

## **By-law Number 21-78**

### **The Corporation of the Township of Clearview**

**Being a By-law to amend the Comprehensive Zoning By-law 06-54 that regulates the use of land and the character, location and use of buildings and structures on lands within the Township of Clearview with respect to cannabis cultivation and cannabis production facilities**

(Zoning By-law Amendment – Cannabis Cultivation & Production Facilities)

---

**Whereas** pursuant to Section 34 of the Planning Act R.S.O., 1990, c.P.13, as amended, Council of the Corporation of the Township of Clearview has passed By-law 06-54 being the comprehensive Zoning By-law for the Township of Clearview;

**And Whereas** pursuant to Section 34(17) of the Planning Act, R.S.O., 1990, c. P.13, as amended, Council determines that no further notice is required in respect of the proposed By-law;

**And Whereas** the amendment is in conformity with the Township of Clearview Official Plan;

**And Whereas** Council deems it desirable and necessary to amend By-law 06-54;

**Now Therefore** Council of the Corporation of the Township of Clearview hereby enacts as follows:

1. That Section 2 "General Provisions" be amended by adding the following:

"2.36 CANNABIS CULTIVATION AND CANNABIS PRODUCTION FACILITIES

2.36.1 Cannabis Cultivation in Agricultural and Rural Zones:

In Agricultural and Rural Zones, the following regulations shall apply:

Minimum Lot Area and Frontage:

2.36.1.1 Cannabis cultivation shall require a minimum lot area of 10 hectares and a minimum lot frontage of 100 metres.

Outdoor Cultivation:

2.36.1.2 Cannabis is not permitted to be cultivated indoors including but not limited to inside a greenhouse or hoop house.

Maximum Cultivation Size:

- 2.36.1.3 Cannabis cultivation shall be limited to a maximum of no more than 800 square metres in area on a lot, and shall be licensed or authorized under the Cannabis Act as amended.

Maximum Building Area:

- 2.36.1.4 All buildings and facilities associated with cannabis cultivation shall be limited to a maximum gross floor area of 200 square metres per lot.

Setbacks:

- 2.36.1.5 Cannabis cultivation, security fencing, associated buildings and parking and loading areas, shall be setback a minimum of 30 metres to the property lines.
- 2.36.1.6 Cannabis cultivation, security fencing, associated buildings, parking and loading shall be setback a minimum distance of 300 metres to the lot line of any sensitive land uses, except where the sensitive land use is a dwelling, in which case, the setback is to the dwelling.
- 2.36.1.7 Where a dwelling is permitted on the same property as cannabis cultivation and is occupied by the licensed grower, the cultivation area can be located as close as 30 metres to the dwelling.
- 2.36.1.8 Where a dwelling is permitted on the same property as cannabis cultivation and is not owner occupied, the cultivation area must be setback 150 metres from the dwelling.
- 2.36.1.9 Cannabis cultivation cannot be conducted within a dwelling unit.

Separation Distances:

- 2.36.1.10 Any cannabis cultivation shall be located a minimum distance of 1000 metres from any settlement area. This distance shall be measured from the lot line containing the cannabis cultivation.

Other Requirements:

- 2.36.1.11 The outside storage of waste soils, plant material, organics or fertilizers is prohibited, other than the composting of non-odorous materials consisting of non-viable seeds; mature stalk and fiber of such stalk without any leaf, flower, seed or branch; roots or any part of the root of the cannabis plant.
- 2.36.1.12 No lighting of cannabis shall take place between the hours of 8:00 pm to 6:00 am, unless the lighting cannot be seen from outside the building. All additional lighting including security lighting shall be fully

shielded so as not to broadcast onto any adjacent lot and be dark-skies compliant.

