

The Corporation of The Town of
New Tecumseth

By-law

Number 2021-136

“Amendment No. 1 to Zoning By-law No. 2021-128”

A by-law to amend Zoning By-law No. 2021-128, of the Town of New Tecumseth, to implement the results of the Cannabis Interim Control By-law Study
In the Town of New Tecumseth

Whereas By-law No. 2021-128 is the Zoning By-law of the Corporation of the Town of New Tecumseth;

And Whereas the Council of the Corporation of the Town of New Tecumseth has completed a study related to an Interim Control By-law for Cannabis Production Facilities in the Town of New Tecumseth and is implementing an Amendment to its Zoning By-law 2021-128;

And Whereas the Amendment is in accordance with the Official Plan of the Town of New Tecumseth;

Now Therefore the Council of The Corporation of the Town of New Tecumseth does hereby enact as follows:

1. That Section 2.0 (General Provisions) be amended by adding the following provisions after subsection 2.34:

2.35 Cannabis Production Facility

The following provisions shall apply to the location and operation of a Cannabis Production Facility, as defined in this By-law:

- a) A Cannabis Production Facility shall only be permitted where full municipal services are available, and where there is sufficient municipal sewer and water capacity to support the facility;
- b) Where a Cannabis Production Facility is located on a lot, no other use shall be permitted on the same lot;
- c) All relevant Provincial and Federal Regulations shall apply; and,
- d) A Cannabis Production Facility shall only be permitted on lands that are zoned Employment Area Two (EA2) by this By-law, and shall only be permitted through a Site-Specific Amendment to this By-law that identifies a Cannabis Production Facility as a permitted use, and:
 - i. The Minimum Lot Area shall be 4,000 square metres;
 - ii. Is set back a minimum of 500 metres from any existing or approved sensitive land use. The required setback may be reduced where impact mitigation measures are implemented to the satisfaction of the Town. Under no circumstances will the required setback to a sensitive land use be less than 70 metres.

- iii. A Landscape Planting Strip with a minimum width of 15 metres shall be provided and maintained adjacent to all lot lines provided that such Landscape Planting Strip may be interrupted by driveways and railways; and,
 - iv. All other relevant regulations of the EA2 Zone shall apply. Where there is a conflict with the regulations that are specific to a Cannabis Production Facility, and the regulations of the EA2 Zone, the more restrictive regulation shall apply.
2. That Section 3.6 (Employment Zones) be amended by removing “Medical Marihuana Production Facility” from the list of permitted uses in the Employment Area One Zone (EA1).
3. That Section 4.0 (Definitions) be amended by removing the definition for “Medical Marihuana Production Facility.”
4. That Section 4.0 (Definitions) is hereby further amended with the addition of the following new definitions:

“Adverse Effect”

means one or more of:

- i. Impairment of the quality of the natural environment for any use that can be made of it;
- ii. Injury or damage to property or plant or animal life;
- iii. Harm or material discomfort to any person;
- iv. An adverse effect on the health of any person;
- v. Impairment of the safety of any person;
- vi. Rendering any property or plant or animal life unfit for human use;
- vii. Loss of enjoyment of normal use of property, and,
- viii. Interference with normal conduct of business.

“Cannabis Production Facility”

means a wholly enclosed facility, licensed by Health Canada for the growing, producing, processing, storing, testing, destroying or distributing cannabis, cannabis products, or cannabis oil in accordance with all applicable federal regulations. A cannabis production facility may also include indoor cannabis cultivation within a non-translucent greenhouse. For clarification, no part of this operation whether an accessory use of a principle use, is permitted outdoors.

“Non-Translucent Greenhouse”

means a structure used to cultivate or grow floral, vegetable or other horticultural produce in a climatically controlled environment and made of non-translucent building material. A Cannabis Production Facility is permitted in a Non-Translucent Greenhouse.

“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.

“Translucent Greenhouse”


means a structure used to cultivate or grow floral, vegetable or other horticultural produce in a climatically controlled environment and made primarily of translucent building material. A Cannabis Production Facility is not permitted in a Translucent Greenhouse.

5. That this By-law shall be cited as "Amendment No. 1 to Zoning By-Law No. 2021-128".
6. That this By-law shall come into force and effect pursuant to the provisions of the Regulations made under the Planning Act.

Read a first, second and third time and finally passed this 27th day of September, 2021.



Mayor



Clerk Deputy