



Regular Council Meeting

To:	Mayor and Council
Date:	January 17, 2021
From:	John F Connolly, Executive Director, Planning & Development
Report Number:	Planning 2022-01
Subject:	Regulating Cannabis in the Township of Cavan Monaghan – Second Public Meeting

Recommendations:

1. That Council review and consider all public and agency verbal and written comments received regarding these applications to date, including this Second Public Meeting;
2. That proposed Official Plan Amendment, Zoning By-law Amendment and Site Plan Control Amendments be presented to Council at a future date for consideration.

Overview:

At its Regular Council meeting of December 20, 2021, Council received a report and held a public meeting to consider all public and agency verbal and written comments received regarding these applications to date. At that time, Council was also made aware that there would be the need for a Second Public Meeting, as previous agency circulation had not met the statutory requirements under the Planning Act.

As a result, Notice of the Official Plan Amendment, Zoning By-law Amendment and Site Plan Control By-law Amendment was circulated, by first class mail, to all required ministries and agencies and to all Township Department Directors. The Notice of the Second Public Meeting was printed in the December 22, 2021 edition of the Peterborough Examiner as well as the January edition of the Millbrook Times.

Notice of this Second Public Meeting has been provided in compliance with Planning Act requirements.

At the time of writing this Report, Staff have received a range of comments that includes the representations made at the December 20, 2021 public meeting. Staff will consider all comments and submissions when bringing the amendments to the Official Plan, Zoning By-law and Site Plan Control at a future date for consideration.

Financial Impact:

No further update at this time, Staff will provide a detailed cost breakdown of the project at a later date as part of the report to Council which will outline costs for the consultant, costs for public notice and any other expenses.

Attachments:

- Attachment No. 1: Presentation: Statutory Public Meeting Proposed Official Plan Amendment and Zoning By-law Amendment Regulating Cannabis in the Township of Cavan Monaghan (dated January 17, 2022 – Meridian Consulting)
- Attachment No. 2: Report Planning 2021-67 dated December 20, 2021
- Attachment No. 3: Draft Official Plan Amendment
- Attachment No. 4: Draft Zoning By-law Amendment
- Attachment No. 5: Draft Site Plan Control By-law Amendment

Respectfully Submitted by,

Reviewed by,

John F. Connolly
Executive Director, Planning & Development

Yvette Hurley
Chief Administrative Officer



Regular Council Meeting

To:	Mayor and Council
Date:	December 20, 2021
From:	John F Connolly, Executive Director, Planning & Development
Report Number:	Planning 2021-67
Subject:	Regulating Cannabis in the Township of Cavan Monaghan

Recommendations:

1. That Council review and consider all public and agency verbal and written comments received regarding these applications;
2. That proposed Official Plan Amendment, Zoning By-law Amendment and Site Plan Control Amendments be presented to Council at a future date for consideration.

Overview:

At its Regular Council meeting of September 20, 2021, Council received a presentation and update from Meridian Consulting (the Consultant) on “Regulating Cannabis in the Township of Cavan Monaghan”. At this meeting, Council also reviewed a technical Addendum to the previous December 2020 Report “Regulating Cannabis in the Township of Cavan Monaghan”. That technical Addendum outlined four (4) Options for Council’s consideration and direction to amend the Official Plan, Zoning By-law and any other planning instruments.

As part of the presentation and discussion at that meeting, Council identified its preferred Option (Option “A”) and directed the Consultant (and Staff) to proceed to hold a public meeting and to bring back to Council for a decision later in 2021. Since that meeting, Staff have been working with the Consultant and legal counsel to develop and refine the proposed amendments to the Official Plan, Zoning By-law and Site Plan Control.

Background:

On July 6, 2020, Township of Cavan Monaghan Council authorized Staff to hire a consultant to review the current Zoning By-law (ZBL) and Official Plan (OP) policies and develop a set of policy, planning tools and amendments utilizing funds from the Cannabis Legalization Implementation Funds (OCLIF). Council agreed that these policies are needed to be amended to respond to private and public interest in this sector.

The municipality continues to receive inquiries of interest regarding the establishment of cannabis related businesses, the local market and the potential of future employment opportunities for consideration. As has been reported earlier, a number of businesses have already secured property and are developing business plans looking to the Township as it works with the Consultant on a package of policy, planning tools and amendments to the ZBL and OP to address cannabis in the municipality.

As the current Township's Official Plan and Zoning By-law do not currently meet Council's direction, certain amendments are required to bring the relevant planning documents into alignment.

Official Plan Amendment

Currently, the Township Official Plan does not contain any policies that provide regulatory guidance or even contemplate establishing cannabis facilities as a land use in the Township. The proposed Official Plan Amendment will apply to all lands in the Township of Cavan Monaghan and will, if approved, permit Cannabis Production Facilities responsibly within the Township.

Through amendments to the General Development Policies that will permit this land use, detailed development criteria will be added in order to establish cannabis production facilities. These facilities will be subject to Site Plan Control and only permitted in certain designations through a Zoning By-law Amendment with established minimum setbacks and separation distances to ensure land use compatibility with adjacent land uses. Criteria will also be added regarding the processing of cannabis as an agriculture-related use.

In addition, subject to a Zoning By-law Amendment, Cannabis Production Facilities will be a permitted use indoor in certain employment areas and outdoor in the Agricultural Areas, Oak Ridge's Moraine (ORM) Prime Agricultural Areas, Rural Areas, ORM Rural Areas, and Rural Employment Areas designations in the Township.