2.36.1.13 No fencing related to cannabis shall exceed 2.4 metres in height.

2.36.1.14 Cannabis cultivation is subject to site plan control.

2.36.2 Cannabis Cultivation and Production in Agriculturally Related Industrial Zones:

In Agriculturally Related Industrial Zones where cannabis cultivation and/or production facilities are a permitted use, the following regulations shall apply:

Setbacks:

2.36.2.1 All cannabis cultivation and/or production facilities, including associated buildings, parking and loading areas and security fencing shall be setback a minimum distance of 500 metres to the lot line of any sensitive land uses, except where the sensitive land use is a dwelling, in which case, the setback is to the dwelling.

2.36.2.2 Any cannabis cultivation and/or production facilities shall have a separation distance of 1000 metres from any other cannabis production facility. The separation distance shall be measured from lot line containing the cannabis cultivation and/or production facility.

2.36.2.3 Any cannabis cultivation and/or production facilities shall be located a minimum distance of 1000 metres from any settlement area. The separation distance shall be measured from lot line containing the cannabis cultivation and/or production facility.

Other Requirements:

2.36.2.4 No part of any cannabis cultivation and/or cannabis production facility can be located within a dwelling unit.

2.36.2.5 All drying, processing and packaging, must be done within a fully enclosed building and cannot take place in a greenhouse or hoop house.

2.36.2.6 The outside storage of waste soils, plant material, organics or fertilizers is prohibited, other than the composting of non-odorous materials consisting of non-viable seeds; mature stalk and fiber of such stalk without any leaf, flower, seed or branch; roots or any part of the root of the cannabis plant.

2.36.2.7 No lighting of cannabis shall take place between the hours of 8:00 pm to 6:00 am, unless the lighting cannot be seen from outside the

building. All additional lighting including security lighting shall be fully shielded so as not to broadcast onto any adjacent lot and be dark-skies compliant.

2.36.2.8 Cannabis cultivation and/or production facilities is subject to site plan control.

2. That Section 3.1.1 "Agricultural (AG)" Zone, "Permitted Uses, Primary Uses" be amended by the addition of the permitted use "cannabis cultivation".
3. That Section 3.1.2 "Agricultural (AG)" Zone, "Zone Provisions" be amended by adding the following clause:  

"z) Cannabis Cultivation:  
  
The provisions of Section 2.36 shall apply to cannabis cultivation."
4. That Section 3.2.3 "Agriculturally Related Industrial Zone Exceptions" be amended by the addition of the following:

**"AGI-7**

Permitted Uses:

Notwithstanding the permitted uses of Subsection 3.2 "Agriculturally Related Industrial (AGI)" Zone the following are permitted uses on properties zoned AGI-7:

- a) Cannabis cultivation
- b) Cannabis production facility
- c) All the permitted uses of Subsection 3.1 "Agricultural (AG)" Zone.

Zone Provisions:

Notwithstanding the zone provisions of the AGI Zone, the following Provisions apply to the AGI-7 Zone:

- a) The zone provisions of Subsection 3.1.2 of the "Agricultural (AG)" Zone apply to lands zoned AGI-7.
- b) The maximum lot coverage for buildings and structures related to cannabis shall be 10%.
- c) Notwithstanding subsection 2.36.13, all cannabis cultivation shall be located in a fully enclosed building or a greenhouse. Hoop houses are not permitted.

- d) All cannabis production shall be located in a fully enclosed building.
- e) Notwithstanding the provisions of subsection 2.36.5 and 2.36.6 and 2.36.7 to the contrary, all cannabis production facilities and/or indoor cannabis cultivation including associated buildings, parking and loading areas and security fencing shall be setback a minimum distance of: 22 metres from the north lot line for the office; 40 metres to the north lot line for storage buildings; 100 metres to the north lot line for processing and cultivation; 21 metres from the north interior side lot line; 72 metres from the east lot line; 185 metres from the south lot line and 130 metres from the west lot line.
- f) All other provisions of Section 2.36 shall apply.
- g) The maximum gross floor area dedicated to processing, research, analytical testing and sales is 1% of the lot area to a maximum gross floor area of 3,820 square metres.

