

**The Corporation of the
Township of Selwyn**

By-law Number 2021-066

**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
Township of Selwyn Comprehensive Zoning By-law
No. 2009-021, as otherwise amended**

Whereas the Council of the Corporation of the Township of Selwyn has initiated an application to amend By-Law No. 2009-021, otherwise known as the Comprehensive Zoning By-Law, insofar as is necessary to establish provisions that apply to cannabis cultivation and processing within the Township; and

Whereas the Council of the Corporation of the Township of Selwyn 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 Township of Selwyn deems it advisable to amend Zoning By-law 2009-021, 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 Township of Selwyn enacts as follows:

1. That Section 2.0 of By-law No. 2009-21 as amended, is further amended by deleting the definitions for '*Cannabis Cultivation – Indoor*', '*Cannabis Cultivation – Outdoor*', 'Agricultural Use', and 'Agricultural Produce Warehouse' and replacing these definitions with the following:
 - i) "*Cannabis Cultivation – Indoor*" means the growing of cannabis within a wholly enclosed building or structure, for medical or recreational purposes in accordance with the requirements of a cultivation licence as issued by Health Canada in accordance with the Cannabis Regulations SOR/2018-144, to the Cannabis Act, SC 2018, c 16, the Controlled Drugs and Substances Act, SC 1996, c 19 and the Food and Drugs Act, RSC 1985, c F-27, as amended from time to time, or any successors thereto."
 - ii) "*Cannabis Cultivation – Outdoor*" means the growing of cannabis in an open air setting, for medical or recreational purposes in

accordance with the requirements of a cultivation licence as issued by Health Canada in accordance with the Cannabis Regulations SOR/2018-144, to the Cannabis Act, SC 2018, c 16, the Controlled Drugs and Substances Act, SC 1996, c 19 and the Food and Drugs Act, RSC 1985, c F-27, as amended from time to time, or any successors thereto.”

- iii) *Agricultural use* means a use of land, building or structure for the purpose of animal husbandry, bee-keeping, dairying, fallow, field crops, forestry, fruit farming, horticulture, market gardening, pasturage, poultry-keeping or any other farming use, and includes the growing, raising, packing, treating, storing and sale of produce produced on the premises and other similar uses customarily carried on in the field of general agriculture and which are not noxious but shall not include any other use or establishment as may otherwise be defined herein.
- iv) *Agricultural Produce Warehouse* means a building or part of a building used for the storage of agricultural produce and may include facilities for wholesale distribution or an accessory retail commercial outlet for the sale of such agricultural produce to the general public but shall not include any other use or establishment as may otherwise be defined herein.

2. That Section 2.0 of By-law No. 2009-21 as amended, is further amended by adding the following definitions:

- i) “*Air Treatment Control*” means a mechanical system designed, approved and implemented in accordance with a license issued by Health Canada for the purposes of controlling emissions and mitigating *adverse effects*. This includes but is not limited to treatment of particulate matter, odour, and noise emissions discharged as a by-product of a cannabis cultivation, production, processing, research or testing use.
- ii) “*Adverse Effect*” means as defined in the *Environmental Protection Act*, shall mean one or more of:
 - a) impairment of the quality of the natural environment for any use that can be made of it;
 - b) injury or damage to property or plant or animal life;
 - c) harm or material discomfort to any person;
 - d) an adverse effect on the health of any person;
 - e) impairment of the safety of any person;

- f) rendering any property or plant or animal life unfit for human use;
 - g) loss of enjoyment of normal use of property; and
 - h) interference with normal conduct of business.”
- iii) “*Sensitive Land Use* means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more *adverse effects* from contaminant discharges generated by a nearby major facility. *Sensitive land uses* may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.”

3. That Section 3.49 of By-law No. 2009-21 as amended, be deleted and replaced with the following:

“3.49 Cannabis Cultivation

3.49.1 Regulations Applying to All Cannabis Uses

The following provisions apply to all *cannabis cultivation – indoor uses, cannabis cultivation -outdoor uses, cannabis analytical testing facilities, cannabis drug production facilities, cannabis processing facilities, and cannabis research facilities* where permitted by this Zoning By-law:

- a) Only the cannabis cultivation, production, processing, research or testing uses of a singular cannabis licence holder may occur on a single lot.
- b) Where private lighting facilities, whether internal or external to any building or structure associated with a cannabis cultivation, production, processing, research or testing use are provided, such lighting facilities shall be designed to be energy efficient, be directed downwards, and located or arranged to deflect glare away from any adjacent uses, streets and the night sky.
- c) Where a building, structure or land is used for a cannabis cultivation, production, processing, research or testing use and is located adjacent to a Residential Zone, Community Facility Zone, or Recreational Open Space Zone, a 3 metre wide planting strip shall be provided along the lot line adjacent to the Residential Zone, Community Facility Zone, or Recreational Open Space Zone in accordance with the requirements of Sections 3.35.1, 3.35.2 and 3.35.3 of this Zoning By-law.

