

**The Corporation of the  
Township of Cavan Monaghan**

**By-law Number 2021-\_\_\_\_\_**

**Being a By-law passed pursuant to the provisions of Section 34 of  
*The Planning Act*, R.S.O. 1990, as amended to amend the Township  
of Cavan Monaghan Comprehensive Zoning By-law No. 2018-58, as  
otherwise amended**

**Whereas** the Council of the Corporation of the Township of Cavan Monaghan has initiated an application to amend By-Law No.2018-58, otherwise known as the Comprehensive Zoning By-Law, insofar as is necessary to establish provisions that apply to Cannabis production facilities within the Township.

**And Whereas** the Council of the Corporation of the Township of Cavan Monaghan conducted a public hearing in regard to this application, as required by Section 34(12) of the Planning Act, R.S.O. 1990, Chap. P. 13, as amended.

**And Whereas** the Council of the Corporation of the Township of Cavan Monaghan deems it advisable to amend Zoning By-law 2018-58, as otherwise amended, with respect to the above described lands, and under the provisions of the Planning Act has the authority to do so.

**Now therefore** the Council of the Corporation of the Township of Cavan Monaghan enacts as follows:

1. **That** Section 6.2, 'Table 6A – Industrial Zones Permitted Uses' be amended by deleting '*Cannabis production facility*' as a permitted use in the Urban Employment (M1) Zone.
2. **That** Section 7.2, 'Table 7A – Agricultural and Rural Zones Permitted Uses' be amended by adding '*Outdoor cannabis cultivation*' as a permitted use in the Agricultural (A) Zone and the Rural (RU) Zone.
3. **That** Section 7.2, 'Table 7A – Agricultural and Rural Zones Permitted Uses' be further amended by adding a new Additional Regulation (2) and applying this additional regulation to a 'Farm produce sales outlet' as follows:

"(2) Shall not be permitted in conjunction with a *cannabis production facility* or *outdoor cannabis cultivation*."

4. **That** Section 9.2, 'Table 9A – Oak Ridges Moraine Zones Permitted Uses' be amended by adding '*Outdoor cannabis cultivation*' as a permitted use in the ORM Countryside (ORMCO) Zone.
5. **That** Section 11.6 – Bed and Breakfast Establishments be amended by adding a new subsection (f) as follows:

*“A bed and breakfast establishment shall not be permitted on a lot with a Cannabis Production Facility or Outdoor Cannabis Cultivation.”*

6. **That** Section 11.7 of By-law No. 2018-58 as amended, be deleted and replaced with the following:

**“11.7 Cannabis Production Facilities**

The following provisions apply to all *cannabis production facilities* and *outdoor cannabis cultivation* uses where permitted by this Zoning By-law:

- a) Only a *cannabis production facility* or *outdoor cannabis cultivation* of a singular cannabis licence holder may occur on a single lot.
- b) Other than cultivation, all other cannabis-related uses are only permitted within a wholly enclosed building.
- c) The sale of cannabis or cannabis products is not permitted as an accessory use to any *cannabis production facility* or *outdoor cannabis cultivation*.
- d) Where a minimum separation distance is required between a *cannabis production facility* or *outdoor cannabis cultivation* use and a *sensitive land use*, such minimum separation distance shall be measured from the nearest lot line of the lot containing the *cannabis production facility* or *outdoor cannabis cultivation* to:
  - i) Any residential use in the Agricultural Zone or Rural Zone – to the nearest exterior wall of the dwelling;
  - ii) Any residential use in a Residential Zone – to the nearest lot line of the residential use;
  - iii) Uses permitted in the Institutional (I) Zone – to the nearest lot line;
  - iv) Uses permitted in the Open Space (OS) Zone - to the nearest lot line; or,
  - v) Notwithstanding the requirements of Section 11.7(d)(i)(ii)(iii) and (iv), where a lot containing the *Cannabis Production Facility* or *Outdoor Cannabis Cultivation* is immediately adjacent to a lot containing a *sensitive land use*, the minimum separation distance shall be measured from the nearest exterior wall of the *Cannabis Production Facility* or the nearest crop line of the *Outdoor Cannabis Cultivation* to the nearest exterior wall of the building on the lot containing the *sensitive land use*.
- e) Notwithstanding any other provision of this By-law to the contrary, a *Cannabis Production Facility* and *Outdoor Cannabis Cultivation* shall not be permitted on a lot with a *bed and breakfast establishment*, *agri-tourism use*, *home business* or *home industry*.