The Official Plan will also be amended to provide a definition of a Cannabis Production Facility, add the requirement for additional studies under a complete application (i.e., Odour Study & Management Plan, Waste Management Plan) and also clarification that agricultural buildings are not exempt from Site Plan Control.

Zoning By-law Amendment

The Township's current Zoning By-law 2018-58, as amended does provide some regulations for cannabis facilities and is only permitted in the Urban Employment Zone (Millbrook Employment Area). As noted above, if the Official Plan is amended to permit cannabis production facilities, the implementing Zoning By-law will also have to be amended to conform to the amended Official Plan.

The Zoning By-law will amend the existing regulation for Cannabis Production Facilities and provide new guidance for Outdoor Cannabis Cultivation. This means that the current provision for as-of-right in Urban Employment Zone will be deleted and only permit a Cannabis Production Facility by Zoning By-law Amendment. This amendment will add "as-of-right" permissions for Outdoor Cannabis Cultivation in the Agricultural,

Rural and ORM Countryside Zones. It will also provide use-specific regulation of how such uses may be established.

Section 11.7 Cannabis Production Facilities will be deleted and replaced with a new set of regulations that address criteria such as:

- licence holder permission;
- other cannabis uses only occur in a wholly enclosed building;
- only permitting new, purpose built buildings;
- lot and setback requirements;
- no outdoor storage;
- parking and loading requirements;
- not permitted with bed and breakfast, agri-tourism, home business, home industry;
- no accessory sale or related products; and
- subject to Site Plan Control.

As a result, through the proposed amendment, indoor Cannabis Production Facilities will only be permitted by amendment to the Zoning By-law and only in the Urban Employment and Rural Employment land use designations in the Official Plan. Outdoor cannabis cultivation will be permitted as-of-right in the Agricultural & Rural Zones as well as the applicable ORM Zones subject to a 300 metre separation distance from sensitive land uses.

Requiring a Zoning By-law Amendment offers the most comprehensive approach to consider and address any issues related to this subject. This will allow the Township to deal with these proposals on a case-by-case basis through the studies and mitigation measures provided. This will also allow the public in the surrounding area to be aware of any applications provide comment and allow Council to make a final decision on the merits of the proposal.

Site Plan Control

As noted above, implementing the direction of Council through this option means that no Official Plan Amendment is required to permit a Cannabis Production Facility in the above noted Official Plan designations. The only planning applications that would be required is a Zoning By-law Amendment and Site Plan Control. This would allow for an appropriate assessment of individual proposals.

The Site Plan Control By-law applies to all lands in the Township of Cavan Monaghan and will have to be amended to ensure consistency with the proposed changes to the zoning. The proposed amendment would provide a definition of a Cannabis Production Facility with a new clause added that would not exempt a cannabis operation from Site Plan Control.

Response to Notice

Notice of the Official Plan Amendment, Zoning By-law Amendment and Site Plan Control By-law Amendment was circulated, by first class mail, to all required ministries and agencies and to all Township Department Directors. The Notice of Public Meeting was printed in the December 1, 2021 edition of the Millbrook Times.

At the time of writing this Report, Staff has received a range of comments over the past several months from “no comment” to an expressed desire to speak to this matter at the public meeting scheduled for December 20, 2021. Based on this, and acknowledgement that the agency circulation was less than 20 days Staff will be holding a second public meeting at its Regular Council meeting of January 17, 2022.

Notice of this second Public Meeting will be provided in compliance with Planning Act requirements.

Financial Impact:

To date, the Township has paid Meridian Consulting an estimated \$28,500 for this project work.

Attachments:

- Attachment No. 1: Presentation: Statutory Public Meeting Proposed Official Plan Amendment and Zoning By-law Amendment Regulating Cannabis in the Township of Cavan Monaghan (dated December 20, 2021 – Meridian Consulting)
- Attachment No. 2: Draft Official Plan Amendment
- Attachment No. 3: Draft Zoning By-law Amendment
- Attachment No. 4: Draft Site Plan Control By-law Amendment

Respectfully Submitted by,

Reviewed by,

John F. Connolly
Executive Director, Planning & Development

Yvette Hurley
Chief Administrative Officer

**Statutory Public Meeting
Proposed Official Plan Amendment
and Zoning By-law Amendment
Regulating Cannabis in the
Township of Cavan Monaghan**

January 17 2022



Introduction

- Over the past year, the Township of Cavan Monaghan has undertaken a study to investigate how cannabis production can be best regulated in the Township.
- The purpose of this study is to provide recommendations for commercially licensed cannabis operations. This study does not address cultivation of cannabis for personal use or cannabis grown for medicinal use as prescribed by a physician.



Planning Process To Date

- Report: “Regulating Cannabis in the Township of Cavan Monaghan” dated December 14, 2020 as presented to Council on December 21, 2020
- Subsequent addendum (September 2021) to the December 2020 Report to consider additional options and provide additional details to the original options considered
- Public Open House on October 18, 2021 to present the findings of the Addendum and to provide a final set of recommendations
- Statutory Public Meeting on December 20, 2021 to present the draft planning documents and to obtain public feedback on those documents



Legislative Context

Federal Cannabis Act, 2018

- The federal government is responsible for administering Canada's cannabis production licensing process. Under the Cannabis Act (2018), a license must be obtained from Health Canada to cultivate, process, package, or conduct research and development relating to legal cannabis, cannabis products or industrial hemp.
- The Federal Act provides that the federal and Provincial governments will share responsibility for the oversight of cannabis operations.