**AGI-8**

Permitted Uses:

Notwithstanding the permitted uses of Subsection 3.2 "Agriculturally Related Industrial (AGI)" Zone the following are permitted uses on properties zoned AGI-8:

- a) Cannabis cultivation
- b) Cannabis production facility
- c) All the permitted uses of Subsection 3.1 "Agricultural (AG)" Zone.

Zone Provisions:

Notwithstanding the zone provisions of the AGI Zone, the following Provisions apply to the AGI-8 Zone:

- a) The zone provisions of Subsection 3.1.2 of the "Agricultural (AG)" Zone apply to lands zoned AGI-8.
- b) The minimum lot area shall be 34.5 ha.
- c) The maximum lot coverage for buildings and structures related to cannabis shall be 5%.
- d) Notwithstanding Subsection 2.36.13, cannabis cultivation can be located outdoors in an area no larger than 18,000 square metres and otherwise shall be located in a fully enclosed building, greenhouse or hoop house.
- e) All cannabis production shall be located in a fully enclosed building.

- f) Notwithstanding the provisions of subsection 2.36.6 to the contrary, all indoor and outdoor cannabis cultivation, cannabis production facilities, associated buildings, parking and loading areas, and security fencing shall be setback to the lot lines of sensitive uses a minimum distance of: 150 metres from the north lot line; 50 metres from the east lot line; 90 metres from the south lot line and 120 metres to the west lot lines.
  - g) Notwithstanding the provisions of subsection 2.36.5 and 2.36.7 to the contrary, all indoor and outdoor cannabis cultivation, cannabis production facilities, associated buildings, parking and loading areas, and security fencing shall be setback a minimum distance of: 150 metres from the north lot line; 50 metres from the east lot line; 90 metres from the south lot line and 88 metres from the west lot lines.
  - h) All other provisions of Section 2.36 shall apply.
  - i) The maximum gross floor area dedicated to processing, research, analytical testing and sales is 1% of the lot area to a maximum gross floor area of 3,450 square metres."
5. That Schedule "A2" is hereby amended by changing the zoning located at 4491 Concession 12 Sunnidale, from the Agricultural Zone (AG) Zone to the Agriculturally Related Industrial Exception Seven (AGI-7) Zone as shown on Schedule "1" attached hereto and forming part of this By-law.
6. That Schedule "A2" is hereby amended by changing the zoning located at 6954 County Road 9, from the Agricultural Exception Fifteen Zone (AG-15) Zone to the Agriculturally Related Industrial Exception Eight (AGI-8) Zone as shown on Schedule "2" attached hereto and forming part of this By-law.
7. That Section 3.5.1 "Rural (RU)" Zone, "Permitted Uses, Primary Uses" be amended by the addition of the permitted use "cannabis cultivation".
8. That Section 3.5.2 "Rural (RU)" Zone, "Zone Provisions" be amended by adding the following clause:
- "v) Cannabis Cultivation
- The provisions of Section 2.36 shall apply to cannabis cultivation."
9. That Section 4 "Definitions, Produce Farm" be amended by adding the sentence "A produce farm shall not include cannabis cultivation or a cannabis production facility" after the words "minor processing, storage and outside storage."

10. That Section 4 "Definitions" be further amended by adding the following:

**"CANNABIS:**

Means a genus of flowering plants in the family Cannabaceae, including the phytocannabinoids produced by or found in such a plant regardless of whether that part has been processed or not and any substance or mixture of substances that contains or has in it and part of such a plant and any substance that is identical to a phytocannabinoid produced by or found in such a plant regardless of how the substance was obtained. Marihuana shall have the same definition and includes cannabis as defined in the Cannabis Act S.C. 2018, c.16 as amended. This definition does not include the industrial or agricultural production of hemp (or foodstuffs (hemp milk, hemp seed, hemp oil), fiber and biofuels, provided that either a license for growing industrial hemp has been obtained under the Cannabis Act, or the product grown falls outside the definition of cannabis in the Cannabis Act).

