

**CANNABIS PRODUCTION & PROCESSING
ZONING BY-LAW AMENDMENT
TOWNSHIP OF BROCK**

**March 2021
File No. 01-2020-PL**

NOTICE OF THE PASSING

**OF A ZONING BY-LAW BY THE
CORPORATION OF THE TOWNSHIP OF BROCK**

TAKE NOTICE that the Council of the Corporation of the Township of Brock passed By-law No. 3014-2021 on the 22nd day of March, 2021, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, as amended. All written/oral submissions made in respect of this application were considered by Council as contained within the staff report/resolution.

AND TAKE NOTICE that any person or agency who, **before the by-law was enacted, made oral submissions at a public meeting or written submissions to Council**, may appeal to the Local Planning Appeal Tribunal (LPAT) in respect of the By-law by filing with the Clerk of the Corporation of the Township of Brock not later than **4 p.m. on the 20th day of April, 2021** a notice of appeal on the prescribed form available in the office of the Clerk or from the LPAT website at www.elto.gov.on.ca together with a certified cheque in the amount of \$300.00 payable to the Minister of Finance.

The grounds for an appeal are restricted to: a) inconsistency with a Provincial Policy Statement; b) fails to conform with or conflicts with a Provincial Plan; or c) fails to conform with an applicable Official Plan. A notice of appeal must explain how the by-law is inconsistent with a Provincial Policy Statement, fails to conform with or conflicts with a Provincial Plan, or fails to conform with an applicable Official Plan.

PLEASE NOTE that only individuals, corporations and public bodies may appeal a zoning by-law to the LPAT. 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 LPAT, there are reasonable grounds to add the person or public body as a party. Additional information regarding public participation at LPAT, is available through the LPAT Support Centre at 1-866-448-2248.

An explanation of the purpose and effect of the By-law is attached.

The complete By-law is available in the office of the Clerk during regular office hours (8:30 a.m. – 4:30 p.m.) and on the Township website: www.townshipofbrock.ca.

Dated at the Corporation of the Township of Brock this 31st day of March, 2021.

Clerk's Department
clerks@brock.ca
P.O. Box 10, Cannington, Ontario, L0E 1E0
705-432-2355 (Telephone), 705-432-3487 (Fax)

EXPLANATORY NOTE

**TO ZONING BY-LAW NO. 3014-2021 PASSED
BY THE COUNCIL OF THE CORPORATION
OF THE TOWNSHIP OF BROCK**

LANDS AFFECTED: This By-law applies to the entirety of the Township of Brock.

PRESENT ZONING: N/A

PROPOSED ZONING: N/A

PURPOSE & EFFECT: The purpose and effect of By-law Number 3014-2021 is to amend Restricted Area By-law Number 287-78 PL of the Corporation of the Township of Brock as follows:

1. To include the following new definitions: “adverse effect”, “air treatment control”, “cannabis”, “cannabis production and processing facility”, “medical cannabis production site”, and “sensitive land use” in relation to the establishment of cannabis production and processing as a permitted land use within the Township of Brock.
2. To delete and replace in the following definitions: “farm”, “home industry”, “home occupation”, “manufacturing, processing, assembling or fabricating plant”, “warehouse”, and “wholesale establishment” to ensure that these definitions exclude cannabis production and processing.
3. To add “cannabis production and processing facility” and “medical cannabis production site” to Plate “B”, entitled “Permitted Uses and Activities in General Zone Categories”.
4. To permit a “cannabis production and processing facility” in the Rural (RU) Zone, Restricted Industrial (M1) Zone, the General Industrial (M2) Zone, and the Rural Industrial (M3) Zone and to include a letter “v” to reference a subsection of Section 6 of the Zoning By-law.
5. To permit a “medical cannabis production site” in the Rural (RU) Zone, Restricted Industrial (M1) Zone, the General Industrial (M2) Zone, and the Rural Industrial (M3) Zone and to include a letter “w” to reference a subsection of Section 6 of the Zoning By-law.
6. To add a new subsection “10.37 Cannabis Production” to Section 10, entitled ‘General Provisions’ with regulations specific to cannabis cultivation and processing including required setbacks from certain zones and sensitive land uses. Larger setbacks are required when cannabis production and processing does not include air treatment control. This new subsection also contains regulations specific to buildings or structures for security purposes and open storage and requires that all cannabis production and processing be subject to Site Plan Control.

