

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 2019 - 162

BEING A BY-LAW TO ENACT INTERIM CONTROL PROVISIONS OF THE PLANNING ACT UPON CERTAIN LANDS WITHIN THE CITY OF WELLAND

WHEREAS Section 38 of the Planning Act, R.S.O. 1990, c. P.13, as amended, provides that local Councils may, by by-law or resolution, direct that a review or study be undertaken in respect of land use planning policies in the municipality or any defined areas thereof, and that Council may pass an interim control by-law to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law;

AND WHEREAS by resolution passed on June 4, 2019, Council directed that a full review of the zoning by-law requirements, as they relate to the Medical Marihuana Purposes Regulations (MMPFs) and to ensure the City of Welland policies are in line with current Provincial and Federal legislation and best practices;

AND WHEREAS Council has deemed it necessary and expedient to pass this interim control by-law to provide the City of Welland the time to undertake this review;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

- 1.e For the purpose of this By-law:
 - (a)e"Interim Control Area" shall mean all lands within the municipal boundary of the City of Welland.e
- 2.e The provisions of this By-law shall apply to the Interim Control Area.e
- 3.e Notwithstanding any other by-law to the contrary, no person shall within the Interim Control Area:
 - (a)euse any land, building or structure as a Medical Marihuana Facility as defined in City of Welland zoning by-law 2017-117, except for a use that lawfully existed on the date of the passage of this By-law and is in operation as long as it continues to be used for such purpose; ore
 - (b)ebe permitted to construct, alter or expand any building or structure as a Medical Marihuana Facility as defined in City of Welland zoning by-law 2017-117 whatsoever, save and except where such construction, alteration or expansion is a continuation of a lawful use in existence and in operation on the date of passage of this By-law.e
- 4.e If any provision or requirement of this By-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-law or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable, shall not be affected thereby, and each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.e
- 5.e This By-law shall come into effect and force immediately upon its passing by Council and shall be in effect until 11:59 p.m. local time on December 16, 2020 unless otherwise extended in accordance with the provisions of the Planning Act, R.S.O., c.P.13, as amended.e

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 17TH DAY OF DECEMBER, 2019.


MAYOR

CITY CLERK