



Town of Grimsby

Cannabis Growing Facilities Land Use Review

Phase 1 Background & Analysis Review

October 2019

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1 Introduction



The Cannabis Act came into effect in October 2018. It had the effect of legalizing the production, sale and use of cannabis for recreational purposes in Canada.

Currently, cannabis production is not specifically addressed in the Grimsby Official Plan; it was not a legal activity at the time that the Official Plan was prepared. Production of cannabis for medical purposes is addressed in the Zoning by-law as, when the Zoning By-law was written, this was a new legal use. However, with the change in legislation, cannabis production is now permitted for commercial growth for both medical and recreational purposes, and as such, the existing zoning by-law provisions no longer capture the full range of legal uses.

The purpose of this Study is to examine the opportunities for the Town of Grimsby to regulate activities permitted under the Cannabis Act. The purpose is also to assess and recommend changes to the Official Plan and/or Zoning By-law, as needed, to regulate cannabis production as a land use.

This Study is broken down into three Phases:

- Phase 1: Best Practice Review of Current Standards & Legislation;
- Phase 2: Formulating Policy Options; and
- Phase 3: Policy Implementation.

Sections 2 through 5 of this report represent the work of Phase 1 of this Study.

2 Cannabis Production in Canada



2.1 Legal Framework of Cannabis Production in Canada

Prior to the introduction of the Cannabis Act, cannabis was an illegal substance and only permitted to be grown and sold for medical purposes. There were rules in place for the personal growth and consumption of medical cannabis, as well as rules for the commercial growth, processing and sale of cannabis for medical purposes.

With the introduction of the Cannabis Act, the consumption of cannabis for non-medical purposes became legal. This is sometimes referred to as “recreational” cannabis, as opposed to “medical” cannabis. With this legalisation, came a new permitted framework for cannabis production and distribution, which is generally described in this section.

The Cannabis Act permits the commercial growth of cannabis by license holders in Canada. There are number of licences which can be applied for:

- Cultivation,
- Processing,
- Analytical Testing,
- Sale,
- Research, and
- Cannabis Drug Licence.

Cultivation licences are broken down into 3 classes:

- Micro-cultivation (surface area of cannabis less than 200 m²),
- Standard cultivation, and
- Nursery.

The federal licenses do not permit sales to the general public, rather only sale of medical cannabis, through the mail and not a store format. **Figure 1** provides a summary of the types of licences that can be applied for under the Cannabis Act.

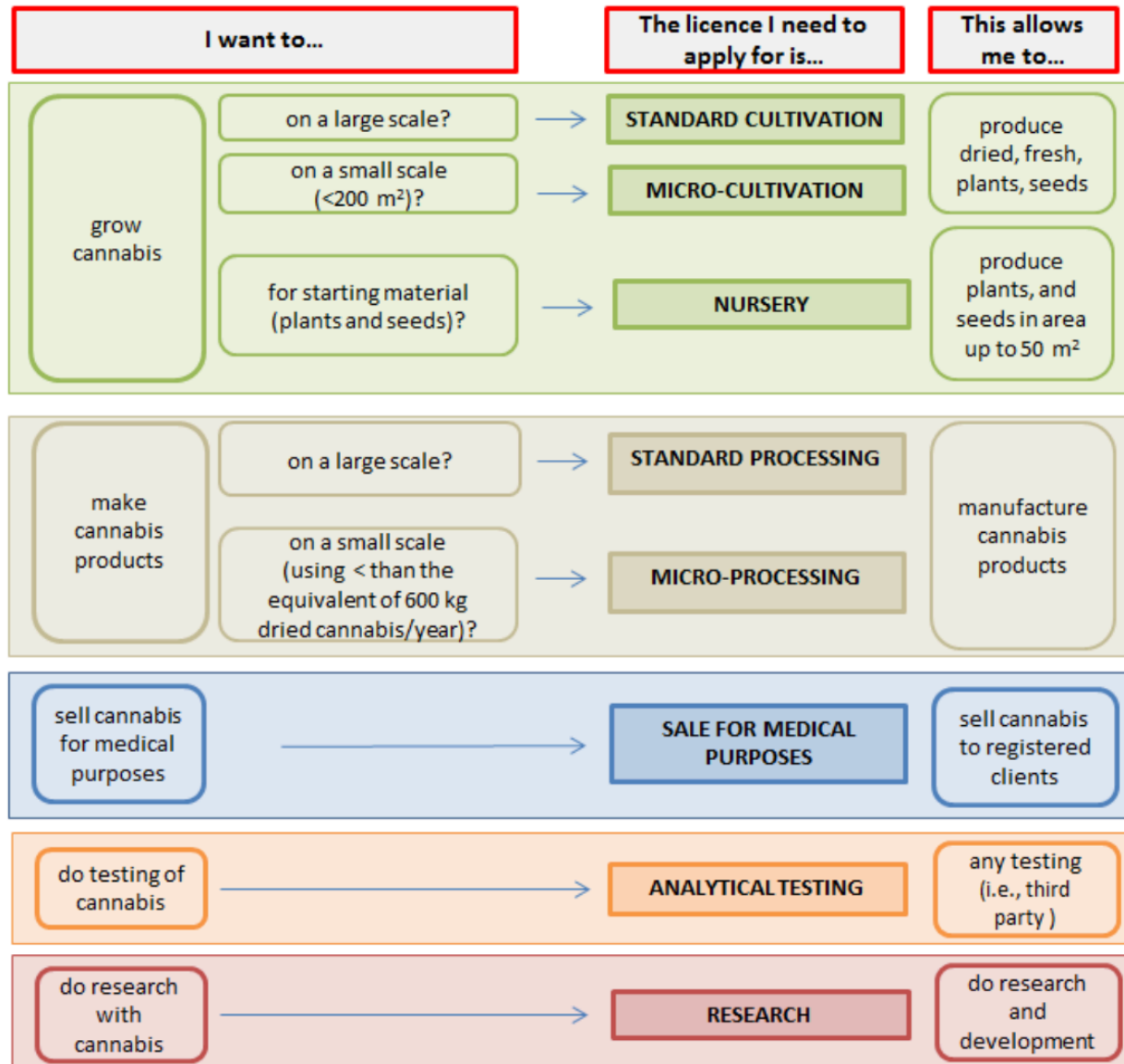


Figure 1: Types of licences under the Cannabis Act

Source: Cannabis Licencing Application Guide (Government of Canada)