**The following is a copy of
Zoning By-law No. 3014-2021 of the
Corporation of the Township of Brock**

ZONING BY-LAW NUMBER 3014-2021
OF THE
CORPORATION OF THE TOWNSHIP OF BROCK

BEING A BY-LAW UNDER THE PROVISIONS OF SECTION 34 OF THE *PLANNING ACT*, R.S.O., 1990, AS AMENDED, TO AMEND BY-LAW NUMBER 287-78-PL, AS OTHERWISE AMENDED, OF THE CORPORATION OF THE TOWNSHIP OF BROCK, REGION OF DURHAM, WITH RESPECT TO CANNABIS PRODUCTION AND PROCESSING.

WHEREAS By-law No. 287-78-PL was passed under the authority of Section 34 of the Planning Act, R.S.O. 1990, c P.13, as amended, and regulates the use of land and the use and erection of buildings and structures within the Township of Brock;

AND WHEREAS the Council of the Corporation of the Township of Brock conducted a public meeting on the 15th day of March, 2021, pursuant to Section 34 (12) of the *Planning Act*, R.S.O. 1990, as amended;

AND WHEREAS Section 34 of the Planning Act, R.S.O. 1990, as amended, permits Council to pass an amending Zoning By-law, and the Council of the Township of Brock deems it advisable to amend By-law No. 287-78-PL with respect to Cannabis Production and Processing;

AND WHEREAS the By-law hereinafter set out is in conformity with the approved Official Plans for the Regional Municipality of Durham and the Township of Brock;

NOW THEREFORE the Council of the Corporation of the Township of Brock **ENACTS** as follows:

1. **THAT** Section 11 of By-law No. 287-78-PL, as amended, entitled “Definitions” is hereby amended with the addition of the following terms (subsections), ordered appropriately, which shall read as follows:

“**ADVERSE EFFECT** 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.”

“**AIR TREATMENT CONTROL** shall mean a mechanical system designed, approved and implemented in accordance with a license 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 production and processing facility* or a *medical cannabis production site*.”

“**CANNABIS** shall mean 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 AND PROCESSING FACILITY** shall mean lands, buildings or structures used for growing, producing, processing, testing, destroying, packaging and/or shipping of *cannabis* authorized by an issued license or registration by the Federal Minister of Health, 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.”

“**MEDICAL CANNABIS PRODUCTION SITE**” shall mean the use of any land, buildings or structures for the purpose of producing, processing, testing, destroying, packaging and/or shipping of *cannabis* which is authorized by registration of a designated person by the Federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.”

“**SENSITIVE LAND USE**: Shall mean 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.”

2. **THAT** Section 11 of By-law No. 287-78-PL, as amended, entitled “Definitions” is hereby amended by deleting and replacing subsection 11.60 FARM, which shall read as follows:

“**11.60 FARM**: Shall mean any farming or agricultural use and includes berry or bush crops; breeding, raising or training horses or cattle; farms for grazing; flower gardening; field crops; goat or cattle dairies; growing, raising, picking, treating and storing of vegetable or fruit produce produced on the premises; mushroom farms; nurseries, orchards, riding stables; the raising of sheep or goats; the raising of swine, tree crops; market gardening; wood lots; such uses or enterprises as are customarily carried on in the field of general agriculture. “FARM” shall include a single-family dwelling house, buildings and structures, such as barns, silos, biogas digestion system, and accessory buildings, which are incidental to the operation of the farm, **but shall not include** a slaughterhouse; commercial greenhouses, farms devoted to the intensive hatching raising and marketing of chickens, turkeys; other fowl or game birds; fur-bearing animals including game farms which specialize in the raising of wild and undomesticated animals; fish, frogs or bees; a *cannabis production and processing facility* or a *medical cannabis production site*. Barns and silos, for the purposes of this By-law, shall be considered as principal or main buildings or structures on the lot in which they are located”.

3. **THAT** Section 11 of By-law No. 287-78-PL, as amended, entitled “Definitions” is hereby amended by deleting and replacing subsection 11.80 HOME INDUSTRY, which shall read as follows:

“**11.80 (b) HOME INDUSTRY**: Shall mean a small scale industry which is carried on in accordance with the provisions of this By-law as an accessory use in a building accessory to the principal residence use of the property, but shall not include a *cannabis production*

and processing facility or a medical cannabis production site.

4. **THAT** Section 11 of By-law No. 287-78-PL, as amended, entitled “Definitions” is hereby amended by deleting and replacing subsection 11.82 HOME OCCUPATION, which shall read as follows:

“11.82 HOME OCCUPATION: Shall mean any occupation which is carried on, in accordance with the provisions of this By-law relative thereto, as an accessory use and only by members of one family residing on the premises, but shall not include a *cannabis production and processing facility or a medical cannabis production site*”.

