

# Rural Municipality of Lumsden No.189

## Bylaw No. 18-2018

Pursuant to Section 46 of *The Planning and Development Act, 2007*, the Council of the Rural Municipality of Lumsden No.189 hereby amends Zoning Bylaw No. 7 - 2012 by enacting this bylaw as follows:

1. **SECTION 2.0 INTERPRETATION** is amended by deleting the definition for “**Agriculturally related commercial and industrial uses**” and substituting the following thereto:

“Agriculturally related commercial and industrial uses: means:

- (a) grain and seed storage, cleaning and drying;
- (b) fertilizing mixing sales (subject to provincial regulations);
- (c) livestock and poultry breeding services;
- (d) abattoirs; and
- (e) other agriculturally related services, excluding Cannabis Production Facilities.”

2. **SECTION 2.0 INTERPRETATION** is amended by adding the following new definition for “**Cannabis**”, immediately after the definition for “**Campsite**”:

“Cannabis: means as defined in *The Cannabis Act (Canada)*”

3. **SECTION 2.0 INTERPRETATION** is amended by deleting the definition for “**Farm Operation**” and substituting the following thereto:

“Farm Operation: means conditions or activities which occur on a farm in connection with the commercial production of farm products, including agroforestry, but not including the following: Intensive Livestock Operations, Intensive Agriculture Operations and cannabis production and cultivation.”

4. **SECTION 2.0 INTERPRETATION** is amended by adding the following new definition for “**Cannabis Production Facility**”, immediately after the definition for “**Cannabis**”:

“Cannabis Production Facility: means a facility approved under federal and provincial regulations, that is used in whole or in part for the planting, cultivation, testing, harvesting, processing and distribution of the cannabis plant and any of its derivatives.”

5. **SECTION 2.0 INTERPRETATION** is amended by adding the following new definition for “**Cannabis Production Facility (micro)**”, after the definition for “**Cannabis Production Facility**”:

“Cannabis Production Facility (micro): means a Cannabis Production Facility located within a building that has less than 200m<sup>2</sup> of production space.”

6. **SECTION 2.0 INTERPRETATION** is amended by adding the following new definition for “**Greenhouse**”, immediately after the definition for “**Gas Bar**”:

“Greenhouse: means a building with glass or clear plastic walls and roof for the cultivation and exhibition of plants under controlled conditions.”

7. **SECTION 2.0 INTERPRETATION** is amended by adding the following new definition for “**Greenhouse (commercial)**”, immediately after the definition for “**Greenhouse**”:

“Greenhouse (commercial): means a greenhouse that includes a retail aspect catering to the general horticulture needs of the general public for financial gain and includes outdoor storage of landscaping supplies, but excludes the growth of cannabis.”

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8. **SECTION 4.0 GENERAL REGULATIONS, Subsection 4.14 Special Standards and Regulations,** is amended by adding the following new clause 4.14.20 Cannabis Production Facility:

*“4.14.20 Cannabis Production Facility*

- (1) Cannabis Production Facilities may be allowed as a discretionary use in designated agricultural, commercial and industrial zoning districts if the activity and proposed location ensures that it will have minimal impact on adjacent land uses and meets the following requirements:
  - (a) All Cannabis Production Facilities must maintain a minimum setback of 150 metres from schools or playgrounds.
  - (b) All materials and goods used in conjunction with a Cannabis Production Facility shall be stored within an enclosed building, no outside storage is permitted for a Cannabis Production Facility.
  - (c) All Cannabis Production Facilities must be approved by and comply with all provincial and federal authorities and regulations related to the growing, cultivation, processing, wholesale and distribution of cannabis.
  - (d) Prior to approval, applicants/operators of a Cannabis Production Facility shall provide proof to the RM of compliance with provincial and federal licensing and regulations.
  - (e) Meets municipal servicing capacity.
  - (f) Mitigates anticipated levels of noise, odour, smoke, fumes, dust, lighting, glare, vibration or other emissions emanating from the operation.
  - (g) Mitigates anticipated increased levels or types of vehicular traffic, unsafe conditions or situations for vehicles, cyclists and/or pedestrians.
  - (h) Ensures the safe handling and disposal of hazardous and dangerous substances and materials.
  - (i) The building and site shall display a high aesthetic quality and shall be integrated into the surrounding environment by virtue of appropriate design, location and landscaping.
  - (j) Signage for a Cannabis Production Facility shall not contain any images, but may include the business name in alpha-numeric characters.”