**CANNABIS CULTIVATION:**

Means the cultivation or growing of cannabis. Cannabis cultivation does not include the growth, production or processing of up to four (4) or fewer cannabis plants on a lot for personal use.

**CANNABIS PRODUCTION FACILITY:**

Means lands, building or structures used for the cultivation, processing, testing, packaging, shipping and or destruction of cannabis, authorized by an issued license or registration by the federal Minister of Health pursuant to the Access to Cannabis for Medical 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 and can be for the production of medical or recreational cannabis.

**GREENHOUSE:**

Means a building having metal, wood or similar framing enclosed with glass walls used for the cultivation, drying or processing of plants and designed such that the building can be ventilated to the open air.

**HOOP HOUSE:**

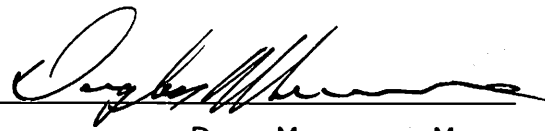
Means a building or structure having a metal, wood or similar framing covered with plastic, polyurethane or similar material used for the cultivation, drying and/or processing of plants.

**SENSITIVE LAND USES:**

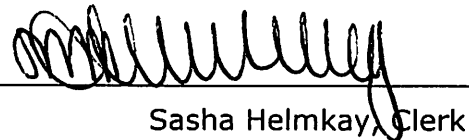
Means residential uses, including residential uses located in agricultural and rural zones, nursing homes or assisted care facilities, retirement homes, hotels, inns, motels, parks, community centres, libraries, daycare centres, hospital or health care centres, medical clinics, places of worship, cemeteries, schools, fairgrounds, golf courses, golf driving ranges and campgrounds.

11. That all other provisions of By-law 06-54, as amended, which are not inconsistent with the provisions of this By-law, shall continue to apply when the By-law comes into effect.
12. This By-law shall come into force and take effect in accordance with the provisions of the Planning Act R.S.O, 1990 c.P.13, as amended.

**By-law Number 21-78 read a first, second and third time and finally passed this 22<sup>nd</sup> day of November, 2021.**



