



# The Municipal Corporation of the Town of Fort Erie

## By-law No. –

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### Being a By-law to Amend Zoning By-law No. 129-90 Cannabis Production Facilities

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File No. --

**Whereas** amendments to the Town’s Comprehensive Zoning By-law No. 129-90 have been introduced in accordance with the introduction of the Cannabis Act to provide updated land use permissions related to the commercial growth of cannabis for both medical and recreational purposes.

**Whereas** a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c.P.13 was held on [DATE] and

**Whereas** it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90 as amended, pursuant to the recommendations of Report No. PDS-XX-2021 considered and approved at the Regular Council meeting of [DATE];

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** By-law No.129-90 as amended, is further amended by adding to “Section 5 - Definitions” the following definitions where appropriate alphabetically, with all other definitions renumbered accordingly:

“**LICENCED CANNABIS PRODUCTION FACILITY**” means lands, a building or greenhouse licenced by Health Canada in accordance with the applicable Federal Regulations, as amended from time to time, which is used for the cultivation, processing, packaging, testing, destruction, research and/or shipping of cannabis. Any licenced cannabis production facility that is also within a greenhouse is subject to the requirements that apply to licenced cannabis production facilities.”

““**DESIGNATED MEDICAL GROWTH OF CANNABIS**” means lands, a building or greenhouse used for the cultivation, processing or storing of cannabis for personal medical purposes on a single lot under the permission of two to four registration certificates provided by Health Canada, where one or more prescriptions are being grown by someone other than the person for whom the prescription is for. However, a person designated to grow for another person both living at the same dwelling does not constitute designated medical growth of cannabis. Any designated medical growth of cannabis that is also in a

greenhouse is subject to the requirements that apply to designated medical growth of cannabis.”

2. **That** By-law No.129-90 as amended, is further amended by deleting within “Section 5 - Definitions” the definition “Medical Marihuana Grow and Production Facilities”.
3. **That** By-law No.129-90 as amended, is further amended by deleting from the definition of “agricultural” in Section 5.6 “medical marihuana grow and production facilities” and replacing it with the following: “but not including Licenced Cannabis Production Facilities or the Designated Medical Growth of Cannabis”.
4. **That** By-law No. 129-90 as amended, is further amended by replacing within “Section 7.2(a)” “medical marihuana grow and production facilities” with “Licenced Cannabis Production Facilities and the Designated Medical Growth of Cannabis”.
5. **That** “Section 7.4” is amended by replacing “**MEDICAL MARIHUANA GROW AND PRODUCTION FACILITIES**” with “**LICENCED CANNABIS PRODUCTION FACILITIES AND DESIGNATED MEDICAL GROWTH OF CANNABIS**” in the Subject Heading.
6. That “Section 7.9” is deleted and replaced with:

**7.9 REGULATIONS FOR GREENHOUSES**

Minimum Lot Area	Permitted only on an existing lot having a minimum size of 2 ha
Minimum Lot Frontage	60m
Minimum Front Yard	15m
Minimum Interior Side Yard and Rear Yard	6m
Minimum Exterior Side Yard	15m
Maximum Lot Coverage	60%
Maximum Building Height	12m
Outside Storage Requirements	Outside storage of goods, materials or supplies is permitted in the rear yard or side yard only, provided it is screened from view from any street
Maximum Gross Floor Area for Processing and Packaging	20% of the gross floor area of the operation
Visible Nighttime Lighting	Where a building or structure consists of more than 40% of glass and where artificial lighting is required, a fence of closed construction shall be provided and maintained adjacent to every portion of any lot line that abuts a

	Residential Zone, residential use or other sensitive land use
Parking	1 parking space for every 180 sq. m. of gross floor area or every 2 employees, whichever is the greater

7. **That** By-law No. 129-90 as amended, is further amended by adding “Section 7.11”:

**7.11 REGULATIONS FOR LICENCED CANNABIS PRODUCTION FACILITIES AND DESIGNATED MEDICAL GROWTH OF CANNABIS**

Minimum Lot Area	Permitted only on an existing lot having a minimum size of 2 ha
Minimum Lot Frontage	60m
Minimum Front Yard	15m
Minimum Interior Side Yard and Rear Yard	6m
Exterior Side Yard	15m
Separation Distance	<p>i) a separation distance of 150m is required from a Residential Zone, residential use, other sensitive land use or zone that permits a sensitive land use but the separation distance does not apply to a dwelling on the same lot as the Licenced Cannabis Production Facilities and the Designated Medical Growth of Cannabis, and</p> <p>ii) notwithstanding subsection i), a separation distance of 500m is required from a school.</p> <p>iii) For the purposes of i. and ii. Separation distance will be measured as the shortest distance from the licenced cannabis production facility or designated medical growth of cannabis to the lot line of a sensitive land use or school.</p>
Maximum Lot Coverage	60%
Maximum Building Height	12 m
Outside Storage	Outside storage of goods, materials or supplies is not permitted

Maximum Gross Floor Area for Processing and Packaging	20% of the gross floor area of the operation
Visible Nighttime Lighting	Where a building or structure consists of more than 40% of glass and where artificial lighting is required, a fence of closed construction shall be provided and maintained adjacent to every portion of any lot line that abuts a Residential Zone, residential use or other sensitive land use
Parking	1 parking space for every 180 sq. m. of gross floor area or every 2 employees, whichever is the greater
Odour	The use shall not emit any outside odours
Processing of Material	The processing, packaging, testing, destruction, research and/or shipping of cannabis are not permitted unless the cultivation of cannabis is occurring on the same lot
Enclosed building	All cultivation, processing, packaging, testing, destruction, research and/or shipping of cannabis shall occur within a fully enclosed building
Farm Product Market	A farm product market is not permitted as a secondary use to cannabis production facilities and designated medical growth of cannabis.
Dwelling	Licensed Cannabis Production Facilities cannot be contained, either in whole or in part, within a dwelling.