Legislative Context continued

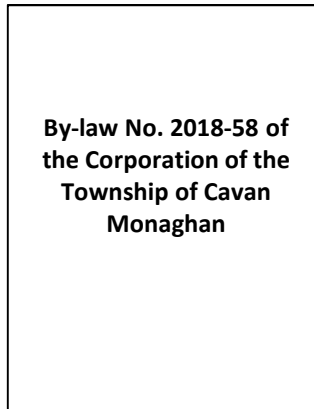
Federal	Provincial	Municipal
<ul style="list-style-type: none"> • Health Canada is responsible for issuing licenses for the production of cannabis (cultivation and processing) • Establishes the division of authority between the federal government and the Province 	<ul style="list-style-type: none"> • Authorize the distribution and retail sale of cannabis • Recognizes outdoor cultivation of cannabis as an agricultural operation subject to the policies of the Provincial Policy Statement and normal farm practices 	<ul style="list-style-type: none"> • Cannabis producers must meet municipal regulations respecting land uses as defined in a municipal Zoning By-Law • License holder must provide written notice to local authorities within 30 days of: <ul style="list-style-type: none"> - issuance of a licence - amendment of a licence - reinstatement of a licence - suspension or revocation of a licence



Legislative Context continued

Township of Cavan Monaghan

- Currently, the Township Official Plan does not contain any policies to provide regulatory guidance for establishing cannabis facilities in the Township.
- The Township's Comprehensive Zoning By-law 2018-58 as amended, provides some zoning regulations for cannabis facilities (Section 11.7). A 'cannabis production facility' is currently permitted in the Urban Employment (M1) Zone (Millbrook Employment Area).



Municipal Tools

- Official Plan, Zoning By-law, Site Plan Control can be relied upon the put in place policies and regulatory requirements at the municipal level to mitigate the impacts of cannabis production. All 3 of these municipal tools work together to effectively guide and regulate the use of land within the Township.
- It is now Council's direction to update the Township's planning documents (Official Plan, Zoning By-law and Site Plan Control By-law) to address the siting of cannabis facilities in a more comprehensive way.



Official Plan Amendment

The Official Plan Amendment will incorporate new policies in the Official Plan to regulate Cannabis Production Facilities and Outdoor Cannabis Cultivation. This includes:

- Definitions for Cannabis Production Facility and Outdoor Cannabis Cultivation;
- Specify in what Official Plan designations such uses will be permitted; and,
- Provide use-specific policies to direct how such uses may be established.



Official Plan - Definitions

- **“*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*.”
- **“*Outdoor Cannabis Cultivation*:** the growing of *cannabis* as an outdoor crop as 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.”



Official Plan - Permissions

Official Plan Land Use Designation	Cannabis Production Facility (1)	Outdoor Cannabis Cultivation (2)
Urban Employment Area (Millbrook)	•	
Rural Employment Area	•	
Agricultural Areas	•	•
Oak Ridges Moraine Prime Agricultural Area	•	•
Rural Areas	•	•
Oak Ridges Moraine Rural Area	•	•

(1) Only permitted subject to a Zoning By-law Amendment

(2) Only permitted subject to a 300 metre minimum separation distance from surrounding sensitive land uses.



Official Plan - Setbacks

Setbacks

- Cannabis Production Facilities and Outdoor Cannabis Cultivation shall maintain a minimum 300 metre minimum separation distance from surrounding sensitive land uses.
- Outdoor cannabis cultivation must be setback a minimum of 50 metres from the lot line of the lot on which the cannabis crop is located.



Official Plan - Policies

Development Criteria

- Mitigation of adverse effects including noise, odour, dust, and light
- No outdoor storage permitted
- Only permitted in new, purpose-built buildings
- Subject to site plan control
- Identified criteria to be considered prior to municipal approval including environmental impacts, servicing, waste management, parking, and traffic
- Identified set of minimum required studies which must accompany a Zoning By-law Amendment application or Site Plan application
- Cannabis processing as an Agriculture-Related Use only



Zoning By-law Amendment

The Zoning By-law Amendment will amend the existing regulations for Cannabis Production Facilities and provide new regulations for Outdoor Cannabis Cultivation. This includes:

- Adding a number of new definitions to the Zoning By-law;
- Deleting the existing as-of-right permission for a Cannabis Production Facility in the Urban Employment Zone;
- Adding as-of-right permissions for Outdoor Cannabis Cultivation to the Agricultural and Rural Zones; and,
- Provide use-specific regulations to direct how such uses may be established.



Zoning By-law Amendment Permitted Uses

- A Cannabis Production Facility is only permitted subject to a Zoning By-law Amendment. Current as-of-right permission for a Cannabis Production Facility will be deleted from the Zoning By-law. Any existing uses will be recognized as a legal non-conforming use.
- Outdoor Cannabis Cultivation will be added as an as-of-right permitted use in the following zones:
 - Agricultural (A) Zone;
 - Rural (RU) Zone; and,
 - Oak Ridges Moraine Countryside (ORMCO) Zone.



Zoning By-law Amendment Use Specific Regulations

Section 11.7 will be deleted in its entirety and replaced with a new set of regulations including:

- Only the uses of a single licence holder permitted on any single lot
- Other than cultivation, all other cannabis uses may only occur in a wholly enclosed building
- Only permitted in new, purpose-built buildings
- Lot and setback requirements
- No outdoor storage
- Minimum parking and loading requirements
- Not permitted on a lot with a bed and breakfast establishment, agri-tourism use, home business or home industry
- No accessory sale of cannabis or related products
- Subject to Site Plan Control



Site Plan Control By-law

- Site Plan Control By-law applies to all lands in the Township
- Required to amend the Site Plan Control By-law to ensure consistency with the zoning
- Amended Site Plan Control By-law specifies that any buildings or structures associated with a cannabis operation are not exempt from Site Plan Control



Next Steps

1. The Township will receive comments on the draft Official Plan Amendment and Draft Zoning By-law Amendment. Any comments can be forwarded to Township Staff.
2. Council adoption of the final Official Plan Amendment, Zoning By-law Amendment and Site Plan Control By-law.
3. The Official Plan Amendment, once adopted by Council will be forwarded to the County of Peterborough for approval.



