - *Museum;*
 - *Mobile Refreshment Cart;*
 - *Nursing Home;*
 - *Office, Medical;*
 - *Place of Worship;*
 - *Retirement Home;*
 - *School, Elementary;*
 - *School, Private Elementary;*
 - *School, Post-Secondary;*
 - *School, Private Secondary;*
 - *School, Secondary;*
 - *Boat Dock;*
 - *Boat House;*
 - *Boat Ramp;*
 - *Campground;*
 - *Cemetery;*
 - *Fairground;*
 - *Forestry Uses;*
 - *Golf Course;*
 - *Public Park or Private Park;*
 - *Wildlife Management;*

- *Recreational Establishment;*
 - *Recreational Trailer Park.*
 - *Hotel;*
 - *Bed and breakfast;*
 - *Banquet Hall;*
 - *Auditorium;*
 - *Assembly Hall; and,*
 - *Recreational Establishment.*
- d) A lot, building or structure or portion thereof used for Cannabis Production and Processing purposes that is not equipped with *air treatment control* situated in the Light Industrial Zone (M2), Heavy Industrial Zone (M3), Agricultural Zone (A) or Agricultural Employment Zone (AE) shall not be located closer than 300m to any of the following uses:
- *Dwelling on a separate lot;*
 - *Group Home;*
 - *Lodging House;*
 - *Art Gallery;*
 - *Community Centre;*
 - *Day Care;*
 - *Hospital;*
 - *Library*
 - *Museum;*
 - *Mobile Refreshment Cart;*
 - *Nursing Home;*
 - *Office, Medical;*
 - *Place of Worship;*
 - *Retirement Home;*
 - *School, Elementary;*
 - *School, Private Elementary;*
 - *School, Post-Secondary;*
 - *School, Private Secondary;*
 - *School, Secondary;*
 - *Boat Dock;*
 - *Boat House;*
 - *Boat Ramp;*
 - *Campground;*
 - *Cemetery;*
 - *Fairground;*
 - *Forestry Uses;*
 - *Golf Course;*
 - *Public Park or Private Park;*
 - *Wildlife Management;*
 - *Recreational Establishment;*
 - *Recreational Trailer Park;*
 - *Hotel;*
 - *Bed and breakfast;*
 - *Banquet Hall;*
 - *Auditorium;*
 - *Assembly Hall; and,*
 - *Recreational Establishment.*
- e) Facility operations, including loading spaces and storage, must be located within in a wholly enclosed building or fenced yard. Loading spaces may be located within the rear yard, not adjacent to a street Loading spaces shall not be permitted within any front

yard or any yard adjacent to a street.

- f) Open storage is prohibited on the property in which the *Cannabis Production and Processing* is located.
 - g) All development in relation to the establishment and or expansion to a *Cannabis Production and Processing* use shall be subject to the Site Plan Control process.
 - a. Including but not limited to the peer review of air treatment control and photometric drawings.
 - h) A *building or structure* used for security purposes for a *Cannabis Production and Processing* use may be located in the front yard and is not required to comply with the required minimum *front yard, side yard and rear yard* setbacks.
 - i) Illumination of *Cannabis Production and Processing* shall be subject to the requirements of Section 4.20 re: Lighting.
 - j) *Cannabis Production and Processing* shall only be permitted in the following Zones:
 - (i) Agricultural Zone (A)
 - (ii) Agricultural Employment Zone (AE)
 - (iii) Light Industrial Zone (M2)
 - (iv) Heavy Industrial Zone (M3)
 - k) Notwithstanding Subsections 4.23 a), b), c) and d) within the Agricultural Zone (A), an *on-farm diversified use* shall be permitted on the same lot as *Cannabis Production and Processing* subject to the requirements of Section 6.0 Agricultural (A) Zone.
 - l) Notwithstanding any provision above, all other provisions of the underlying *Zone* shall apply.
6. **THAT** Section 5, Parking and Loading Requirements, Subsection 5.12 Parking Space Requirements for Non-Residential Uses, Table 5.5 Parking Requirements for Non-Residential Zones, is hereby amended by removing the term “Cannabis Production Facility” and associated parking requirements, and replacing in its entirety with “Cannabis Production and Processing” as follows:
- Cannabis Production and Processing
- 1 space per 30.0 square metres of gross floor area which accommodates any office or retail components of the use, plus 1 space per 200.0 square metres of gross floor area, which accommodates the remainder of the use.
7. **THAT** this By-Law shall come into force on the day it is passed by the Council of the Corporation of the County of Brant.

READ a first and second time, this 3rd day of November, 2020.

READ a third time and finally passed in Council, this 3rd day of November, 2020.

THE CORPORATION OF THE COUNTY OF BRANT

David Bailey, Mayor

Heather Boyd, Clerk