The sale of recreational cannabis to the public is regulated at the Provincial level. In Ontario, recreational cannabis can either be purchased from the online Ontario Cannabis Store or from privately-run authorized dealers in a retail store format. The privately-run authorized dealers in Ontario are licenced by the Alcohol and Gaming Commission of Ontario (AGCO) and, at the beginning of 2019, municipalities in Ontario had a one-time chance to opt out of having cannabis retail stores in their municipality. The Town of Grimsby opted out from cannabis retail stores; thus, this Study does not consider the sale of cannabis in retail stores.

The Cannabis Act also permits, without a licence, personal growth of cannabis, with a permission for up to 4 plants per dwelling. As this is a legal permission within a land use (i.e. residential dwellings), as opposed to a new land use in itself, there is no avenue from a land use perspective to regulate the permission for growth of cannabis within a household, though there may be nuisance, building code or property standards considerations associated with the same. Thus, personal growth of cannabis within a household falls outside of the scope of this Study and report.

Per the above, the focus of this study and report is the consideration of the land uses regulated by the federal government with regards to commercial growth, processing, analysing and medical sales of cannabis regulated under the Cannabis Act.

2.2 Cannabis Act and Regulations

The Federal Government released both the Cannabis Act and Cannabis Regulations. Under the Act, someone may not “cultivate, propagate or harvest any cannabis plant at a place that is not their dwelling-house or to offer to do so” (Part 1, Section 12 (6) of the Act). Thus, there is no legal permission for cannabis growth outside of a home for personal use if not in a licenced facility/area.

The Act also permits licences issued under the previous Access to Cannabis for Medical Purposes Regulations to continue under the Cannabis Act.

The Cannabis Regulations set out a number of requirements related to land use as follows:

- There is a requirement that prior to an individual submitting an application for a licence for cultivation, processing or sale, they must notify the local government, the local fire authority and the local police force. The notice must contain a number of elements, including the address, and if applicable, the buildings where the cannabis related activities will be conducted. The notice must be addressed to a senior official at the local government (i.e. the Town of Grimsby) (Under Part 2 (Licensing) Section 7). A licence holder must also notify the local municipality if the licence is granted, suspended, revoked, reinstated or amended; (Under Part 2, 35 (1), Part II, Section 34(1,2 and 3))
- A licence holder is required to notify the Minister of any changes to a site plan within 5 days of these occurring, except if they relate to meeting the required security measures, in which case, the Minister must be notified in advance (Part 2, 24 (1)).

Location of uses

- No activity authorized by a license can take place in a dwelling. (By Part 2, Section 40,)

- Only cultivation, propagation and harvesting may occur outdoors while testing, storage, packaging and labeling of cannabis cannot occur outdoors. (B Part 2, Section 41,)

Security

- The site must be designed in a manner that prevents unauthorized access. (Part 4, 63)
- The perimeter must be monitored by a visual recording device capable of recording any unauthorized access attempt, must have an intrusion detection system to detect intrusions at all times and this system must be monitored at all times. (Part 4, 64,65)
- Operation and storage areas are to be designed with a physical barrier to only permit access to those individuals who require access to perform their work and these areas are to be monitored by a visual recording device. The entrance and exits to the growth area must also be monitored by a visual recording device. Operation and storage areas must also have an intrusion and movement detections systems. For growing areas, intrusion into but not movement within needs to be monitored. (Part 4, 68 and 69, 70(2))
- The security measures for micro-cultivation, micro processing and nurseries are somewhat less stringent, requiring only physical barriers to the site and storage areas. (Part 4, 75)

Air filtration

- There must be an air filtration system that prevents the escape of odors from any building where cannabis is produced, packaged, labelled and stored.

2.3 Other Acts and Policy

2.3.1 Farming and Food Production Act, 1998

The farming and Food Productions Act in Ontario is an Act that serves to protect the agricultural use of land. Under the Act, the term “agricultural operation” is defined to include:

“the production of agricultural crops, greenhouse crops, maple syrup, mushrooms, nursery stock, tobacco, tree and turf grass, and any additional agricultural crops prescribed by the Minister”

and

“the processing by a farmer of the products produced primarily from the farmer’s agricultural operation;

From these definitions, the cultivation of cannabis, as well as the processing of the same, where legal through the licencing process, are captured in the definition of agricultural operation.

Under section 6 of the Act, the Act states,

“No municipal by-law applies to restrict a normal farm practice carried on as part of an agricultural operation.”

2.3.2 Provincial Policy Statement, 2014

The Provincial Policy Statement (PPS), which provides direction for planning in Ontario, supports the viability of rural areas and agricultural uses in municipalities and seeks to balance economic growth and prosperity and.

Policy 1.1.4.1 states in part that healthy, integrated and viable rural areas should be supported by:

- promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources; and
- providing opportunities for economic activities in prime agricultural areas.

