

(Marihuana Production Facility)

**THE CORPORATION of the
TOWNSHIP OF HAVELOCK-BELMONT-METHUEN
P.O. Box 10, 1 Ottawa Street East
Havelock, ON K0L 1Z0**

**FORM 1
THE PLANNING ACT, R.S.O., 1990, as amended**

**NOTICE OF PASSING
OF A ZONING BY-LAW
TOWNSHIP OF HAVELOCK-BELMONT-METHUEN**

TAKE NOTICE that the Council of the Corporation of the Township of Havelock-Belmont-Methuen passed By-law No. 2018-029 on the 16th day of April 2018 under Section 34 of the Planning Act, R.S.O., 1990.

AND TAKE NOTICE that any person or agency may appeal to the Local Planning Appeal Tribunal in respect of the By-law by filing with the Municipal Clerk of the Township of Havelock-Belmont-Methuen not later than the 7th day of May 2018 a notice of appeal setting out the reasons for the objection to the By-law and reasons in support of the objection to the By-law. The notice of appeal must be accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*.

Prior to the passing of the By-law Council received no oral and/or written submissions which resulted in revisions to the By-law.

Only individuals, corporations and public bodies may appeal a Zoning By-law to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

This zoning by-law amendment is not the subject of any other application or proposal under The Planning Act.

An explanation of the purpose and effect of the By-law are attached. A key map has not been included as this by-law has application to all lands within the Corporation of the Township of Havelock-Belmont-Methuen. The complete By-law is available for inspection in the municipal office during regular office hours.

Dated at the Township of Havelock-Belmont-Methuen this 17th day of April 2018.

Mr. Robert Angione, M.P.A., B.Admin
Municipal Clerk
Township of Havelock-Belmont-Methuen
P.O. Box 10, 1 Ottawa Street East
Havelock, ON K0L 1Z0
(705) 778-2308
(705) 778-5248 (fax)

EXPLANATORY NOTE

1. By-law No. 2018-029 has the following purpose and effect.

The Township of Havelock-Belmont-Methuen has initiated a Zoning By-law Amendment to introduce provisions and regulations intended to govern the establishment of Marihuana Production Facilities within the Municipality.

2. A key map has not been included as this by-law has application to all lands within the Corporation of the Township of Havelock-Belmont-Methuen.

**THE CORPORATION OF THE
TOWNSHIP OF HAVELOCK-BELMONT-METHUEN**

BY-LAW NO. 2018-029

BEING A BY-LAW TO AMEND BY-LAW NO. 1995-42, AS AMENDED, OTHERWISE KNOWN AS THE "THE TOWNSHIP OF HAVELOCK-BELMONT-METHUEN COMPREHENSIVE ZONING BY-LAW".

WHEREAS the Corporation of the Township of Havelock-Belmont-Methuen is in receipt of an application to amend By-law No. 1995-42, as amended.

AND WHEREAS the Council of the Corporation of the Township of Havelock-Belmont-Methuen reviewed the rezoning application and now deems it advisable to further amend By-law No. 1995-42, as amended.

NOW THEREFORE, the Council of the Corporation of the Township of Havelock-Belmont-Methuen hereby enacts as follows:

- “ 1. That Section 2 (Definitions) of By-law No. 1995-42, as amended, is hereby further amended with the addition of a definition, which shall read as follows:

“MARIHUANA PRODUCTION FACILITY” shall mean a wholly enclosed facility licensed by Health Canada for the growing, producing, processing, storing, testing, destroying or distributing marihuana, marihuana products, or cannabis oil in accordance with all applicable federal regulations. For clarification, no part of this operation, whether accessory or is permitted outdoors.

2. That Section 2 (Definitions) of By-law No. 1995-42, as amended, is hereby further amended by changing the definition of "COMMERCIAL GREENHOUSE" by adding the following after "This definition shall not include any premises used for the growing of mushrooms":

nor the growing of marihuana by a licensed producer.

3. THAT Section 4 - General provisions be amended by adding the following provision after subsection 4.22:

4.23 MARIHUANA PRODUCTION FACILITY

The following provisions shall apply to the location and operation of a Marihuana Production Facility, as defined in this By-law:

- a) A Marihuana Production Facility shall only be permitted where full municipal services are available, and where there is sufficient municipal sewer and water capacity to support the facility;**
- b) Where a Marihuana Production Facility is located on a lot, no other use shall be permitted on the same lot;**
- c) All relevant Federal Regulations shall apply;**
- d) The lands are zoned ‘Restrictive Industrial (M1)’.**

4. THAT Subsection 17.1 - Restricted Industrial (M1) Zone - Permitted Uses be amended by adding the following new subsection following subsection 17.1.2:

17.1.3 a Marihuana Production Facility subject to the provisions of subsection 4.23, and the provisions of subsection 17.1.2 shall not apply.”

5. THAT Subsection 17.2 – Regulations for Permitted Uses be amended by adding the following new subsection following subsection 17.2.3:

17.2.4 Regulations for Uses Permitted in Subsection 17.1.3

All provisions and regulations of Subsection 17.2.1 of By-law No. 1995-42, as amended, shall also apply; save and except that any Marihuana Production Facility shall comply with the following:

- a) **Minimum Lot Area** **4,000 square metres**
- b) **Minimum Lot Frontage** **45.0 metres**
- c) **Notwithstanding Subsections 17.2.1 (e) no Marihuana Production Facility shall be established or erected on a lot where any part of the lot is closer than 70 metres to a lot in the Residential, Commercial, Open Space, Development, or Institutional Zone.**
- d) **Notwithstanding Subsections 17.2.1 (g)-(h) and Subsection 17.2.3 a minimum width of 15 metres of landscape open space shall be provided and maintained adjacent to all lot lines provided that such open space may be interrupted by driveways and railways.**
- e) **Subsection 17.2.1 (j) shall not apply.**

If no notice of objection is filed with the Municipal Clerk within the time provided, this By-law shall become effective on the date of passing.

If a notice of objection is filed with the Municipal Clerk, this By-law shall become effective on the date of passing hereof subject to the disposition of any appeals.

Read a **FIRST**, **SECOND**, and **THIRD TIME** and **FINALLY** passed this 16th day of April 2018 and given By-law No. 2018-029.

MAYOR

MUNICIPAL CLERK

I, Robert Angione, Municipal Clerk of the Corporation of the Township of Havelock-Belmont-Methuen, do hereby certify that the foregoing is a true copy of By-law No. 2018-029 passed by Council of the said Corporation on the 16th day of April 2018.

MUNICIPAL CLERK

**THE CORPORATION of the
TOWNSHIP OF HAVELOCK-BELMONT-METHUEN**

**P.O. Box 10, 1 Ottawa Street East
Havelock, ON K0L 1Z0**

Tel: (705) 778-2308

Fax: (705) 778-5248

**Affidavit of Service under
Section 34(22) of the Planning Act, R.S.O., 1990, as amended**

I, Robert Angione hereby declare that the Notice for By-law No. 2018-029 the Corporation of the Township of Havelock-Belmont-Methuen, passed by the Council of the Corporation on the 16th day of April 2018 was given in the manner and form and to the persons and agencies prescribed by regulation under subsection 18 of Section 34 of the Planning Act, R.S.O., 1990, as amended. I also certify that the appeal period expired on May 7th, 2018 and to this date, no notice of appeal has been filed by any person or agency in the office of the Clerk.

DATED this 8th day of May 2018.

Mr. Robert Angione,
Municipal Clerk