Comments?

Please forward any comments that you may have to:

John Connolly

Executive Director, Planning & Development

Township of Cavan Monaghan

988 County Road 10

Millbrook, ON L0A 1G0

jconnolly@cavanmonaghan.net

Tel: (705) 932-9329

Cell: (705) 872-7884



Discussion



**AMENDMENT NO. 9
TO THE
OFFICIAL PLAN OF THE
TOWNSHIP OF CAVAN MONAGHAN**

Cannabis Production Facilities

Prepared For:

The Corporation of the Township of Cavan Monaghan

Prepared By:

Meridian Planning Consultants

Final Draft

November 30, 2021

**Certificate
THE CORPORATION OF THE
TOWNSHIP OF CAVAN MONAGHAN**

BY-LAW NO. [REDACTED]-2021

Being a By-law passed pursuant to the provisions of Sections 17, 21 and 22 of the Planning Act, R.S.O. 1990, as amended.

The Council of the Corporation of the Township of Cavan Monaghan, in accordance with the provisions of Sections 17, 21 and 22 of the Planning Act, R.S.O. 1990, as amended, hereby enacts as follows:

1. Amendment No. 9 to the Official Plan of the Township of Cavan Monaghan, consisting of the attached explanatory text is hereby adopted.
2. That the Clerk is hereby authorized and directed to make application to the County of Peterborough for approval of Amendment No. 9 to the Official Plan of the Township of Cavan Monaghan.
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice under Section 17(23) of the Planning Act.
4. This By-law shall come into force and take effect on the day of final passing thereof.

Enacted and passed this [REDACTED] day of [REDACTED], 2021.

Signed: _____
Scott McFadden, Mayor

CORPORATE SEAL OF
MUNICIPALITY

Signed: _____
Cindy Page, Clerk

Certified that the above is a true copy of By-law No. [REDACTED]-2021, as enacted and passed by the Council of the Township of Cavan Monaghan on the [REDACTED] day of [REDACTED], 2021.

Signed: _____
Cindy Page, Clerk

**AMENDMENT NO. 9
OFFICIAL PLAN OF
THE TOWNSHIP OF CAVAN MONAGHAN**

The attached explanatory text constituting Amendment No. 9 to the Official Plan of the Township of Cavan Monaghan, was prepared by the Council of the Township of Cavan Monaghan and was adopted by the Council of the Township of Cavan Monaghan by By-law No. 3015-2021 in accordance with the provisions of Sections 17, 21 and 22 of the Planning Act, R.S.O. 1990, on the [redacted] day of [redacted], 2021.

Signed: _____
Scott McFadden, Mayor

CORPORATE SEAL OF
MUNICIPALITY

Signed: _____
Cindy Page, Clerk

Signed: _____
Yvette Hurley, CAO

This amendment to the Official Plan of the Township of Cavan Monaghan, which has been adopted by the Council of the Township of Cavan Monaghan, is hereby approved in accordance with the provisions of Sections 17, 21 and 22 of the Planning Act, R.S.O. 1990 as Amendment No. 9 to the Official Plan of the Township of Cavan Monaghan.

Date

County of Peterborough

**AMENDMENT NO.9
TO THE
OFFICIAL PLAN OF
THE TOWNSHIP OF CAVAN MONAGHAN**

TABLE OF CONTENTS

INTRODUCTION	1
STATEMENT OF COMPONENTS.....	1
PART "A" -- THE PREAMBLE.....	2
1.0 PURPOSE OF THE AMENDMENT.....	2
2.0 BASIS OF THE AMENDMENT.....	3
PART "B" -- THE AMENDMENT.....	3
1.0 INTRODUCTORY STATEMENT	3
2.0 DETAILS OF THE AMENDMENT.....	4
3.0 IMPLEMENTATION AND INTERPRETATION	12
PART "C" -- THE APPENDICES.....	13

DRAFT

**AMENDMENT NO. 9
TO THE
OFFICIAL PLAN OF
THE TOWNSHIP OF CAVAN MONAGHAN**

INTRODUCTION

STATEMENT OF COMPONENTS

- PART "A" THE PREAMBLE does not constitute part of this Amendment.
- PART "B" THE AMENDMENT, consisting of the following text constitutes Amendment No. 9 to the Official Plan of the Township of Cavan Monaghan.
- PART "C" THE APPENDICES do not constitute part of Amendment No. 9 to the Official Plan of the Township of Cavan Monaghan, and contain background information and public and agency comments pertaining to the Amendment as well as the draft implementing Zoning By-law Amendment.

