

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

January 2020
File No. X-2020-XX

**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. 2910-2019-PL on the 4th day of November, 2019, 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 **4:30 p.m. on the 24th day of November, 2019** 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, describing the lands to which the By-law applies, and a Key Map showing the location of the lands to which the By-law applies, are 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 4th day of November, 2019.

Becky Jamieson
Municipal Clerk
bjamieson@townshipofbrock.ca
P.O. Box 10, Cannington, Ontario, L0E 1E0
705-432-2355 (Telephone), 705-432-3487 (Fax)

EXPLANATORY NOTE

**TO ZONING BY-LAW NO. 2910-2019-PL PASSED
BY THE COUNCIL OF THE CORPORATION
OF THE TOWNSHIP OF BROCK**

LANDS AFFECTED: This By-law applies only 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 2910-2019-PL is:

1. To create the following definitions: “air treatment control”, “cannabis”, “cannabis production and processing”, “cannabis micro-cultivation”, and “sensitive land use” to define cannabis production and processing as a land use within the Township.
2. To delete and replace 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” as well as “cannabis micro-cultivation” to Plate “B”, entitled “Permitted Uses and Activities in General Zone Categories”.
4. To permit “cannabis production and processing” in the 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 “cannabis micro-cultivation” in the Rural (RU) Zone and Rural Buffer (RB) Zone and to include a letter “v” to reference a subsection of Section 6 of the Zoning By-law.
6. To add a new subsection “v” to Section 6, entitled Plate “B”, Permitted Uses and Activities in Zones 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. 2910-2019-PL of the
Corporation of the Township of Brock**

ZONING BY-LAW NUMBER 2910-2019-PL
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 16th day of April, 2018, 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:

“**AIR TREATMENT CONTROL** shall mean the functional use of industrial grade multi-stage carbon filtration system, or similar technology, to reduce and/or treat the emission of pollen, dust, and odours expelled from a facility and sized accordingly in comparison to the facility it serves as designed by a qualified person.

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 means lands, buildings or structures used for 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.

A subclass of Cannabis Production and Processing is defined as follows:

Cannabis Micro-Cultivation means buildings or structures used for producing cannabis where the area for cultivation does not exceed 200 square metres (the area in which all plants and part of plants must be contained), as 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.

SENSITIVE LAND USE: Shall mean a building, amenity area or outdoor space where routine or normal activities occurring a reasonably expected times would experience one or more adverse effect(s) such as noise, vibration, odours and other air emissions, litter, dust and other particulates, and other contaminants, generated by a nearby industrial facility or land use. The sensitive land use may be a part of the natural or built environment. Depending upon the particular facility or land use involved, a sensitive land use and associated activities may include, but are not limited to, one or a combination of:

- (a) Residences, uses or facilities where people sleep, for example, dwellings, homes for the aged, nursing homes, hospitals, trailer parks, campgrounds, mobile home parks, camping establishments, etc. These uses are considered to be sensitive 24 hours/day;
- (b) Permanent institutional uses such as schools, churches, municipal offices, libraries, community centres, and day care centres; and
- (c) Community and neighbourhood parks and playgrounds”.

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 corps; 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; or cannabis cultivation and processing. 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 cannabis production and processing.

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 cannabis production and processing”.

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 cannabis production and processing”.

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 cannabis production and processing”.

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”.

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”, 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 adding the non-residential use “Cannabis Micro-Cultivation”, and re-ordering the non-residential uses appropriately.

10. **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” within the Restricted Industrial (M1) Zone, the General Industrial (M2) Zone; and Rural Industrial (M3) Zone (columns 21, 22, and 23). A letter

“(v)” shall be included with the dot indicating “Cannabis Production and Processing” as a permitted use in each of the above-mentioned zones.

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 permitting “Cannabis Micro-Cultivation” within the Rural (RU) Zone and Rural Buffer (RB) Zone (columns 5 and 6). A letter “(v)” shall be included with the dot indicating “Cannabis Micro-Cultivation” as a permitted use in each of the above-mentioned zones.

12. 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. CANNABIS PRODUCTION AND PROCESSING

“Cannabis production and processing” or its subclass “cannabis micro-cultivation”, as defined herein, shall be permitted in all Rural (RU), Rural Buffer (RB), Extractive Industrial (M1), General Industrial (M2), and Rural Industrial (M3) Zones provided that the following regulations are complied with:

- a) No lands, building or structure or portion thereof used for “Cannabis Production and Processing” purposes that is equipped with “Air Treatment Control” situated in a Restricted Industrial (M1) Zone, General Industrial (M2) Zone or Rural Industrial (M3) Zone may be located closer to any Residential Zone, Community Facility (CF) Zone, Recreation (RE) Zone or Open Space (OS) Zone than 70 metres.
- b) No lands, building or structure or portion thereof used for “Cannabis Production and Processing” purposes that is equipped with “Air Treatment Control” situated in the Rural (RU) Zone or Rural Buffer (RB) Zone may be located closer to any Residential Zone, Community Facility (CF) Zone, Recreation (R) Zone or Open Space (OS) Zone than 150 metres.
- c) No lands, building or structure or portion thereof used for “Cannabis Production and Processing” purposes that is equipped with “Air Treatment Control” situated in the Restricted Industrial (M1) Zone, General Industrial (M2) Zone or Rural Industrial (M3) Zone may be located closer to any Sensitive Land Use than 150 metres.
- d) No lands, building or structure or portion thereof used for “Cannabis Production and Processing” purposes that is not equipped with “Air Treatment Control” situated in the Rural (RU) Zone, Rural Buffer (RB) Zone, Restricted Industrial (M1) Zone, General Industrial (M2) Zone or Rural Industrial (M3) Zone may be located closer to any Sensitive Land Use than 300 metres.
- e) A building or structure used for security purposes for “Cannabis Production and Processing” may be located in the required front yard and does not have to comply with the required minimum front yard, side yard, and rear yard setbacks.
- f) “Open Storage” is prohibited on the property in which the “Cannabis Production and Processing” is located.
- g) “Cannabis Production and Processing” shall only be permitted within the zones explicitly indicated in this Zoning By-law.
- h) All development in relation to the establishment of or expansion to “Cannabis Production and Processing” shall be subject to Site Plan Control”.

13. 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”.

14. THAT Zoning By-law No. 287-78-PL, 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.

15. THAT Zoning By-law No. 2910-2019-PL 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 ___ DAY OF _____, A.D., 2020.

Mayor
Debbie Bath-Hadden

Clerk
Becky Jamieson

THIS BY-LAW READ A THIRD TIME AND FINALLY PASSED THIS ___ DAY OF _____, A.D., 2020.

Mayor
Debbie Bath-Hadden

Clerk
Becky Jamieson