Doug Measures, Mayor



Sasha Helmkey, Clerk

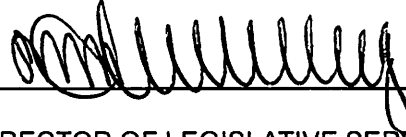


# Township of Clearview Schedule '1'

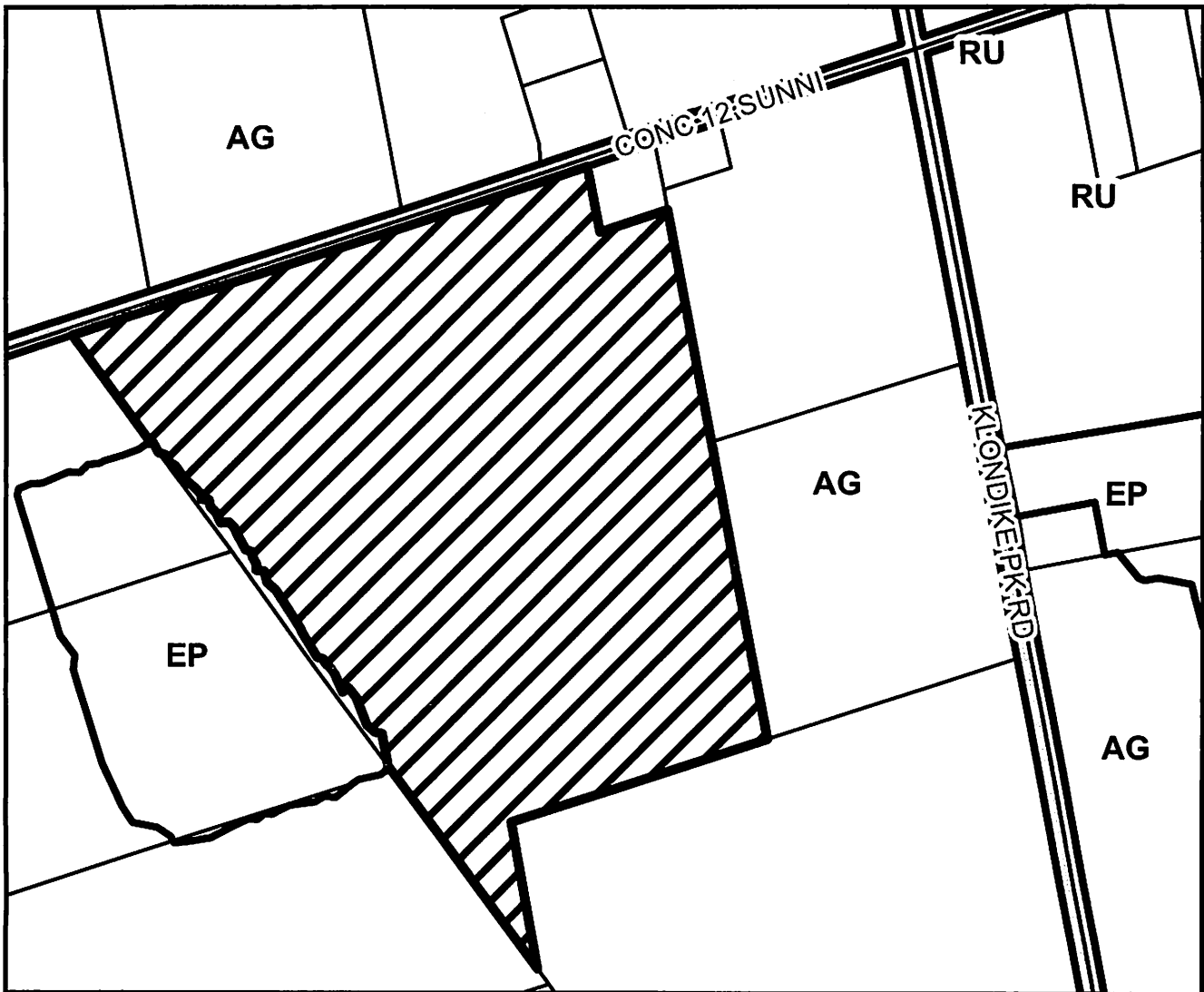
This is Schedule '1' to Zoning By-law No. 21-78,  
passed this 22nd day of November, 2021.



MAYOR



DIRECTOR OF LEGISLATIVE SERVICES/CLERK






Area to be rezoned from Agricultural (AG) Zone to Agriculturally Related Industrial Exception Seven (AGI-7) Zone.



1:7,500

0 50 100 200 300 400 Metres

-  Road Centerline
-  Assessment Parcels
-  Zone Boundary

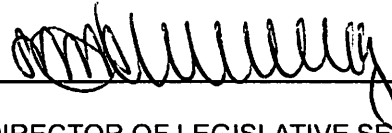
Produced by Clearview Township, Information Services. This map may not be reproduced, in whole or in part, without written permission by The Corporation of the Township of Clearview. Information other than zone boundaries is provided for reference only. Clearview Township assumes no liability for inaccuracies, errors, or omissions. This map is not a legal plan of survey.