PART "A" -- THE PREAMBLE

1.0 PURPOSE OF THE AMENDMENT

The Township of Cavan Monaghan Official Plan currently does not contemplate Cannabis Production Facilities as a land use. As such, an amendment to the Official Plan is necessary to permit Cannabis Production Facilities responsibly in the Township, as well as to ensure that the implementing Zoning By-law conforms to the Township of Cavan Monaghan Official Plan and the County of Peterborough Official Plan. Therefore, the purpose of Amendment No. 9 to the Township of Cavan Monaghan Official Plan is to:

1. Amend Section 3 'General Development Policies' by adding a new Section '3.28 Cannabis Production Facilities' to provide more detailed development criteria for a 'Cannabis Production Facility' including the requirement that Cannabis Production Facilities be subject to Site Plan Control, that Cannabis Production Facilities only be permitted by Zoning By-law Amendment, providing minimum setbacks and separation distances to facilitate compatibility between land uses, and adding criteria for the processing of cannabis as an agriculture-related use;
2. Amend Section 4.6.2(a) 'Employment Areas Permitted Uses' to permit Cannabis Production Facilities subject to a Zoning By-law Amendment and provided that such use satisfies the Official Plan criteria and zoning requirements of the Township Zoning By-law to permit such a use;
3. Amend Section 5.1.2 Agricultural Areas Permitted Uses to permit outdoor cannabis cultivation and to further permit Cannabis Production Facilities subject to a Zoning By-law Amendment subject to a Zoning By-law Amendment and provided that such use satisfies the Official Plan criteria and zoning requirements of the Township Zoning By-law to permit such a use;
4. Amend Section 5.1.5.1 ORM Prime Agricultural Permitted Uses to permit outdoor cannabis cultivation and to further permit Cannabis Production Facilities subject to a Zoning By-law Amendment subject to a Zoning By-law Amendment and provided that such use satisfies the Official Plan criteria and zoning requirements of the Township Zoning By-law to permit such a use;
5. Amend Section 5.2.2 Rural Areas Permitted Uses to permit outdoor cannabis cultivation and to further permit Cannabis Production Facilities subject to a Zoning By-law Amendment subject to a Zoning By-law Amendment and provided that such use satisfies the Official Plan criteria and zoning requirements of the Township Zoning By-law to permit such a use;

6. Amend Section 5.2.4.1 ORM Rural Areas Permitted Uses to permit outdoor cannabis cultivation and to further permit Cannabis Production Facilities subject to a Zoning By-law Amendment subject to a Zoning By-law Amendment and provided that such use satisfies the Official Plan criteria and zoning requirements of the Township Zoning By-law to permit such a use;
7. Amend Section 5.4.2 Rural Employment Areas Permitted Uses to permit Cannabis Production Facilities subject to a Zoning By-law Amendment and provided that such use satisfies the Official Plan criteria and zoning requirements of the Township Zoning By-law to permit such a use;
8. Amend Section 8.4 Complete Application by adding requirements for Cannabis Production Facilities to Subsections (xiii) and (xiv) and by adding two additional studies to the list of studies that may be required as part of a complete application: (xviii) an Odour Study and Management Plan; and (xix) a Waste Management Plan;
9. Amend Section 8.7 Site Plan Control to add the requirement that agricultural buildings and structures used in conjunction with a Cannabis Production Facility are not exempt from Site Plan Control; and,
10. Amend Appendix 1 of the Official Plan by providing definitions for Cannabis, Cannabis Production Facility, and Outdoor Cannabis Cultivation.

These amendments apply to the entirety of the Township of Cavan Monaghan.

2.0 BASIS OF THE AMENDMENT

Currently, the Township Official Plan does not contemplate Cannabis Production Facilities as a land use. Consequently, many of the policies governing land use within various land use designations indirectly permit Cannabis Production Facilities. The Official Plan Amendment contained herein, will provide clarity to municipal planners, prospective developers and the public regarding the appropriate location and site development requirements for Cannabis Production Facilities in the Township.

PART "B" -- THE AMENDMENT

1.0 INTRODUCTORY STATEMENT

All of this part of the document entitled PART "B" -- THE AMENDMENT, consisting of the following text, constitutes Amendment No. 9 to the Official Plan of the Township of Cavan Monaghan.

2.0 DETAILS OF THE AMENDMENT

The Official Plan of the Township of Cavan Monaghan is hereby amended as follows:

1. Section 3 ‘General Development Policies’ is hereby amended by adding a new ‘Section 3.28 Cannabis Production Facilities And Outdoor Cannabis Cultivation’ which reads as follows:

“Section 3.28 Cannabis Production Facilities And Outdoor Cannabis Cultivation

Where a *Cannabis Production Facility* or *outdoor cannabis cultivation* is permitted, such uses shall only be permitted in accordance with the requirements of this Section and any other applicable policies of this Official Plan.

3.28.1 Development Criteria

Where permitted, all *Cannabis Production Facilities*, *Outdoor Cannabis Cultivation*, and any associated agriculture-related uses shall be subject to the following:

- a) All *Cannabis Production Facilities* shall be designed and sited to mitigate any adverse effects on surrounding land uses and to blend in with the rural character of the surrounding area. This includes the mitigation of any noise, dust or odour impacts that may impede the enjoyment, privacy or function of neighbouring land uses;
- b) Buffering and screening shall be provided to mitigate any adverse effects on surrounding land uses;
- c) All *Cannabis Production Facilities* shall demonstrate dark sky friendly lighting and building design;
- d) No outdoor storage is permitted in association with a *Cannabis Production Facility* or any associated agriculture-related use thereto;
- e) Notwithstanding Section 8.7(a)(iii) of this Official Plan, all *Cannabis Production Facilities* shall be subject to Site Plan Control;
- f) *Cannabis Production Facilities* shall only be permitted through express permission in a site specific Zoning By-law Amendment and may only be permitted in new, purpose-built facilities. Any retrofit or use of existing agricultural buildings or structures is prohibited;