5. **THAT** Section 11 of By-law No. 287-78-PL, as amended, entitled “Definitions” is hereby amended by deleting and replacing subsection 11.102 MANUFACTURING, PROCESSING, ASSEMBLING OR FABRICATING PLANT, which shall read as follows:

“11.102 MANUFACTURING, PROCESSING, ASSEMBLING OR FABRICATING PLANT: Shall mean a plant in which the process of producing a product suitable for use, by hand or mechanical power and machinery, is carried on systematically with division of labour, but shall not include a *cannabis production and processing facility or a medical cannabis production site*”.

6. **THAT** Section 11 of By-law No. 287-78-PL, as amended, entitled “Definitions” is hereby amended by deleting and replacing subsection 11.191 WAREHOUSE, which shall read as follows:

“11.191 WAREHOUSE: Shall mean a building or part of a building used for the storage and distribution of goods, wares, merchandise, substances, articles or things, and may include facilities for a wholesale or retail commercial outlet, but shall not include a truck terminal or a *cannabis production and processing facility or a medical cannabis production site*”.

7. **THAT** Section 11 of By-law No. 287-78-PL, as amended, entitled “Definitions” is hereby amended by deleting and replacing subsection 11.199 WHOLESALE ESTABLISHMENT, which shall read as follows:

“11.199 WHOLESALE ESTABLISHMENT: Shall mean the use of land or the occupancy of a building and/or structure, for the purposes of selling, and/or offering for sale, goods, wares and/or merchandise on a wholesale basis, and includes the storage or warehousing of those goods, wares and/or merchandise but shall not include a *cannabis production and processing facility or a medical cannabis production site*”.

8. **THAT** Plate “B” of By-law No. 287-78-PL, as amended, entitled “Permitted Uses and Activities in General Zone Categories” is hereby amended by adding the non-residential use “*Cannabis Production and Processing Facility*” and re-ordering the non-residential uses appropriately.

9. **THAT** Plate “B” of By-law No. 287-78-PL, as amended, entitled “Permitted Uses and Activities in General Zone Categories” is hereby amended by permitting “*Cannabis Production and Processing Facility*” within the Rural (RU) Zone, Restricted Industrial (M1) Zone, the General Industrial (M2) Zone; and Rural Industrial (M3) Zone (columns 5, 21, 22, and 23). A letter “(v)” shall be included with the dot indicating “*Cannabis*

Production and Processing Facility” as a permitted use in each of the above-mentioned zones.

10. THAT Section 6 of By-law No. 287-78-PL, as amended, entitled “Plate ‘B’, Permitted Uses and Activities in Zones” is hereby amended by adding a new subsection “v”, which shall read as follows:

“v. A *Cannabis Production and Processing Facility* is a permitted use provided such use complies with all requirements of Subsection 10.37 of this By-law.”

11. THAT Plate “B” of By-law No. 287-78-PL, as amended, entitled “Permitted Uses and Activities in General Zone Categories” is hereby amended by adding the non-residential use “*Medical Cannabis Production Site*” and re-ordering the non-residential uses appropriately.

12. THAT Plate “B” of By-law No. 287-78-PL, as amended, entitled “Permitted Uses and Activities in General Zone Categories” is hereby amended by permitting “*Medical Cannabis Production Site*” within the Rural (RU) Zone, Restricted Industrial (M1) Zone, the General Industrial (M2) Zone; and Rural Industrial (M3) Zone (columns 5, 21, 22, and 23). A letter “(w)” shall be included with the dot indicating “*Medical Cannabis Production Site*” as a permitted use in each of the above-mentioned zones.

13. THAT Section 6 of By-law No. 287-78-PL, as amended, entitled “Plate ‘B’, Permitted Uses and Activities in Zones” is hereby amended by adding a new subsection “w”, which shall read as follows:

“w. A *Medical cannabis Production Site* is a permitted use provided such use complies with all requirements of Subsection 10.37 of this By-law.”

