

**CORPORATION OF THE TOWN OF AMHERSTBURG  
BY-LAW NO. 2019-075**

**By-law to amend Zoning By-law No. 1999-52, as amended  
Cannabis Cultivation and Production Facilities within the Town of  
Amherstburg**

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**WHEREAS** By-law 1999-52, as amended, is a land use control by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Amherstburg;

**AND WHEREAS** the Council of the Town of Amherstburg deems it appropriate and in the best interest of proper planning to amend By-law 1999-52, as herein provided;

**AND WHEREAS** this By-law conforms to the Official Plan for the Town of Amherstburg;

**NOW THEREFORE** the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. Section 2, Definitions of the Town of Amherstburg Zoning By-law 1999-52, as amended, is hereby amended by adding the following definitions to be inserted into the By-law in an appropriate alphabetic location.

“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 and sized accordingly in comparison to the facility it serves as designed by a qualified person.

“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) as defined in the Cannabis Act, as amended.

“Licenced Cannabis Production Facility” means the use of land, buildings or structures for the cultivation, processing, testing, destruction, packaging and/or shipping of cannabis or marihuana as approved and regulated by Health Canada.

2. Section 2, Definitions of the Town of Amherstburg Zoning By-law 1999-52, as amended, is hereby further amended by adding the following to the end of existing Subsection 2.150 “GREENHOUSE, COMMERCIAL”:  
    , but does not include Cannabis Production Facility.
3. Section 2, Definitions of the Town of Amherstburg Zoning By-law 1999-52, as amended, is hereby further amended by adding the following to the end of existing Subsection 2.151 “GREENHOUSE, FARM”:  
    , but does not include Cannabis Production Facility.
4. Section 3, General Provisions of the Town of Amherstburg Zoning By-law 1999-52, as amended, is hereby amended by adding the following general provision to be inserted into the By-law in an appropriate numeric location.

**(35) LICENCED CANNABIS PRODUCTION FACILITY**

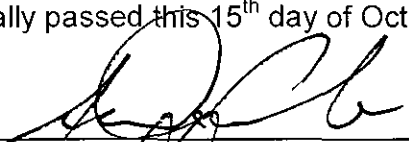
The following provisions apply to a Licenced Cannabis Production Facility:

1. A Licenced Cannabis Production Facility shall be subject to the following provisions and only be permitted in the following zones:
  - a. Heavy Industrial (HI)
  - b. Light Industrial (LI)
  - c. Agricultural (A)

2. Facilities shall be located and designed in accordance with Federal regulations to mitigate potential impacts including light emissions, air emissions, odour, and so forth as allowed by Health Canada regulations.
  3. The following distance separations shall apply to buildings and structures associated with a Licenced Cannabis Facility:
    - a. No Cannabis Production Facility shall be located closer than 150 m from a residential use located on a separate lot; and,
    - b. No Cannabis Production Facility shall be located closer than 225 m from any Institutional (I) Zone boundary or Open Space (OS) Zone boundary.
  4. Outdoor growth shall only be permitted in the Agricultural (A) Zone. Outdoor growth shall be located no closer than 225 m from any Institutional (I) Zone boundary or Open Space (OS) Zone boundary.
  5. A Licenced Cannabis Production Facility shall be prohibited from displaying advertising unless the advertising complies with the Town of Amherstburg Sign By-law or is expressly allowed by Health Canada regulations.
  6. A Licenced Cannabis Production Facility located within the Heavy Industrial (HI) or Light Industrial (LI) Zone shall operate indoors.
  7. All buildings associated with a Licenced Cannabis Production Facility shall be subject to a Site Plan Control agreement with the Town of Amherstburg. In addition to all other requirements pursuant to the Planning Act and the Town of Amherstburg Site Plan Control By-law, the Town will require, at the owner's sole expense,; any study/studies that will satisfy any additional concerns that the Town of Amherstburg or any other commenting agency may have with regard to security, emanating odours, provision of municipal services and stormwater/wastewater management.
  8. All other provisions of the applicable zones shall apply.
5. Section 20(2), Light Industrial (LI) Zone Uses Permitted of the Town of Amherstburg Zoning By-law 1999-52, as amended, is hereby amended by adding "Licenced Cannabis Production Facility; in accordance with Section 3(35)" to be inserted into the By-law at the appropriate alphabetic location.
  6. Section 22(2), Heavy Industrial (HI) Zone Uses Permitted of the Town of Amherstburg Zoning By-law 1999-52, as amended, is hereby amended by adding "Licenced Cannabis Production Facility; in accordance with Section 3(35)" to be inserted into the By-law at the appropriate alphabetic location.
  7. Section 26(2), Agricultural (A) Zone Uses Permitted of the Town of Amherstburg Zoning By-law 1999-52, as amended, is hereby amended by adding "Licenced Cannabis Production Facility; in accordance with Section 3(35)" to be inserted into the By-law at the appropriate alphabetic location.

THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Section 34 of the Planning Act, R.S.O. 1990.

Read a first, second and third time and finally passed this 15<sup>th</sup> day of October, 2019.

  
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 MAYOR- ALDO DICARLO

  
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 CLERK- PAULA PARKER