**11.7.1 Regulations Applying to Cannabis Production Facilities**

Notwithstanding any other provisions of this By-law to the contrary, the following additional requirements shall apply to *cannabis production facilities* where permitted:

- a) *Cannabis production facilities* shall only be permitted by site specific amendment to this Zoning By-law. Any site specific permissions for such uses must include a minimum distance separation from *sensitive land uses* in accordance with Section 11.7 (d) of this Zoning By-law.
- b) A *cannabis production facility* shall only be permitted in new, purpose-built buildings equipped with an *air treatment control* system. Existing buildings or structures may not be converted or retrofitted for cannabis cultivation, production, processing, research or testing uses.
- b) Notwithstanding Section 11.21.1 of this Zoning By-law, any expansion of an existing *cannabis production facility* or an addition to any buildings or structures thereto must comply with the requirements of this Zoning By-law.
- c) The establishment of or expansion to a *cannabis production facility* shall be subject to Site Plan Control.
- d) Where a cannabis production facility is an expressly permitted use, the following provisions apply:

	Micro-Cultivation and Micro-Processing as defined by Federal Regulation SOR-2018-144	Standard-Cultivation and Standard-Processing as defined by Federal Regulation SOR-2018-144
Min Lot Area	3 ha	10 ha
Min Lot Frontage	100 m	200 m
Min Front Yard	20 m	80 m
Min Interior Side Yard	15 m (*1)	40 m (*2)
Min Exterior Side Yard	20 m	80 m
Min Rear Yard	15 m (*1)	40 m (*2)
Max Lot Coverage	30%	30%

(\*1) Except where ventilating fans in a wall exhaust into the respective side or rear yard, in which case the minimum side or rear yard setback shall be 25 metres.

(\*2) Except where ventilating fans in a wall exhaust into the respective side or rear yard, in which case the minimum side or rear yard setback shall be 60 metres.

- e) A *cannabis production facility* shall not be permitted on a lot containing a dwelling unit.

- f) Where private lighting facilities, whether internal or external to any building or structure associated with a *cannabis production facility* are provided, such lighting facilities shall be designed in accordance with the requirements of Section 11.20 of this Zoning By-law.
- g) Notwithstanding Section 11.19.2 of this Zoning By-law, where a building, or structure is used for a *cannabis production facility* and such use is located adjacent to a Residential Zone, Institutional Zone, or Open Space Zone, a 3 metre wide planting strip shall be provided along the lot line adjacent to the Residential Zone, Institutional Zone, or Open Space Zone.
- h) Outdoor storage on a lot containing a *cannabis production facility* is prohibited.
- i) Notwithstanding Section 11.4.2 of this Zoning By-law, an accessory structure on a lot containing a *cannabis production facility* shall be located in accordance with the minimum yard setbacks and lot coverage requirements of Section 11.7.1(d) of this Zoning By-law.
- j) Notwithstanding Section 11.7.1 (i) of this Zoning By-law, an accessory building or structure located on the same lot as a *cannabis production facility* that is used exclusively for security purposes, may be located in any required yard and does not have to comply with the minimum front, side or rear yard setbacks of this Zoning By-law.
- k) Notwithstanding Section 12.1.4 and 12.1.5 of this Zoning By-law, loading areas for a *cannabis production facility* shall be located within a wholly enclosed building in accordance with the minimum yard setbacks of Section 11.7.1(d) of this Zoning By-law and shall be screened by building placement or landscaping screening.
- l) Notwithstanding Section 11.34 of this Zoning By-law, no outdoor signage or advertising for the *cannabis production facility* shall be permitted.

### **11.7.3 Regulations Applying to Outdoor Cannabis Cultivation**

Notwithstanding any other provisions of this Zoning By-law to the contrary, the following additional requirements shall apply to *outdoor cannabis cultivation* where permitted:

- a) Outdoor cannabis cultivation shall be setback a minimum distance separation of 300 metres from a *sensitive land use* in accordance with the requirements of Section 11.7(d) of this Zoning By-law; and,
- b) *Outdoor cannabis cultivation* shall be setback a minimum of 50 metres from the lot lines of the lot on which the cannabis operation is located.