Section 2.3 of the PPS contains policies applying to agricultural areas. Section 2.3.1 states that prime agricultural areas shall be protected for long-term agricultural use.

Policy 2.3.3.1 states that agricultural uses, agriculture-related uses and on-farm diversified uses are permitted in prime agricultural areas, and that proposed uses are to be compatible with, and shall not hinder, surrounding agricultural operations.

According to Policy 2.3.3.2, in accordance with provincial standards, all types, sizes and intensities of agricultural uses and farm practices shall be promoted in prime agricultural areas.

The PPS provides the following definition for ‘agricultural use’:

“the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment”.

The PPS defines ‘on-farm diversified uses’ as the following:

“uses that are secondary to the principal agricultural use of the property, and are limited in area. *On-farm diversified uses* include, but are not limited to, home occupations, home industries, *agri-tourism uses*, and uses that produce value-added agricultural products.”

3 Grimsby Planning Framework



This section examines the current policy and zoning permissions related to Cannabis production in Grimsby.

3.1 Official Plan

The Grimsby Official Plan does not make any direct reference to cannabis or marihuana, nor cannabis facilities. Under the current framework, there is opportunity for the use and operation of cannabis facilities to be considered under the Rural and Agricultural Areas designations, as well as potentially the Employment Areas designation.

3.1.1 Rural and Agricultural Areas

The policies for Rural and Agricultural Areas are outlined in Section 3.3 of the Grimsby Official Plan. The goals of these areas seek to preserve prime agricultural land for a wide variety of agricultural uses while maintaining the farming industry for future generations. Land use conflicts between different uses are to be minimized, while ensuring compatibility.

The Rural and Agricultural Areas within the Official Plan are divided into four designations: Specialty Crop Area – Tender Fruit and Grape Lands; Agricultural Area; Rural Area and Escarpment Rural Area. Agricultural uses are permitted in all four designations.

As defined by the Official Plan, “agricultural uses means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment. Agricultural uses include value retention uses required to make a commodity saleable (i.e. corn dryer, washing, sorting, packing and packaging).” (Section 9.20.9).

Under the General and Rural Agricultural Policies, which applies to all areas within the designation, Policy 3.3.1.7 of the Official Plan provides direction specific to greenhouses, stating:

“New and existing greenhouse operations outside the Urban Settlement Area shall be encouraged to expand and develop at a reasonable level of intensity, but should take into consideration any adverse impacts, particularly impacts related to noise and light, that the expansion or development would inflict on

adjacent residential uses and definite measures should be taken to mitigate these impacts.”

3.1.2 Employment Area

Policies for the Employment Area designation are outlined within Section 3.7 of the Grimsby Official Plan. The intent of the Employment Area is to provide for a broad range of employment uses in manufacturing, warehousing and distribution, as well as office development. Employment Area uses are intended to encourage prestige employment development and a broad range of industries to achieve a strong live-work balance.

The Official Plan defines Employment Area as “areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities” (Section 9.20.42).

According to Policy 3.7.1, permitted uses within the Employment Area designation include:

- Manufacturing;
- Processing;
- Servicing;
- Storage of goods and raw materials;
- Warehousing;
- Research and laboratories;
- Data processing; and
- Development and uses of similar nature.

Within the General Policies of this designation, Policy 3.7.12 states:

“Employment buildings shall be setback from existing residential dwellings where determined necessary to ensure incompatibilities and minimized to promote compatibility. Substantial buffer planting, berming or fencing adjacent to residential areas shall be required.”

Policy 3.7.16 states that applications for new developments or extensions of existing uses will be evaluated based on a development or site plan as appropriate and any expert studies needed to evaluate the creation of excessive air, water or noise pollution in order to control the pollution for the safety of Town residents.

3.2 Zoning By-law

3.2.1 Rural and Agricultural Zones

The Rural and Agricultural Zones include the Agricultural Zone (A), Speciality Crop Area Zone (SC), and the Rural Zone (RU). Within these three zones, both agricultural uses and medical marihuana facilities are permitted.

The by-law currently defines medical marihuana as

“a facility that is licensed under the Marihuana for Medical Purposes Regulations, or successor thereto, for the growing of medical marihuana as well as for the processing, testing, packaging, distribution and destruction of medical marihuana as accessory uses”.

It is noted that since the writing of this by-law, the Marihuana for Medical Purposes Regulations was replaced by the Access to Cannabis for Medical Purposes Regulations.

The following are the lot, building and yard requirements that apply to commercial greenhouses and medical marihuana facilities in Rural and Agricultural Zones:

Minimum Lot Area	40 ha. except 16.2 ha. in the Specialty Crop Zone north of the escarpment. (As delineated by the “N.E.D.C Area” on Schedules 1 to 17.)
Maximum Lot Coverage	Lots less than 5 ha: 70% Lots 5 to 20 ha: 50% Lots over 20 ha: 25%
Minimum Lot Frontage	50 m.
Minimum Front Yard	30 m.
Minimum Exterior Side Yard	10 m.
Minimum Interior Side Yard	10 m.
Minimum Rear Yard	15 m.
Height	No Requirement

Additional provisions for medical marihuana facilities within Rural and Agricultural zones are outlined in Section 6.2.2.7. The by-law sets requirements for the use, stating that they are not permitted in a dwelling unit. A facility must be located 150 metres from a Residential or Institutional Zone, including a day care, and signs identifying the use as a medical marihuana facility are prohibited, as is any outdoor storage.

3.2.2 Employment Zones

Employment Zones within Section 10 of the Zoning By-law consist of General Employment (GE), Prestige Employment (PE) and Utility (U) Zones. Agricultural uses and industrial uses are permitted in General and Prestige Employment Zones, but not Utility Zones.