- d) Outdoor storage on a lot containing a cannabis cultivation, production, processing, research or testing use is prohibited.
- e) Notwithstanding Section 3.1 of this Zoning By-law, an accessory structure on a lot containing a cannabis cultivation, production, processing, research or testing use shall be setback a minimum of 50 metres from any lot line.
- f) Notwithstanding Section 3.49.1 (e), an accessory building or structure located on the same lot as a cannabis cultivation, production, processing, research or testing use that is used for security purposes, may be located in any required yard and does not have to comply with the minimum front, side or rear yard setbacks of this Zoning By-law.
- g) Other than cultivation, all other cannabis-related uses are only permitted within a wholly enclosed building.
- h) The sale of cannabis or cannabis products is not permitted as an accessory use to any cannabis cultivation, production, processing, research or testing use.
- i) The establishment of or expansion to an indoor cannabis cultivation, production, processing, research or testing use shall be subject to Site Plan Control.
- j) No minor variance to the zoning requirements for a cannabis cultivation, production, processing, research or testing use shall be permitted by the Committee of Adjustment and shall only be considered by way of a Zoning Bylaw Amendment.
- k) Where a minimum separation distance is required between a cannabis cultivation, production, processing, research or testing use and a *sensitive land use*, such minimum separation distance shall be measured from the edge of the nearest building or crop line on the lot with the cannabis cultivation, production, processing, research or testing use to:
 - i) Any residential use in the Agricultural Zone or Rural Zone – to the nearest exterior wall of the dwelling;
 - ii) Any residential use in a Residential Zone – to the nearest lot line of the residential use;
 - iii) Uses permitted in the Community Facility (CF) Zone – to the nearest exterior wall of the primary building on the lot or in the case of a public park to the nearest lot line; or
 - iv) Uses permitted in the Recreational Open Space (RE) Zone - to the nearest lot line.

3.49.2 Regulations Applying to Indoor Cannabis Uses

Notwithstanding any other provisions of this By-law to the contrary, the following additional requirements shall apply to *cannabis cultivation – indoor* uses, cannabis analytical testing facilities, cannabis drug production facilities, cannabis processing facilities, and cannabis research facilities where permitted:

- a) Cannabis cultivation, production, processing, research or testing uses shall only be permitted in new, purpose-built buildings equipped with an *air treatment control* system. Existing buildings or structures may not be converted or retrofitted for cannabis cultivation, production, processing, research or testing uses.
- b) Any expansion of an existing cannabis cultivation, production, processing, research or testing use or an addition to any buildings or structures thereto must comply with the requirements of this Zoning By-law.
- c) Where permitted, the following provisions apply to indoor cannabis cultivation, production, processing, research or testing uses:

	Micro-Cultivation and Micro-Processing as defined by Federal Regulation SOR-2018-144	Standard-Cultivation and Standard-Processing as defined by Federal Regulation SOR-2018-144
Min Lot Area	3 ha	10 ha
Min Lot Frontage	100 m	200 m
Min Front Yard	20 m	80 m
Min Interior Side Yard	15 m (*1)	40 m (*2)
Min Exterior Side Yard	20 m	80 m
Min Rear Yard	15 m (*1)	40 m (*2)
Max Lot Coverage	30%	30%

- (*1) Except where ventilating fans in a wall exhaust into the respective side or rear yard, in which case the minimum side or rear yard setback shall be 25 metres.

- (*2) Except where ventilating fans in a wall exhaust into the respective side or rear yard, in which case the minimum side or rear yard setback shall be 60 metres.
- d) Indoor cannabis cultivation, production, processing, research or testing uses shall only be permitted by amendment to this Zoning By-law. Any site specific permissions for such uses must include a minimum distance separation from sensitive land uses in accordance with Section 3.49.1 (k) of this Zoning By-law.

3.49.3 Regulations Applying to Outdoor Cannabis Cultivation

Notwithstanding any other provisions of this By-law to the contrary, the following additional requirements shall apply to *cannabis cultivation – outdoor* uses where permitted:

- a) A *cannabis cultivation - outdoor* use with no *air treatment control* system shall be setback a minimum distance separation distance of 300 metres from a *sensitive land use* in accordance with the requirements of Section 3.49.1(k) of this Zoning By-law.
 - b) *Cannabis cultivation – outdoor* shall be setback a minimum of 50 metres from the lot lines of the lot on which the cannabis operation is located.
4. That Section 4.7.1.2 of Zoning By-law 2009-21 be amended as follows:
- d) farm greenhouse but shall not include a *cannabis cultivation – indoor* use or accessory uses thereto;
 - k) small scale commercial and industrial uses provided they directly relate to the agricultural operation but shall not include a cannabis drug production facility, cannabis processing facility, cannabis research facility or cannabis analytical testing facility.”
5. That Section 4.7.4.2 of Zoning By-law 2009-21 be deleted in its entirety.
6. That Section 4.8.1.2 (r) of Zoning By-law 2009-21 be amended as follows:
- g) farm greenhouse but shall not include a *cannabis cultivation – indoor* use or accessory uses thereto;

- r) small scale commercial and industrial uses provided they directly relate to the agricultural operation but shall not include a cannabis drug production facility, cannabis processing facility, cannabis research facility or cannabis analytical testing facility.

7. That Section 4.8.4.2 of Zoning By-law 2009-21 be deleted in its entirety.

8. That Section 3.29 of Zoning By-law 2009-21 is further amended as follows:

Cannabis Analytical Testing Facility, <i>Cannabis Cultivation – Indoor</i> , Cannabis Drug Production Facility, Cannabis Processing Facility, Cannabis Research Facility	1 space for every 100 sq. m of gross floor area
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9. That subject to notice of the passing of this By-law in accordance with the provisions of Section 34(18) of the Planning Act, this By-law shall come into force and effect on the date of passing by the Council of the Corporation of the Township of Selwyn where no notice of appeal or objection is received pursuant to the provisions of Section 34(21) of *The Planning Act*, R.S.O.1990, as amended.

Read a first, second, and third time and finally passed this 7th day of September, 2021.

Mayor, Andy Mitchell

Angela Chittick, Clerk

Corporate Seal