9. **SECTION 6.0 A – AGRICULTURE DISTRICT, Table 6-1** is amended by adding the following to the list of Commercial Uses:

Use	Permitted or Discretionary	Subject to	Min Site Area (ha)	Min Site Width (m)	Min Front Yard (m)	Min Side Yard (m)	Min Rear Yard (m)
(22) Cannabis Production Facility	D	4.14.20	1	60	15 <sup>(5)</sup>	15 <sup>(6)</sup>	15

10. **SECTION 14.0 C1 – GENERAL COMMERCIAL DISTRICT, Table 14 -1** is amended by revising the list of Commercial Uses as follows:

Use	Permitted or Discretionary	Subject to	Min Site Area (m <sup>2</sup> )	Min Site Width (m)	Min Front Yard (m)	Min Side Yard (m)	Min Rear Yard (m)
(15) Nurseries, greenhouses (commercial) and garden centres	D		577	15	8	3	3

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11. **SECTION 14.0 C1 – GENERAL COMMERCIAL DISTRICT, Table 14 -1** is amended by adding the following to the list of Commercial Uses:

Use	Permitted or Discretionary	Subject to	Min Site Area (m <sup>2</sup> )	Min Site Width (m)	Min Front Yard (m)	Min Side Yard (m)	Min Rear Yard (m)
(26) Cannabis Production Facility	D	4.14.20	577	15	8	3	3
(27) Micro Cannabis Production Facility	D	4.14.20		15	8	3	3

12. **SECTION 15.0 C2 – HIGHWAY COMMERCIAL DISTRICT, Table 15 -1** is amended by revising list of Commercial Uses as follows:

Use	Permitted or Discretionary	Subject to	Min Site Area (ha)	Min Site Width (m)	Min Front Yard (m)	Min Side Yard (m)	Min Rear Yard (m)
(13) Nurseries, greenhouses (commercial) and garden centres	P		0.4	45	<sup>(1)</sup>	8	6

13. **SECTION 15.0 C2 – HIGHWAY COMMERCIAL DISTRICT, Table 15 -1** is amended by adding the following to the list of Commercial Uses:

Use	Permitted or Discretionary	Subject to	Min Site Area (ha)	Min Site Width (m)	Min Front Yard (m)	Min Side Yard (m)	Min Rear Yard (m)
(24) Cannabis Production Facility	D	4.14.20	0.4	45	<sup>(1)</sup>	8	6
(25) Micro Cannabis Production Facility	D	4.14.20		45	<sup>(1)</sup>	8	6

14. **PART 16.0 M – INDUSTRIAL DISTRICT, Table 16-1** is amended by adding the following to the list of Commercial Uses:

Use	Permitted or Discretionary	Subject to	Min Site Area (ha)	Min Site Width (m)	Min Front Yard (m)	Min Side Yard (m)	Min Rear Yard (m)
(8) Cannabis Production Facility	D	4.14(20)	1	45	<sup>(1)</sup>	8	8 <sup>(2)</sup>
(9) Micro Cannabis Production Facility	D	4.14(20)		15	<sup>(1)</sup>	8	8 <sup>(2)</sup>

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15. This bylaw shall become effective on the date of approval of the Minister of Government Relations.

**Readings**

Read a first time this	<u>25<sup>th</sup></u> Day of	<u>October</u> , 2018.
Read a second time this	<u>13<sup>th</sup></u> Day of	<u>December</u> , 2018.
Read a third time this	<u>13<sup>th</sup></u> Day of	<u>December</u> , 2018.



  
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Chief Administrative Officer