The following are the lot, building and yard requirements applicable to General and Prestige Employment Zones:

Regulation	General Employment Zone	Prestige Employment Zone
Minimum Lot Area	1850 sq.m.	4200 sq.m.
Maximum Lot Coverage	50%	50% when serviced, 20% when not serviced

Minimum Lot Frontage	30 m.	30 m.
Minimum Front Yard	15 m	15 m.
Minimum Exterior Side Yard	9 m.	9 m.
Minimum Interior Side Yard	4.5 m. but 9 m. adjacent to a residential zone	4.5 m. except 9 m. abutting a residential zone
Minimum Rear Yard	7.5 m. except 15 m. abutting a street	7.5 m., except 15 m. abutting a Residential Zone, or a street
Maximum Height	No requirement	No requirement

3.3 Site Plan Control

According to the Town of Grimsby's website

“the whole of the Town of Grimsby as an area of site plan control. All classes of development are subject to site plan control under By-law 86-8, as amended, with the exception of agricultural buildings and structures, save and except greenhouses and help houses.”

4 Best Practice Review



4.1 Summary of Best Practice Review

The available information from 14 municipalities was reviewed in order to analyze and assess the various approaches that other municipalities have taken to deal with the permission for cannabis growing facilities in Ontario. Six municipalities within Niagara were reviewed, which include: Niagara-on-the-Lake, Niagara Falls, Wainfleet, Lincoln, West Lincoln, and Pelham. Other Ontario municipalities were chosen to represent urban and rural approaches. These include Chatham-Kent, Halton Hills, Leamington, Norfolk, Oakville, Arnprior, Haldimand County, and Brant County.

At the time of this review, within Niagara Region, the Town of Niagara-on-the-Lake, the City of Niagara Falls, the Township of Wainfleet, the Town of Lincoln and the Town of Pelham all have Interim Control By-laws in place to assess current land use planning policies and ensure the provision of adequate tools to regulate the growing and processing of cannabis. The majority of these will expire early to mid 2020, unless extended. Draft Official Plan and Zoning by-law amendments for the Town of Pelham are discussed in this Best Practice review, recognising that their final form, if approved, may differ than what is presented in this report.

The other municipalities reviewed permitted cannabis-related uses within their documents, either as-of-right or requiring a zoning by-law amendment. The details of Best Practice Review are provided in detail in **Appendix A** to this report and key takeaways are summarised below in **Table 1** and the sections to follow.

Table 1 illustrates that municipalities have permitted cannabis growing facilities either as-of-right or through a zoning by-law amendment. The designation and/or zone where cannabis and related uses are permitted, as well as any special regulations that are applied, are described within the table to follow.

Table 1. Summary of Municipal Cannabis Facility Regulations

Municipality	Official Plan	Zoning		Other
		Uses Permitted	Regulations	
Interim Control By-law in place				
Niagara Region				
Niagara-on-the-Lake				
Niagara Falls				
Wainfleet				
Lincoln				
West Lincoln	Not specifically addressed	Permits through site-specific/Zoning by-law amendment in Agricultural and Employment Zones the following: <ul style="list-style-type: none"> • indoor cultivation, • processing; • testing; • destruction; • packaging 	<ul style="list-style-type: none"> • Minimum setback from all other lot lines (50m where permitted in Agricultural Zones and 45m where permitted in Employment Zones) • Security fence requirements • No outdoor storage/growing 	
Pelham (Draft)	<ul style="list-style-type: none"> • Outdoor storage, growing and production of cannabis addressed, 	Permits as-of-right in Agricultural and Light Industrial Zones the following: <ul style="list-style-type: none"> • indoor cultivation, • processing; • testing; • destruction; • packaging Permits through site-specific/Zoning by-law amendment the following: <ul style="list-style-type: none"> • outdoor storage, growing and production 	<ul style="list-style-type: none"> • Minimum setback to sensitive land uses (150m) • Minimum planting strip • Maximum parking area • Minimum separation distance between greenhouse operations (500m) • No retail sale permitted 	<ul style="list-style-type: none"> • Fence By-law • Fortification By-law • Cannabis Nuisance By-law • Odour By-law • Site Plan Control

Municipality	Official Plan	Zoning		Other
		Uses Permitted	Regulations	
Other Municipalities				
Chatham-Kent	<ul style="list-style-type: none"> Cannabis production is permitted within the Employment, Agricultural and Rural Industrial designations 	Permits as-of-right in Agricultural and Industrial Zone: <ul style="list-style-type: none"> indoor cultivation; processing; sale; analytical testing; and research Permits of right in Agricultural Zone: <ul style="list-style-type: none"> outdoor cultivation 	<ul style="list-style-type: none"> Minimum separation distance of buildings/structures from residential, institutional or open space boundary (75m in Industrial Zones and 100m in Agricultural and Rural zones) Parking requirements 	<ul style="list-style-type: none"> Site Plan Approval
Halton Hills	<ul style="list-style-type: none"> Indoor and outdoor cannabis cultivation and processing is a permitted use 	Permits as-of-right in EMP1 and RU-EMP Zone: <ul style="list-style-type: none"> indoor cultivation, processing; testing; research. Permits as-of-right in A and PC Zone <ul style="list-style-type: none"> outdoor cultivation. 	<ul style="list-style-type: none"> Parking requirements Loading space requirements Setback from sensitive uses (150m) Outdoor growth of cannabis must be 50m from lot lines 	<ul style="list-style-type: none"> Site Plan Control
Leamington	Not specifically addressed	Permits as-of-right in Agricultural Zones where greenhouses are permitted or in Industrial Zone: <ul style="list-style-type: none"> indoor cultivation processing; extracting; packaging; testing; destruction; storage; shipment. 	Independent By-law <ul style="list-style-type: none"> Odour protocol regulations Applicable licences and permits Setback from sensitive uses (200m) Inspection and compliance regulations 	

