

THE CORPORATION OF THE COUNTY OF PRINCE EDWARD

BY-LAW NO. XX-2021

**A BY-LAW TO AMEND COUNTY COMPREHENSIVE ZONING
BY-LAW NO. 1816-2006, AS AMENDED
(Cannabis Production Facilities)**

WHEREAS By-law No. 1816-2006, as amended, is the Comprehensive Zoning By-law governing the lands located within the County of Prince Edward;

AND WHEREAS the Council of The Corporation of the County of Prince Edward is empowered to enact this By-Law, for property described as all land within the County of Prince Edward;

AND WHEREAS authority is granted under Section 34 of the *Planning Act, R.S.O. 1990, c.P.13*, as amended;

AND WHEREAS this By-law conforms to The Corporation of the County of Prince Edward Official Plan;

NOW THEREFORE the Council of The Corporation of the County of Prince Edward enacts that By-law No. 1816-2006, as amended, is hereby amended as follows:

1. **THAT** Section 3 - Definitions is hereby amended by adding the following, subsection 3.10 "Air Treatment Control" and renumbering the balance of the Section accordingly:

3.10 AIR TREATMENT 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;

2. **THAT** Section 3 - Definitions is hereby amended by adding the following, subsection 3.40 "Cannabis" and renumbering the balance of the Section accordingly:

3.40 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), fibre and biofuels).

3. **THAT** Section 3 - Definitions is hereby amended by adding the following, subsection 3.41 "Cannabis Production and Processing" and renumbering the balance of the Section accordingly:

3.41 CANNABIS PRODUCTION AND PROCESSING means any land, building or structure used for growing, producing, processing, testing, destroying, storing, packaging and/or shipping of cannabis, authorised by an issued license or registration by the

federal Minister of Health, pursuant to the Access to Cannabis for Medication 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. Cannabis Production and Processing Facility does not include the growth, production or processing of four or fewer cannabis plants on a lot for personal use and does not include the retailing of cannabis or cannabis products under a retail operator license issued under the Cannabis License Act, 2018;

4. **THAT** Section 4 - General Provisions is hereby amended by the addition of the following, subsection 4.39 "Cannabis Production and Processing":

4.39 CANNABIS PRODUCTION AND PROCESSING

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

- a) Cannabis Production and Processing shall only be permitted within the following zones:
 - i. *Rural 1 (RU1) Zone*
 - ii. *Rural 2 (RU2) Zone*
 - iii. *Rural 3 (RU3) Zone*
 - iv. *Rural Industrial (MR) Zone*
 - v. *General Industrial (MG) Zone.*
- b) No lands, building or structure or portion thereof used for Cannabis Production and Processing purposes that is equipped with air treatment control situated in the *General Industrial Zone (MG) Zone & Rural Industrial Zone (MR) Zone* shall be located closer than 70 metres to the zone boundary of any Residential Zone, Institutional Zone, or Open Space Zone
- c) No lands, building or structure or portion thereof used for *Cannabis Production and Processing* purposes that is equipped with *air treatment control* situated in the *Rural 1 (RU1) Zone, Rural 2 (RU2) Zone and Rural 3 (RU3) Zone* shall be located closer than 150 metres to zone boundary of any Residential Zone, Institutional Zone, or Open Space Zone
- d) No lands, building or structure or portion thereof used for Cannabis Production and Processing purposes that is equipped with air treatment control situated in the *Rural 1 (RU1) Zone, Rural 2 (RU2) Zone, Rural 3 (RU3) General Industrial Zone (MG) Zone and Rural Industrial Zone (MR) Zone* shall be located closer than 150 m to any community centre, cemetery, dwelling unit, school, place of worship, public park or day nursery.
- e) No lands, building or structure or portion thereof used for Cannabis Production and Processing purposes that is not equipped with air treatment control situated in the *Rural 1 (RU1) Zone, Rural 2 (RU2) Zone, Rural 3 (RU3) General Industrial Zone (MG) Zone and Rural Industrial Zone (MR) Zone* shall be located closer than

300 metres to the zone boundary of any Residential *Zone*, Institutional *Zone*, or Open Space *Zone*.

- f) Cannabis Production and Processing facilities shall not be permitted within a dwelling unit.
- g) A building or structure used for security purposes for Cannabis Production and Processing may be located in the required front yard and does not have to comply with the required minimum front yard, side yard, rear yard setbacks and shall not exceed 20 sq/m.
- h) No outdoor signage or advertising shall be permitted;
- i) Where private lighting fixture, 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
- j) All development in relation to the establishment of or expansion to a Cannabis Production and Processing shall be subject to Site Plan Control.
- k) the parking requirement for a cannabis production facility shall be 1 parking space per 100 square metres of gross floor area;

5. **THAT** this by-law shall come into force and take effect pursuant to the provisions and regulations made under the *Planning Act, R.S.O., 1990, c.P.13*, as amended.

Read a first, second and third time and finally passed this XX day of April, 2021.

Chad Curtis, **CLERK**

Steve Ferguson, **MAYOR**