# Township of Clearview Schedule '1'

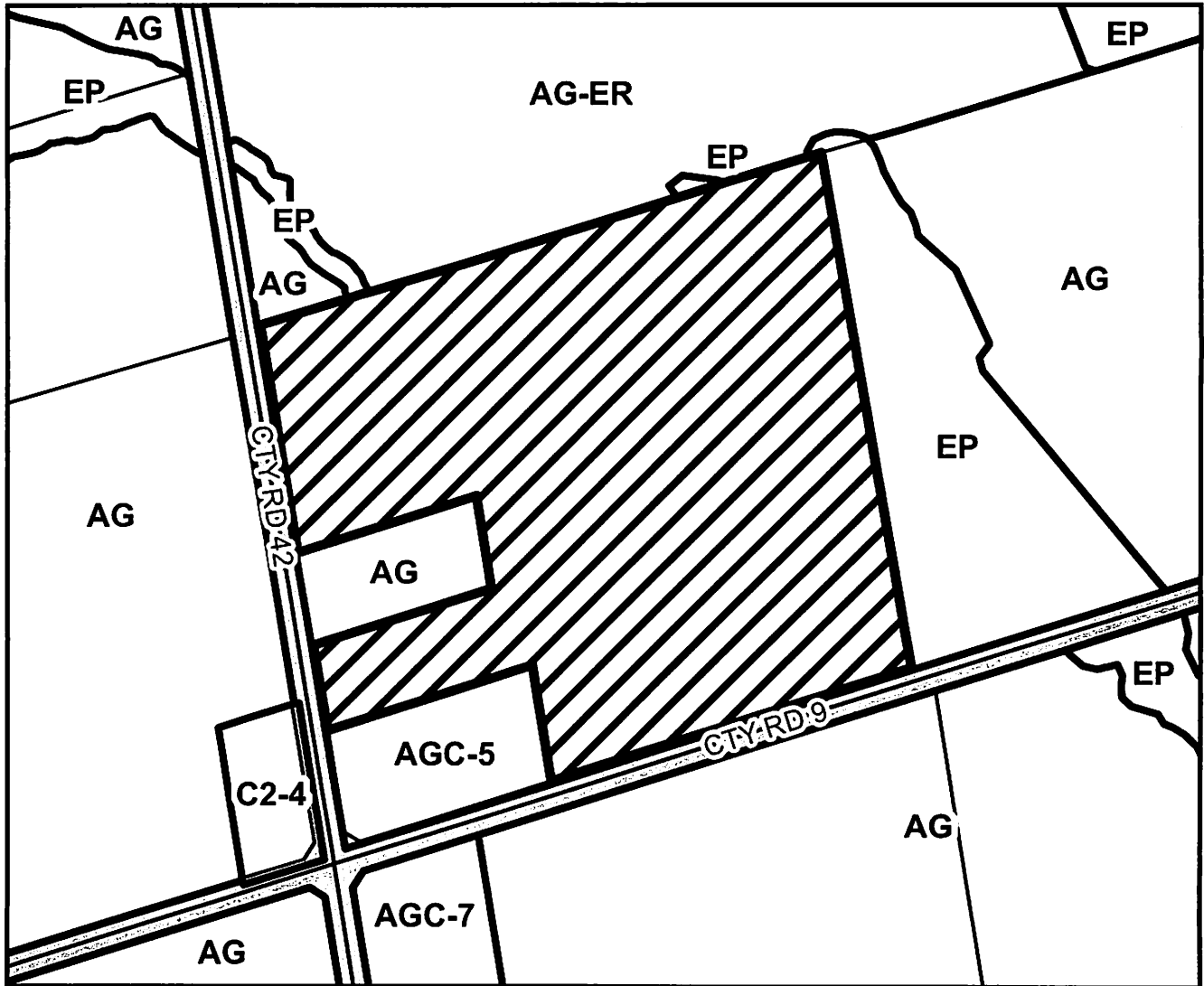
This is Schedule '1' to Zoning By-law No. 21-78,  
passed this 22nd day of NOVEMBER, 2021.



MAYOR



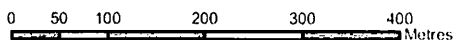
DIRECTOR OF LEGISLATIVE SERVICES/CLERK






Area to be rezoned from Agricultural Exception (AG-15) Zone to  
Agriculturally Related Industrial Exception Eight (AGI-8) Zone.



1:7,500



-  Road Centerline
-  Assessment Parcels
-  Zone Boundary

Produced by Clearview Township, Information Services. This map may not be reproduced, in whole or in part, without written permission by The Corporation of the Township of Clearview. Information other than zone boundaries is provided for reference only. Clearview Township assumes no liability for inaccuracies, errors, or omissions. This map is not a legal plan of survey.