- 8. **That** By-law No. 129-90 as amended, is further amended by replacing within “Section 8.2(a)” “medical marihuana grow and production facilities” with “Licensed Cannabis Production Facilities and the Designated Medical Growth of Cannabis”.
- 9. **That** “Section 8.8” is amended by deleting “**MEDICAL MARIHUANA GROW AND PRODUCTION FACILITIES**”
- 10. That By-law No. 129-90 as amended, is further amended by adding “Section 8.11”:

**8.11 REGULATIONS FOR LICENCED CANNABIS PRODUCTION FACILITIES AND DESIGNATED MEDICAL GROWTH OF CANNABIS**

The provisions of Subsection 7.11 shall apply.

- 11. **That** By-law No. 129-90 as amended, is further amended by replacing within “Section 27.2(a) “Medical Marihuana Grow and Production Facilities” with “Licenced Cannabis Production Facilities and the Designated Medical Growth of Cannabis”.
- 12. **That** Section 27.6. deleted and replaced with:

**27.6 REGULATIONS FOR LICENCED CANNABIS PRODUCTION FACILITIES AND DESIGNATED MEDICAL GROWTH OF CANNABIS**

Minimum Lot Frontage	40m
Minimum Front Yard	15m
Minimum Interior Side Yard and Rear Yard	6m
Minimum Exterior Side Yard	10.5m
Separation Distance	<ul style="list-style-type: none"> <li>i) a separation distance of 150m is required from a Residential Zone, residential use, other sensitive land use or zone that permits a sensitive land use.</li> <li>ii) notwithstanding subsection i), a separation distance of 500m is required from a school.</li> <li>iii) For the purposes of i. and ii. Separation distance will be measured as the shortest distance from the licenced cannabis production facility or designated medical growth of cannabis to the lot line of a sensitive land use or school.</li> </ul>
Maximum Lot Coverage	60%
Maximum Building Height	12m
Minimum Landscaping Requirements	A landscaping area in the form of a 3m wide planting strip shall be provided and maintained adjacent to every portion of any lot line that abuts a Residential Zone, residential use or other sensitive land use
Minimum Loading Requirements	No loading space shall be established in any front yard or any yard adjacent to a residential zone or QEW
Outside Storage	Outside storage of goods, materials or supplies is not permitted

Building Façade Regulations	No exterior walls that face a street shall be constructed of concrete blocks unless the same are decorative masonry units or are used in a decorative pattern form or are surfaced with stucco or with a permanent coloured finish (does not include paint)
Visible Nighttime Lighting	Where a building or structure consists of more than 40% of glass and where artificial lighting is required, a closed or wood board on board or composite/vinyl fence shall be provided and maintained adjacent to every portion of any lot line that abuts a Residential Zone, residential use or other sensitive land use
Parking	1 parking space for every 180 sq. m. of gross floor area or every 2 employees, whichever is the greater
Odour	The use shall not emit any outside odours
Enclosed building	All cultivation, processing, packaging, testing, destruction, research and/or shipping of cannabis shall occur within a fully enclosed building.

13. **That** By-law No. 129-90 as amended, is further amended by replacing within “Section 28.2(a) “Medical Marihuana Grow and Production Facilities” with “Licenced Cannabis Production Facilities and the Designated Medical Growth of Cannabis”.

14. **That** Section 28.5. deleted and replaced with:

**28.5 REGULATIONS FOR LICENCED CANNABIS PRODUCTION FACILITIES AND DESIGNATED MEDICAL GROWTH OF CANNABIS**

Minimum Lot Frontage	40m
Minimum Front Yard	15m
Minimum Interior Side Yard and Rear Yard	6m
Minimum Exterior Side Yard	10.5m
Separation Distance	<p>i) a separation distance of 150m is required from a Residential Zone, residential use, other sensitive land use or zone that permits a sensitive land use.</p> <p>ii) notwithstanding, subsection i), a separation distance of 500m is required from a school.</p>

	iii) For the purposes of i. and ii. Separation distance will be measured as the shortest distance from the licenced cannabis production facility or designated medical growth of cannabis to the lot line of a sensitive land use or school.
Maximum Lot Coverage	50%
Maximum Building Height	9m
Minimum Landscaping Requirements	A landscaping area in the form of a 3m wide planting strip shall be provided and maintained adjacent to every portion of any lot line that abuts a Residential Zone, residential use or other sensitive land use
Minimum Loading Requirements	No loading space shall be established in any front yard or any yard adjacent to a residential zone or QEW
Outside Storage	Outside storage of goods, materials or supplies is not permitted
Building Façade Regulations	No exterior walls that face a street shall be constructed of concrete blocks unless the same are decorative masonry units or are used in a decorative pattern from or are surfaced with stucco or with a permanent coloured finish (does not include paint)
Visible Nighttime Lighting	Where a building or structure consists of more than 40% of glass and where artificial lighting is required, a closed or wood board on board or composite/vinyl fence shall be provided and maintained adjacent to every portion of any lot line that abuts a Residential Zone, residential use or other sensitive land use
Parking	1 parking space for every 180 sq. m. of gross floor area or every 2 employees, whichever is the greater
Odour	The use shall not emit any outside odours
Enclosed building	All cultivation, processing, packaging, testing, destruction, research and/or shipping of cannabis shall occur within a fully enclosed building.

- 15. That the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this -- day of --, --.

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Mayor

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Clerk

I, Carol Schofield, Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. XX of the said Town. Given under my hand and the seal of the said Corporation, this [#] day of [month], [year]

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