- g) Prior to approving an application for a Zoning By-law Amendment or Site Plan Application, Council shall be satisfied that:
- i) there will be no adverse effect on the quality and quantity of groundwater and surface water, natural heritage features, hydrologic features or that the *Cannabis Production Facility* would otherwise pose a negative impact on the ecological health of the watershed;
 - ii) the proposed *Cannabis Production Facility* can appropriately be serviced giving consideration to both the quality and quantity of water supply and effluent generated;
 - iii) stormwater requirements can be managed on-site;
 - iv) waste management facilities can be provided on-site as demonstrated by a Waste Management Plan including but not limited to the location, storage, processing, and loading facilities for haulage of waste by-products from the site;
 - v) adequate parking and loading facilities and associated site circulation are provided on the lot; and,
 - vi) the proposed use will not cause any traffic hazards or any unacceptable impacts on surrounding roads.
- h) Section 8.4(e) of this Official Plan shall apply to any Zoning By-law Amendment or Site Plan application submitted in support of a proposed *Cannabis Production Facility*. Any of the studies identified in Section 8.4(e) may be required as part of a complete application including at a minimum, the following required studies:
- i) Land Use Compatibility Study;
 - ii) Hydrogeological Study where the proposed use would be on private services;
 - iii) Servicing Study where the proposed use would be on municipal services;
 - iv) Stormwater Management Study and Plan;
 - v) Odour Study and Management Plan; and,
 - vi) Waste Management Plan

3.28.2 Cannabis Production Facility and Outdoor Cannabis Cultivation Setbacks

In achieving compatibility between land uses, the avoidance of adverse effects is the preferred first principle. However, if avoidance is not possible, adverse effects must be minimized to the greatest degree possible and appropriately mitigated. One means of achieving this is through minimum required setbacks and minimum separation distances between land uses. In this regard, Cannabis Production Facilities and outdoor cannabis cultivation shall be sited in accordance with the following:

- a) *Cannabis Production Facilities* and/or an associated agriculture-related use shall maintain a minimum separation distance of 300 metres from any surrounding sensitive land uses or an alternate distance as determined by a Land Use Compatibility Study to the satisfaction of the Township;
- b) The setback guidelines established in sub-section a) will be considered during the review of an application and can be lower or higher, depending on:
 - i) Whether the Cannabis Production Facility is within a greenhouse or in a wholly enclosed building;
 - ii) The size and scale of the proposed Cannabis Production Facility;
 - iii) The proximity and number of sensitive uses in the area including the potential for additional sensitive uses on vacant lots that are zoned to permit a sensitive use;
 - iv) The location of the proposed Cannabis Production Facility in relation to prevailing winds;
 - v) The nature of the adverse effects that exist at the time in relation to existing cannabis cultivation facilities; and
 - vi) The impact of topography on the dispersion of odour;
- c) *Outdoor Cannabis Cultivation* shall maintain a minimum separation distance of 300 metres from any surrounding sensitive land uses and is required to be set back a minimum of 50 metres from all lot lines for the lot on which the outdoor cannabis crop is located.

3.28.3 Cannabis Processing As An Agriculture-Related Use

The processing of *cannabis*, as a value-added component of a *Cannabis Production Facility* and as licenced by Health Canada, may only be permitted as an agriculture-related use subject to Site Plan Control provided:

- a) *Cannabis* processing occurs only in conjunction with a *Cannabis Production Facility* where such processing is subordinate to the primary use of the lot for the cultivation of cannabis;
 - b) *Cannabis* processing, where permitted as an agriculture-related use, is subject to the requirements of Section 3.28.1 above; and,
 - c) In order for *cannabis* processing to be permitted as an agriculture-related use on the same lot as the primary Cannabis Production Facility, it must be demonstrated that the proposed agriculture-related use satisfies all of the criteria below:
 - i) Is compatible with and does not hinder surrounding agricultural operations;
 - ii) Is directly related to farm operations in the area;
 - iii) Supports agriculture;
 - iv) Provides direct products and/or services to farm operations as a primary activity; and,
 - v) Benefits from being in close proximity to farm operations.
2. Section 4.6.2(a) (Urban Employment Permitted Uses) is hereby amended by adding a new subsection (v) as follows:
- “a) Permitted uses in Urban Employment Areas include the following:
- v) A *Cannabis Production Facility* may be permitted subject to all applicable Official Plan policies and subject to a Zoning By-law Amendment to permit such use. A *Cannabis Production Facility* is only permitted within a fully enclosed building. Notwithstanding Section 4.6.2(a)(iii) and Section 4.6.3(d) of the Official Plan, no outdoor storage shall be permitted in conjunction with a *Cannabis Production Facility*.”
3. Section 5.1.2 (Agricultural Areas Permitted Uses) is hereby amended by adding a new subsection (n) and (o) as follows:

“The primary use of land in the Agricultural designation shall be agricultural uses as defined by the Provincial Policy Statement. Additional permitted uses are limited to:

- n) *Outdoor Cannabis Cultivation* subject to a minimum separation distance of 300 metres from surrounding sensitive land uses. Notwithstanding Section 5.1.2(d) or Section 5.1.4(b) of the Official Plan, *Outdoor Cannabis Cultivation* shall not be permitted as or on a lot containing a home-based industry. Notwithstanding Section 5.1.4(c) or Section 5.1.2(e) of the Official Plan, *Outdoor Cannabis Cultivation* shall not be permitted on a lot containing a farm-related commercial tourism establishment.”
 - o) A *Cannabis Production Facility* subject to a Zoning By-law Amendment provided a minimum separation distance of 300 metres from surrounding sensitive land uses or a distance as determined by a land use compatibility study is maintained as required by Section 3.12 and 3.28.1 of this Official Plan. Notwithstanding Section 5.1.2(d) or Section 5.1.4(b) of the Official Plan, a *Cannabis Production Facility* shall not be permitted as, or on a lot containing a home-based industry. Notwithstanding Section 5.1.4(c) or Section 5.1.2(e) of the Official Plan, a *Cannabis Production Facility* shall not be permitted on a lot containing a farm-related commercial tourism establishment.”
4. Section 5.1.5.1 (ORM Prime Agricultural Permitted Uses) is hereby amended by adding new subsections (b) and (c) and subsequently renumbering the remaining subsections. The new subsection (b) and (c) shall read as follows:

“Notwithstanding the uses permitted in the Agricultural designation, the following uses are permitted in the ORM – Prime Agricultural designation.