7. **That** Section 11.14 – Home Businesses be amended by adding a new subsection (i) as follows:

“A home business shall not be permitted on a lot with a *Cannabis Production Facility* or *Outdoor Cannabis Cultivation*.”

8. **That** Section 11.15 – Home Industries be amended by adding a new subsection (i) as follows:  
“A home industry shall not be permitted on a lot with a *Cannabis Production Facility* or *Outdoor Cannabis Cultivation*.”
9. **That** Section 12.2.2, ‘Table 12C Non-Residential Parking Space Requirements’ of Zoning By-law 2018-58 is further amended by adding a minimum parking standard for a *cannabis production facility* as follows:

<i>Cannabis production facility</i>	1 space for every 100 sq. m of net floor area
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10. **That** Section 13 of By-law No. 2018-58 as amended, is further amended by deleting the definition for ‘*Adverse Effect*’ and replacing the definition with the following:

“*Adverse Effect*” means as defined in the *Environmental Protection Act*, shall mean one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant or animal life;
- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business.”

11. **That** Section 13 of By-law No. 2018-58 as amended, is further amended by adding the following definitions:

- i) “*Air Treatment Control*” means a mechanical system designed, approved and implemented in accordance with a licence issued by Health Canada for the purposes of controlling emissions and mitigating *adverse effects*. This includes but is not limited to treatment of particulate matter, odour, and noise emissions discharged as a by-product of a cannabis cultivation, production, processing, research or testing use.”
- ii) “*Outdoor Cannabis Cultivation*” means the growing of cannabis in an open air setting, in accordance with the requirements of a cultivation licence as issued by Health Canada in accordance with the Cannabis Regulations SOR/2018-144, to the Cannabis Act, SC 2018, c 16, the Controlled Drugs and Substances Act, SC 1996, c 19 and the Food and Drugs Act, RSC 1985, c F-27, as amended from time to time, or any successors thereto.”

- iii) *“Sensitive Land Use* means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more *adverse effects* from contaminant discharges generated by a nearby major facility. *Sensitive land uses* may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.”

12. **That** Section 13 of By-law No. 2018-58 as amended, is further amended by deleting the definition for ‘*Cannabis Production Facility*’ and replacing it with the following:

**“Cannabis Production Facility:** any building or structure used for cultivation, producing, packaging, testing, processing, destroying, storing or distribution of *cannabis* authorized by a licence issued by Health Canada pursuant to the *Cannabis* Regulations SOR/2018-144, to the *Cannabis* Act, SC 2018, c 16, the Controlled Drugs and Substances Act, SC 1996, c 19 and the Food and Drugs Act, RSC 1985, c F-27, as amended from time to time, or any successors thereto. *Cannabis* processing is permitted only as an agriculture-related use to the primary cultivation function of a *Cannabis Production Facility*.”

13. **That** Section 13 of By-law No. 2018-58 as amended, is further amended by amending the definitions for ‘Greenhouse, commercial’, ‘Greenhouse, farm’ and ‘Warehouse’ by adding the clause “but shall not include a *cannabis production facility*” to the end of each definition as follows:

“Greenhouse, commercial: any premises used for the growing and/or retail sale of flowers, bushes, shrubs, trees, plants and other greenhouse stock, and also includes the incidental sale of such items as fertilizers, pesticides, soil, pots and garden ornaments and may also include greenhouses but shall not include a *cannabis production facility*.”

“Greenhouse, farm: a building used for the growing of flowers, fruits, vegetables, plants, shrubs, trees and other similar agricultural products, under glass, fiberglass or plastic, and other similar materials but shall not include a *cannabis production facility*.”

Warehouse: means a building or part thereof, which is used primarily for the housing, storage, adapting for sale, packaging or wholesale distribution of goods, wares, merchandise, food stuff substances and articles, but does not include a fuel storage tank or a *cannabis production facility*.”

14. **That** subject to notice of the passing of this By-law in accordance with the provisions of Section 34(18) of the Planning Act, this By-law shall come into force and effect on the date of passing by the Council of the Corporation of the Township of Cavan Monaghan where no notice of appeal or objection is received pursuant to the provisions of Section 34(21) of *The Planning Act*, R.S.O.1990, as amended.

Read a first, second, and third time and finally passed this [redacted] day of [redacted], 2021.

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Mayor, Scott McFadden

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Cindy Page, Clerk

Corporate Seal

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