Municipality	Official Plan	Zoning		Other
		Uses Permitted	Regulations	
Norfolk	Not specifically addressed	<p>Permits as-of-right in Agricultural and Industrial Zones:</p> <ul style="list-style-type: none"> • producing; • processing; • testing; • destroying; • packaging; • shipping. <p>No reference is made to indoor vs. outdoor cultivation.</p>	<ul style="list-style-type: none"> • Minimum setback from Residential Zones, Institutional Zones or Open Space Zones (70m where equipped with air treatment control in Industrial Zones and 150m in Agricultural Zones) • Minimum setback from sensitive land uses (existing use as opposed to zone) (150m in Industrial or Agricultural Zones and equipped with air treatment control and 300m in Industrial or Agricultural Zones and not equipped with air treatment control) • Security building/structure requirements • No outdoor storage 	<ul style="list-style-type: none"> • Site Plan Control
Oakville	Not specifically addressed	<p>Not specifically addressed. Town's website implies permission through existing permitted uses e.g. manufacturing, agriculture. Discussion with the Manager of Zoning confirmed cannabis facilities are considered to be captured within the existing definitions of "agriculture" and "manufacturing". Therefore, under the agricultural use,</p>	N/A	

Municipality	Official Plan	Zoning		Other
		Uses Permitted	Regulations	
		outdoor growing facilities would be permitted.		
Arnprior	Not specifically addressed	<p>Permits as-of-right within the Employment Zone:</p> <ul style="list-style-type: none"> • cultivation; • processing; • analytical testing; • research. <p>No reference is made to indoor vs. outdoor cultivation..</p>	<ul style="list-style-type: none"> • Setback from residential or institutional (100m) • No residential is permitted on the same lot • Loading space and storage must be within a fully enclosed building • Retail sales are not permitted • Parking space requirements • 	
Haldimand County	Not specifically addressed	<p>Permits as-of-right in the Agricultural and Industrial Zones within a building:</p> <ul style="list-style-type: none"> • shipment; • delivery; • transport; • destruction; • growth; • drying; • exporting; • importing. 	<ul style="list-style-type: none"> • Dwelling units are not permitted on same site • Minimum setback from Residential, Commercial, Institutional or Open Space Zones; any sensitive land uses; and any settlement area boundary (150m) • Increased setbacks based on building/structure size (less than 6,967m²: 150m; less than 9,260 m²: 200m; greater than 9,260m²: 300m) • Setback where an air treatment control system is not provided (300m) • Parking requirements • Outdoor storage is prohibited 	<ul style="list-style-type: none"> • Site Plan Control

Municipality	Official Plan	Zoning		Other
		Uses Permitted	Regulations	
			<ul style="list-style-type: none"> • Outdoor signage is prohibited • No other uses permitted other than growing of accessory agricultural crops • Minimum lot area • Minimum setback of structures from all property lines • Security building regulations • Loading spaces must be within wholly enclosed building 	
Brant County	Not specifically addressed	Permits as-of-right within Agricultural and Industrial Zones: <ul style="list-style-type: none"> • indoor cultivation; • processing; • testing; • destroying; • packaging; • shipping. 	<ul style="list-style-type: none"> • Setback from Residential Zone or use, Industrial Zone or use or Open Space Zone (150m) • Loading space requirements • Security building regulations • Parking space requirements 	<ul style="list-style-type: none"> • Site Plan Control

4.1.1 Official Plan Permissions

Of all the municipalities reviewed, only three address cannabis facilities within their Official Plans.

Pelham is in the process of drafting an Official Plan Amendment, which will permit the outdoor storage, growing and production of cannabis in Agricultural and Industrial Zones. Additional requirements for greenhouses for cannabis production will also be outlined in order to ensure compatibility with neighbouring land uses with respect to odour and light mitigation, as well as addressing appropriate setbacks and the requirement of a waste management plan.

The Chatham-Kent Official Plan lists cannabis production as a permitted use within the Employment Area, Agricultural Area and Rural Industrial designations. Cannabis Production is addressed as its own section, providing the objective of supporting and promoting new industry through diversification and requiring setbacks from sensitive land use, site plan approval and impact mitigation in accordance with Federal regulations and a Health Canada license.

Through OPA 35, the Halton Hills Official Plan permits cannabis cultivation and processing in the General Employment Area and Prestige Industrial Area designations. Outdoor cultivation is also permitted in the Protected Countryside Area and Agricultural Area. The Official Plan also establishes setbacks of 150 metres to sensitive uses and 50 metres to lot lines for outdoor uses. The Official Plan permits indoor cultivation of cannabis and processing of cannabis in the Protected Countryside Area and Agricultural Areas through a Zoning By-law Amendment and Site Plan control.

4.1.2 Mechanism for Permissions

Most of the municipalities reviewed permit cannabis growing facilities in some way, whether as-of-right or through a zoning by-law amendment process.

Unique in our review, the Town of Oakville does not refer to cannabis specifically at all. It is our understanding from a review of their website and discussion with the Manager of Zoning that cannabis facilities and their uses are considered to be captured by the existing defined terms of “agriculture” and “manufacturing” within the zoning by-law.

The Municipality of Leamington is also unique, as they have chosen to implement a stand-alone Cannabis Regulation By-law, which sets aside similar provisions to those of the other municipality’s zoning by-laws, however it is a by-law independent of their zoning by-law.