- b) *Outdoor Cannabis Cultivation* subject to a minimum separation distance of 300 metres from surrounding sensitive land uses. Notwithstanding Section 5.1.5.1(h) and Section 5.1.5.1(i) of the Official Plan, *Outdoor Cannabis Cultivation* shall not be permitted as, or on a lot containing, a home-based business or a home-based industry. Notwithstanding Section 5.1.5.1(j) and Section 5.1.5.1(k) of the Official Plan, *Outdoor Cannabis Cultivation* shall not be permitted on a lot containing a *bed and breakfast establishment* nor a *farm vacation home*.”
- c) A *Cannabis Production Facility* subject to a Zoning By-law Amendment provided a minimum separation distance of 300 metres from surrounding sensitive land uses or a distance as determined by a land use compatibility study is maintained as required by Section 3.12 and 3.28.1 of this Official Plan. Notwithstanding Section 5.1.5.1(h) and Section 5.1.5.1(i) of the Official Plan, a *cannabis production facility* shall not be permitted as, or on a lot containing, a *home-based business* or a *home-based industry*. Notwithstanding Section

5.1.5.1(j) and Section 5.1.5.1(k) of the Official Plan, *outdoor cannabis cultivation* shall not be permitted on a lot containing a *bed and breakfast establishment* nor a *farm vacation home*.”

5. Section 5.2.2 (Rural Areas Permitted Uses) is hereby amended by adding a new subsection (g) and (h) as follows:

“The predominant use of land within the Rural designation shall include all agricultural uses outlined in Section 5.1.2 of this Plan. Limited residential uses, recreational uses and small-scale commercial or industrial uses such as the following are also permitted:

- h) *Outdoor Cannabis Cultivation* subject to a minimum separation distance of 300 metres from surrounding sensitive land uses. Notwithstanding Section 5.2.2 (b) of the Official Plan *Outdoor Cannabis Cultivation* shall not be permitted as, or on a lot containing, a home-based business. Notwithstanding Section 5.2.2 (e) of the Official Plan, *Outdoor Cannabis Cultivation* shall not be permitted on a lot containing a bed and breakfast establishment nor any accommodation use catering to tourists and travellers.”
- g) A *Cannabis Production Facility* subject to a Zoning By-law Amendment provided a minimum separation distance of 300 metres from surrounding sensitive land uses or a distance as determined by a land use compatibility study is maintained as required by Section 3.12 and 3.28.1 of this Official Plan. Notwithstanding Section 5.2.2 (b) of the Official Plan a *Cannabis Production Facility* shall not be permitted as, or on a lot containing, a home-based business. Notwithstanding Section 5.2.2 (e) of the Official Plan, a *Cannabis Production Facility* shall not be permitted on a lot containing a bed and breakfast establishment nor any accommodation use catering to tourists and travellers.”

6. Section 5.2.4.1 (ORM Rural Areas Permitted Uses) is hereby amended by adding a new subsection (g) and (h) as follows:

“In addition to the uses permitted in the ORM – Prime Agricultural designation, the following uses are permitted in ORM – Rural designation subject to Part III and IV of the Oak Ridges Moraine Conservation Plan.

- g) *Outdoor Cannabis Cultivation* subject to a minimum separation distance of 300 metres from surrounding sensitive land uses. Notwithstanding Section 5.2.5.1(a) of the Official Plan, *Outdoor Cannabis Cultivation* shall not be

permitted on a lot containing an agriculturally-related commercial use offering accommodations or catering to tourists and travellers.”

- h) A *Cannabis Production Facility* subject to a Zoning By-law Amendment provided a minimum separation distance of 300 metres from surrounding sensitive land uses or a distance as determined by a land use compatibility study is maintained as required by Section 3.12 and 3.28.1 of this Official Plan. Notwithstanding Section 5.2.5.1(a) of the Official Plan, a *Cannabis Production Facility* shall not be permitted on a lot containing an agriculturally-related commercial use offering accommodations or catering to tourists and travellers.”

- 7. Section 5.4.2 (Rural Employment Areas Permitted Uses) is hereby amended by adding a new paragraph and inserting this paragraph as a the second paragraph as follows:

“A *Cannabis Production Facility* may be permitted subject to all applicable Official Plan policies and subject to a Zoning By-law Amendment to permit such use. A *Cannabis Production Facility* is only permitted within a fully enclosed building. Notwithstanding any other policy of the Official Plan, no outdoor storage shall be permitted in conjunction with a *Cannabis Production Facility*.”

