

BYLAW OPTION B

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2019-04

A BY-LAW TO AMEND ZONING BY-LAW NO. 2017-70, AS AMENDED, OF THE TOWNSHIP OF WEST LINCOLN

WHEREAS THE TOWNSHIP OF WEST LINCOLN COUNCIL IS EMPOWERED TO ENACT THIS BY-LAW BY VIRTUE OF THE PROVISIONS OF SECTION 34 OF THE PLANNING ACT, 1990;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY enacts as follows:

1. THAT the Definition for Medical Marihuana Production Facility in Section 2 of Zoning By-law 2017-70, as amended, is hereby deleted and replaced with the following:

CANNABIS PRODUCTION shall mean lands, buildings or structures used for the cultivation of marihuana (or alternative names including marijuana) and/or the processing, testing, destruction, packaging and/or shipping of marihuana.

2. THAT Section 3.10.3 of Zoning By-law 2017-70, as amended, be deleted and replaced with the following:

3.10.3 Cannabis Production

The following regulations apply to cannabis production:

- a) All *cannabis production* where permitted in Agricultural Zones shall have a minimum setback of 150m from all lot lines of other lots, except where specifically provided otherwise.
 - b) All *cannabis production* where permitted in Employment Zones shall have a minimum setback of 45m from all lot lines abutting lots that are used or permitted to be used for a dwelling or an institutional use, except where specifically provided otherwise.
 - c) No outside storage or outdoor growing or production of cannabis shall be permitted.
 - d) For any *cannabis production* building or structure that consists of more than 10% glass and where artificial lighting is required, a solid fence having a minimum height of 1.8 metres shall be provided and maintained along every lot line that abuts a lot that is used or permitted to be used for a dwelling or an institutional use.
 - e) Notwithstanding Clause (c) of this Subsection, a security fence having a minimum height of 1.8 metres shall be provided and maintained around the entire perimeter of the area of a lot that is used for *cannabis production*.
3. THAT "*Cannabis Production* of more than four (4) plants, unless otherwise permitted through a zoning bylaw amendment" be added to the Part 3.13 Prohibited Uses in Zoning By-law 2017-70, as amended.
 4. AND THAT this By-law shall become effective from and after the date of passing thereof.

READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
28th DAY OF JANUARY, 2019.


MAYOR DAVE BYLSMA


JOANNE SCIME, CLERK

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2019-04

Location:

This By-law involves all lands within the Township of West Lincoln.

Purpose & Effect:

This Bylaw amends three sections of the Township of West Lincoln Zoning Bylaw 2017-70 by removing the term 'Medical Marihuana' and replacing it with 'Cannabis' which is more widely used. It also extends the current regulations for medical cannabis to recreationally grown cannabis beyond the four plants permitted through the Federal Cannabis Act.

Public Consultation:

Two open houses were held on April 25, 2018 (with no public attendance) and a Public Meeting was held on May 14, 2018 with circulation given in the local newspaper as well as through email to agencies and individuals who indicated interest. A second public meeting was held January 14, 2019. One written comment has been received which commented on the 150 metre required setback. Several oral submissions were also heard at the public meeting by members of the Public and Council. Both oral and written submissions were considered by Council when making its decision.

File: 1601-008-18

Applicants: Township of West Lincoln