The Town of Pelham is the only municipality that has considered additional by-laws to accompany implementation of an official plan and zoning by-law amendment, including a Fence By-law, a Draft Fortification By-law, a Draft Cannabis Nuisance By-law and a Draft Odour By-law.

4.1.3 Cannabis Facility Definitions

Various approaches have been taken to define cannabis growing, production and harvesting. The following terms have been used within zoning by-laws and official plans reviewed:

- Cannabis Production
- Cannabis Production Facility
- Cannabis Growing and Harvesting Facility
- Cannabis Production and Processing
- Cannabis Related Facility

The definitions of these terms all seek to describe the specific cannabis related uses that are encompassed by the term, these often being cultivation, growing, processing, production, testing, destruction, packaging and shipping of cannabis etc. Many of the definitions had a structure similar to the following example by Chatham-Kent:

“Cannabis Production Facility: means any building structure, or lands licensed by, Health Canada to undertake cultivation, processing, sale, analytical testing, and research of cannabis, pursuant to the Cannabis Regulations under the Cannabis Act, or successor legislation.”

Approximately half of the definitions mention that the cannabis related uses must be done pursuant to applicable regulations and provisions, some of them naming the Act and Regulations directly, and a few mention that retail sale is not to be permitted on the premises.

Some municipalities have also chosen to revise their current definition of other uses, such as “agricultural use” and “industrial use” to either include or specifically exclude cannabis facilities and production:

- Chatham-Kent amended their definition of ‘Agricultural Use’ to include “a Cannabis Production Facility” and their definition of “Industrial Use” to include “a Cannabis Production Facility excluding the outdoor cultivation of cannabis”;
- Pelham (draft) amended their definition of ‘Agricultural Use’ to exclude “cannabis production” within their zoning by-law; and
- Norfolk County amended definitions within their zoning by-law for “farm”, “garden centre”, and “wholesale outlet” to specifically exclude “Cannabis Production and Processing”.

The Town of Halton Hills introduces 6 different definitions relating to cannabis production into the zoning by-law, which mirror the various definitions associated with the licences that will be available. These include:

- Cannabis Analytical Testing Facility;
- Cannabis Cultivation – Indoor;

- Cannabis Cultivation – Outdoor;
- Cannabis Drug Production Facility;
- Cannabis Processing Facility; and
- Cannabis Research Facility.

4.1.4 Zoning Permissions – Indoor Cultivation

The majority of the municipalities permit the indoor cultivation of cannabis as-of-right within their zoning by-laws, in agricultural, employment or industrial zones:

- Pelham permits indoor cultivation within agricultural and light industrial zones;
- Chatham Kent permits indoor cultivation within agricultural and industrial zones;
- Halton Hills permits indoor cultivation within employment and rural employment zones;
- Leamington permits indoor cultivation within agricultural zones (where greenhouses are permitted) and industrial zones;
- Arnprior permits cultivation within employment zones;
- Norfolk County permits cannabis production and processing within agricultural and industrial zones;
- Haldimand County permits indoor cultivation within agricultural and industrial zones; and
- Brant County permits indoor cultivation within agricultural and industrial zones.

The Town of West Lincoln is the only municipality under review that requires a site specific/zoning by-law amendment to permit the indoor cultivation of cannabis along with processing, testing, destruction and packaging.

4.1.5 Zoning Permissions – Outdoor Cultivation

Only some of the municipalities reviewed specifically allow the outdoor cultivation of cannabis. Chatham-Kent and Halton Hills permit outdoor cultivation as of right within their Agricultural and Protected Countryside Zones, and according to Pelham's draft amendments, the Town will permit the outdoor storage, growing and production of cannabis through site-specific/zoning by-law amendments within the Agricultural and Industrial Zones.

As the Town of Oakville considers cannabis facilities as an agricultural use, according to discussion with the Manager of Zoning, outdoor cultivation facilities would therefore be permitted where agricultural uses are permitted.

Within the zoning by-laws of the Township of West Lincoln, the Municipality of Leamington, Haldimand County and Brant County, specific reference is made that either directly prohibits the outdoor storage and growing of cannabis or only permits indoor cultivation.

The Norfolk County and Town of Arnprior zoning by-laws make no reference to indoor or outdoor cultivation, however Norfolk County does prohibit outdoor storage.

4.1.6 Additional Zoning and Site Plan Requirements

While specific zoning provisions and requirements for facilities differ across municipalities, the following summary captures the provisions that are commonly referenced:

- A minimum setback or separation regulation for cannabis facilities from other uses and lots. Typically, from residential, institutional and open space zones, and specific sensitive land uses. The distances vary depending on which zone the use is permitted within (i.e. setbacks for facilities within the agricultural zone will differ from those for facilities within employment zones). Setbacks range from 40 metres to 300 metres but are often set at 150 metres within by-laws that only specify one requirement;
- Separation distance between greenhouses, buildings and structures within a cannabis facility operation;
- Requirement of a security fence around the premises to a certain standard. Many regulations also state that security buildings will require the same setbacks as facilities;
- Parking requirements including number of spaces and maximum coverage, which depend on the size of the facility and number of employees;
- Loading requirements, requiring either hidden or fully enclosed spaces to be provided;
- Subjectivity of any cannabis facility to site plan control in order to address on site matters;
- The requirement for mitigation from potential impacts such as light, air and odour emissions, which may include the submission of studies to the municipality related to odour and dust, transportation, light, hydrogeological requirements, and any other applicable study as part of compliance;
- The design and operation of facilities in accordance with Federal regulation, a license from Health Canada, and any other requirements of the Province or competent authority;
- Prohibition on retail stores and sales;
- Restriction on outdoor signage or advertisement of the facility; and
- Restriction on residential uses or dwelling units located on the same lot as a cannabis facility.