- 8. Section 8.4(e) (Complete Application) is hereby amended by adding the following additional second paragraph to Subsection (xiii):

“e) The supplementary information requirements may include, but shall not be limited, to the following reports or studies. The description of such study or report is intended to be general and not exhaustive:

- xiii) The requirements for a Land Use Compatibility Study shall also apply to the siting of a new or expanding *Cannabis Production Facility* and/or the establishment of sensitive land uses in proximity of any existing *Cannabis Production Facility*. Any such assessment shall include at a minimum: 1) an assessment of lighting, noise, dust and odour impacts; 2) mitigation measures proposed; and 3) determination of an appropriate separation distance between the *Cannabis Production Facility* and surrounding sensitive land uses.”

- 9. Section 8.4(e) (Complete Application) is hereby amended by amending Subsection (xiv) by including a *Cannabis Production Facility* in the final line as follows:

- “xiv) Noise Impact and Vibration Study - The intent of this study is to identify noise and vibration impacts and mitigation requirements proposed for development involving sensitive land uses that are adjacent to or in proximity to an airport, highway, arterial road, industrial use, *Cannabis Production Facility*, or railway;

10. Section 8.4 (Complete Application), is hereby amended by adding the following additional studies to Subsection (e):

- “e) The supplementary information requirements may include, but shall not be limited, to the following reports or studies. The description of such study or report is intended to be general and not exhaustive:

- xviii) Odour Study & Management Plan –The purpose of an Odour Study and Management Plan is to assess the odour impacts and mitigation measures of a proposed *Cannabis Production Facility*, any associated agriculture-related use, or any expansion thereto.

- xix) Waste Management Plan – A Waste Management Plan shall provide information on the waste by-products and effluent generated as a result of a *Cannabis Production Facility* along with a management plan for how such waste will be treated and stored on the lot before being disposed and/or hauled away.”

11. Section 8.7 (Site Plan Control), is hereby amended by revising subsection (a)(iii) and adding a new sentence at the end of the paragraph as follows:

- “a) Pursuant to the Planning Act, the Township designates all of the land within the Township boundary as outlined on Schedule A as a Site Plan Control Area. All development shall be subject to Site Plan Control, with the following exceptions:

- iii) Any permitted agricultural buildings or structures that are used for farming operations and which by their nature do not directly serve the public and/or do not charge public fees, except a building used only for agricultural uses. Agricultural buildings or structures associated with a *Cannabis Production Facility* shall not be exempt from site plan control;”

12. Section 8.7 (Site Plan Control), is hereby amended by revising subsection (b) by adding a new sentence at the end of the paragraph as follows:

- “b) Notwithstanding the above agricultural buildings or structures and residential buildings containing less than three dwelling units may be subject to site plan control for the purposes of implementing requirements from an Environmental Impact Study, a cultural heritage evaluation, a natural heritage evaluation or a hydrological evaluation. Agricultural buildings and structures used in association with a *Cannabis Production Facility* shall be subject to site plan control;

13. Appendix 1 is hereby amended by adding the following definitions:

“***Cannabis***: a genus of flowering plants in the family Cannabaceae. Synonyms include but are not limited to marijuana, and marihuana. This definition does not include the industrial or agricultural production of hemp (a source of foodstuffs (hemp milk, hemp seed, hemp oil), fiber and biofuels).”

“***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*.”

“***Outdoor Cannabis Cultivation***: the growing of *cannabis* as an outdoor crop as 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.”

3.0 IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of Official Plan Amendment No. 9 shall be in accordance with the respective policies of the Official Plan of the Township of Cavan Monaghan.

PART "C" -- THE APPENDICES

The following appendices do not constitute part of Official Plan Amendment No. 9, but are included as information supporting the Amendment.

- **Appendix No. 1 - Zoning By-law Amendment**
- **Appendix No. 2 – Public Comments**

DRAFT

**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
-------------------------------------	---

- 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.

Mayor, Scott McFadden

Cindy Page, Clerk

Corporate Seal

DRAFT

**THE CORPORATION OF THE TOWNSHIP OF
CAVAN MONAGHAN**

BY-LAW NO. 2021-

BEING A BY-LAW TO AMEND THE TOWNSHIP OF CAVAN MONAGHAN SITE PLAN CONTROL BY-LAW 2007-20.

WHEREAS under the provisions of Section 41 of the Planning Act, R.S.O., 1990, as amended, authority is granted to Councils of Municipalities to designate a site plan control area, where an Official Plan is in effect; and

AND WHEREAS the Official Plan for the Township of Cavan Monaghan designates that site plan control shall apply to all lands within the Township of Cavan Monaghan;

AND WHEREAS Section 41 of the Planning Act provides that no person shall undertake any development in an area designated under a by-law passed under that section without first having received approval;

THEREFORE the Council of the Township of Cavan Monaghan, pursuant to Section 41 of the Planning Act, enacts as follows:

1. In this By-law:
 - (a) Cannabis Production Facility: any land, 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*.

2. Section 2 (a) of By-law 2007-20 shall be amended by adding a new clause to the end of the paragraph as follows:
 - "2. The provisions of this By-law shall apply to all lands within the limits of the Corporation except for the following:
 - (a) all farm buildings save and except for those buildings and structures used for intensive livestock operations, the sale of agricultural goods or agricultural related goods and services which are made available to the general public at the site, agricultural buildings

located on the Oak Ridges Moraine, and buildings and structures used in association with a cannabis production facility or any associated agriculture-related use thereto;”

3. This By-law comes into force and effect on the date it is enacted by Council.

Read a FIRST, SECOND, THIRD TIME and FINALLY passed this [redacted] day of [redacted], 2021.

CORPORATE SEAL OF
MUNICIPALITY

Signed: _____

Scott McFadden, Mayor

Signed: _____

Cindy Page, Clerk