14. THAT Section 10 of By-law No. 287-78-PL, as amended, entitled “General Provisions” is hereby amended by adding a new Subsection 10.37 “CANNABIS PRODUCTION AND PROCESSING” as follows:

“10.37 Cannabis Production and Processing

Notwithstanding any other provision of this By-law to the contrary, where a *Cannabis Production and Processing Facility* or a *Medical Cannabis Production Site* is permitted, the following provisions shall apply:

- a) Only one *Cannabis Production and Processing Facility* or one *Medical Cannabis Production Site* shall be permitted on a single, conveyable lot;
- b) A *Cannabis Production and Processing Facility* or a *Medical Cannabis Production Site* located within an enclosed building or structure shall be equipped with an *Air Treatment Control* system;
- c) Open storage of any goods, materials, or supplies associated with a *Cannabis Production and Processing Facility* or a *Medical Cannabis Production Site* shall be prohibited;
- d) A building or structure used for security purposes for a *Cannabis Production and Processing Facility* or a *Medical Cannabis Production Site* may be located in the required front yard of the lot upon which the

Cannabis Production and Processing Facility or *Medical Cannabis Production Site* is located and is not required to comply with the minimum required front, side, or rear yard setbacks for the lot;

- e) All development in relation to the establishment or expansion of a *Cannabis Production and Processing Facility* or a *Medical Cannabis Production Site* shall be subject to Site Plan Control;
- f) No minor variance to the zoning requirements for a *Cannabis Production and Processing Facility* or a *Medical Cannabis Production Site* shall be permitted by the Committee of Adjustment and shall only be considered by way of a Zoning Bylaw Amendment; and,
- g) Separation distances between a *Cannabis Production and Processing Facility* or a *Medical Cannabis Production Site* and any Residential Zone, Community Facility (CF) Zone, Recreation (R) Zone or Open Space (OS) Zone shall be measured from the edge of the nearest building or crop line associated with the *Cannabis Production and Processing Facility* or *Medical Cannabis Production Site* to the greater of either the nearest lot line of a *sensitive land use* or the nearest zone boundary of any Residential Zone, Community Facility (CF) Zone, Recreation (R) Zone or Open Space (OS) Zone.

10.37.1 **Cannabis Production in Industrial Zones**

Notwithstanding any other provision of this By-law to the contrary, the following additional requirements shall apply to a *Cannabis Production and Processing Facility* or a *Medical Cannabis Production Site* that is permitted in an Industrial Zone:

- a) A *Cannabis Production and Processing Facility* or a *Medical Cannabis Production Site* equipped with an *Air Treatment Control* system shall be setback the greater of:
 - i) 70 metres from the zone boundary of any Residential Zone, Community Facility (CF) Zone, Recreation (RE) Zone, or Open Space (OS) Zone; or
 - ii) 150 metres from the nearest lot line of a sensitive land use.

10.37.2 **Cannabis Production in Rural Zones**

Notwithstanding any other provision of this By-law to the contrary, the following additional requirements shall apply to a *Cannabis Production and Processing Facility* or a *Medical Cannabis Production Site* in a Rural Zone:

- a) A Cannabis Production and Processing Facility or a Medical Cannabis Production Site equipped with an Air Treatment Control system shall be setback the greater of:
 - i) 70 metres from the zone boundary of any Residential Zone, Community Facility (CF) Zone, Recreation (RE) Zone, or Open Space (OS) Zone; or
 - ii) 150 metres from the nearest lot line of a sensitive land use.
- b) An outdoor Cannabis Production and Processing Facility and a Medical Cannabis Production Site not equipped with an Air Treatment Control system shall be setback a minimum of 300 metres from the nearest lot line of a sensitive land use.
- c) Only one building or structure having a cement-based foundation of up to a maximum of 200 square metres may be used in association with a Cannabis Production and Processing Facility or a Medical Cannabis Production Site on a single lot.”

15. THAT Section 10 of By-law No. 287-78-PL, as amended, entitled “General Provisions” is hereby amended by amending the “PARKING SPACE REQUIREMENT TABLE” in subsection 10.18 “Parking and Regulations”. The type or nature of use in category (f) “Manufacturing, Processing, Assembly and/or Fabrication Plant, Hydro Generating” shall be deleted and replaced with the following text:

“Manufacturing, Processing, Assembly and/or Fabricating Plant, Hydro Generating Station, *Cannabis Production and Processing Facility*”.

16. THAT Zoning By-law No 3014-2021, as otherwise amended, is hereby amended to give effect to the foregoing, but Zoning By-law No. 287-78-PL, as otherwise amended, shall in all other respects remain in full force and effect.

17. THAT Zoning By-law No. 3014-2021 shall come into force on the date it is passed by the Council of the Corporation of the Township of Brock subject to the applicable provisions of the *Planning Act*, R.S.O., 1990, as amended.

THIS BY-LAW READ TWICE THIS 22nd DAY OF March, A.D., 2021.

Original Signed
Mayor
John Grant

Original Signed
Clerk
Becky Jamieson

THIS BY-LAW READ A THIRD TIME AND FINALLY PASSED THIS 22nd DAY OF March, A.D., 2021.

Original Signed
Mayor
John Grant

Original Signed
Clerk
Becky Jamieson