5 Considerations of Next Steps



The next phase of the study will be to develop options for considering cannabis facilities in the Grimsby planning documents. The Official Plan is silent on the matter of cannabis growth and the zoning by-law only addresses medical and not recreational cannabis.

One of the questions raised in the Request for Proposals for this Study is whether a municipality has the authority to regulate cannabis growing facilities. Licenced facilities must adhere to local laws, thus there is some ability to regulate cannabis growing facilities. However, defensible regulations require justified planning grounds. Outright prohibition of a legal use may be difficult to justify.

Further, because of the Farming and Food Production Protection Act, prohibition of cultivation and associated activities on farmlands may not be enforceable, as the Farming and Food Production Protection Act prohibits municipal by-laws that restrict normal farm practices. However, some other municipalities have only permitted cannabis cultivation indoors.

Based on the background discussed above, a number of considerations are raised that will be further examined and as part of the options analysis in the Phase 2 of this Study.

- Should indoor cannabis growing facilities be permitted in agricultural and/or employment areas?
- Should outdoor cannabis growing be permitted?
- Should cannabis growing facilities be permitted as-of-right or require a site specific zoning by-law amendment?
- Should a separation distance be required between residential and other potentially sensitive uses and cannabis-related uses?
- Should setbacks from the lot line be required for certain cannabis related uses?
- Should fencing and access restriction be specifically regulated for the site?
- What other requirements should be considered to address matters of nuisance, security, servicing etc.?
- Should cannabis growing facilities be subject to the Site Plan Control By-law?

Appendix A



Municipality	Permitted?	Defined Terms	Designations and Zones	Provisions
Niagara Region				
Niagara-on-the-Lake	No. Interim control by-law in place, extended 2 years until June 2020			
Niagara Falls	No. Interim control by-law in place, extended until June 2020.			
Wainfleet	No, interim control by-law in place, extended until March 2020			
Lincoln	No, interim control by-law in place, extended until Jan. 2020			
West Lincoln	Uses addressed through ZBA 2019-04 which amended ZBL 2017-70, but permission requires a Zoning By-law Amendment.	ZBL Cannabis Production: means lands, buildings or structures used for the cultivation of marihuana (or alternative names including marihuana) and/or the processing, testing, destruction, packaging and/or shipping of marihuana	ZBL <ul style="list-style-type: none"> Not permitted as-of-right in the zoning by-law, rather, requires a zoning by-law amendment for permission, otherwise is listed as a prohibited use. 	ZBL Section 3.10.3 Cannabis Production The following regulations apply to cannabis production: <ul style="list-style-type: none"> Minimum Setback: <ul style="list-style-type: none"> Where permitted in Agricultural Zones: 50m from all lot lines of other lots Where permitted in Employment Zones: 45m from all lot lines of abutting lots that are used or permitted to be used for a dwelling or an institutional use No outdoor storage or outdoor growing or production of cannabis Any cannabis production building or structure consisting of more than 10% glass and where artificial lighting is required, a solid fence having a minimum height of 1.8 metres shall be provided and maintained along every lot line that abuts a lot that is used or permitted to be used for a dwelling or an institutional use A security fence with a minimum height of 1.8 metres shall be provided and maintained around the entire perimeter of the area of a lot that is used for cannabis production Section 3.13 – Prohibited Uses <ul style="list-style-type: none"> Cannabis Production of more than four (4) plants is prohibited, unless otherwise permitted through a zoning bylaw amendment
Pelham	Pelham has prepared a number of documents including a Draft OPA, Draft ZBA, Fence by-law Amendment, Draft Fortification by-law, Draft Cannabis Nuisance By-law, Draft Odour By-law, which are not yet in place. A Public Meeting for these was held on September 10 th , 2019.	Draft ZBA Cannabis Production: means lands, buildings or structures used for the commercial cultivation of marihuana (or alternative names including marihuana) and/or the processing, testing, destruction, packaging and/or shipping of marihuana. Amendment to 'Agricultural Use': means... but does not include cannabis production.	Draft OPA <ul style="list-style-type: none"> Outdoor storage, growing and production of cannabis is permitted within the following designations, subject to a Zoning By-law Amendment <ul style="list-style-type: none"> Good General Agricultural, Specialty Agricultural and Industrial Outdoor storage, growing and production of cannabis not supported within the Niagara Escarpment Plan Area Draft ZBL <ul style="list-style-type: none"> Prohibited use under general provisions, unless otherwise specifically permitted in the By-law Agricultural A Zone and Light Industrial M1 Zone permits Cannabis production within a Greenhouse or Structure 	Draft OPA Good General Agricultural: B2.1.3.12 – Greenhouses; Specialty Agricultural: B2.2.8 – Greenhouses; and Industrial: B2.3.2: Site Plan Policies <ul style="list-style-type: none"> In addition to requirements for greenhouses, greenhouses for cannabis production will be required to ensure compatibility with neighbouring land uses through: <ul style="list-style-type: none"> Installation and operation of odour and light mitigation systems as recommended by an odour impact analysis; Odour and light control, maintenance and monitoring plans; Maintaining appropriate setbacks from sensitive receptors as detailed in the Zoning By-law; waste management plan. ZBL Agricultural A: 7.8 – Requirements for Cannabis Production; and Industrial: 22.3 - Requirements for Cannabis Production <ul style="list-style-type: none"> The regulations of Section (7.3 and/or 22.2) shall apply to greenhouses and structures used for cannabis production. In addition, greenhouses and structures used for cannabis production shall be subject to the following regulations: <ul style="list-style-type: none"> Minimum Setback to a Sensitive Land Use: the greater of 150 metres or the distance recommended by an odour impact analysis Minimum Planting Strip: 3.0 metres where abutting a sensitive land use. Maximum Parking Area Coverage: 25 percent Minimum Separation Distance Between Cannabis Production Greenhouse Operations: 500 meters

Municipality	Permitted?	Defined Terms	Designations and Zones	Provisions
				<ul style="list-style-type: none"> ○ A retail store is not permitted as an accessory use to a greenhouse. ○ Greenhouses requiring more than 10,000 litres of water per day are not permitted. <p>Section 6.16 - Parking Requirements</p> <ul style="list-style-type: none"> ● Greenhouses and Structures for Cannabis Production: 1 parking space per employee on the largest shift
Other Municipalities				
Chatham-Kent	Cannabis production is listed as permitted use in the Official Plan and in the Zoning By-law.	<p>ZBL</p> <p>Cannabis Production Facility: means any building structure, or lands licensed by, Health Canada to undertake cultivation, processing, sale, analytical testing, and research of cannabis, pursuant to the Cannabis Regulations under the Cannabis Act, or successor legislation.</p>	<p>OP</p> <ul style="list-style-type: none"> ● Cannabis production listed as a permitted use within the Employment Area, Agricultural Area and Rural Industrial designations in sections 3.7.2.2, 3.10.2.3. and B.2.4.3.1. of the Official Plan. <p>ZBL</p> <ul style="list-style-type: none"> ● The definition of the term “Agricultural Use” includes the use of land for a Cannabis Production Facility. ● The definition of the term “Industrial Use” includes that “an industrial use shall include a Cannabis Production Facility excluding the outdoor cultivation of cannabis.” 	<p>OP</p> <p>2.7: Cannabis Production</p> <ul style="list-style-type: none"> ● Objective: “Support and promote new industry as a cornerstone of economic development through diversification.” <p>The specific Land use policies for Cannabis Productions include (2.7.2):</p> <ul style="list-style-type: none"> ● “Should not be located within close proximity to sensitive land use, such as residential, institutional, open space or as more specifically outlined within the Zoning By-law;” (2.7.2) ● “Construction of new facilities are subject to site plan approval...” ● “Facilities should be located and designed in accordance with Federal regulations to mitigate potential impacts including light emissions, air emissions, odour, and so forth;” ● “Only facilities registered or licensed by Health Canada are permitted.” <p>ZBL</p> <p>General Provisions for All Zones: 4.41 - Cannabis Production Facility</p> <ul style="list-style-type: none"> ● Minimum separation distance applying to buildings and structures: <ul style="list-style-type: none"> ○ 75m from residential, institutional or open space zone boundary within the General Industrial (M1) Zone; ○ Within the Agricultural (A1) and Rural Industrial (MR) Zone, 100m from an existing residential dwelling on a separate lot; or from any residential, institutional, or open space zone boundary; ● Parking: Two spaces per three employees (maximum enrolment) or one space per 18 sq. m floor area used for office (whichever is greater), plus one space per 1,000 sq. m floor area used for production ● Section 4.11, Greenhouse Farms (Large Scale) does not apply ● Minimum separation distance and parking regulations do not apply to facilities where cultivation area is less than 200 sq. m, or to any outdoor cultivation area
Halton Hills	Introduced permissions for Cannabis Cultivation and processing through OPA 35 and By-laws 2019-35 and 201-36.	<p>ZBL</p> <ul style="list-style-type: none"> ● Cannabis Analytical Testing Facility means: A facility where the alteration of the chemical or physical properties of cannabis by any means is carried out, subject to regulations under the Cannabis Act, as amended. ● Cannabis Cultivation - Indoor means: The growing of cannabis within a wholly enclosed building or structure, for medical or recreational purposes, subject to regulations under the Cannabis Act, as amended. ● Cannabis Cultivation - Outdoor means The growing of cannabis in an open air setting, for medical or 	<p>OP</p> <ul style="list-style-type: none"> ● Official Plan permits cannabis cultivation and processing in General Employment Area Designation and Prestige Industrial Area ● Official Plan permits indoor cultivation of cannabis, processing of cannabis in the Protected Countryside Area and Agricultural Areas through a Zoning By-law Amendment and Site Plan control. ● outdoor cultivation is permitted in the Protected Countryside Area and Agricultural Area <p>ZBL</p> <ul style="list-style-type: none"> ● Cannabis Analytical Testing Facilities, Cannabis Cultivation - Indoor, Cannabis Drug Production Facilities, Cannabis 	<p>OPA No. 35 (By-law 2019-0034)</p> <ul style="list-style-type: none"> ● OP policy requiring 150 metre setback from lot line of lot containing child care centre, a private or public school, a place of worship or other institutional use, a residential use, a long term care facility, a retirement home or a public park and requiring site plan control. ● OP policy in Prestige Industrial Area requiring that “Cannabis cultivation and processing is permitted within an enclosed building provided the facade of any building facing Highway 401 and Steeles Avenue is clad in brick or other suitable material that does not give the impression that the building is a greenhouse. In addition, the height of any greenhouse portion of a building should not extend higher than the front facade of a building facing Highway 401 and Steeles Avenue” ● OP Policies specifically addressing indoor cannabis cultivation, processing of cannabis and outdoor cannabis cultivation in agricultural areas, including: <ul style="list-style-type: none"> ● 150 metre setback to sensitive uses ● Studies must take into account other cultivation in the area ● Outdoor growth of cannabis must be 50 metres from lot lines <p>Zoning By-law Amendments</p> <ul style="list-style-type: none"> ● Parking: 1 /30 m2 for the first 1,000 m2, 1/100 m2 for the floor area between 1,000 and 5,000 m2 plus 1/200 m2 in excess of 5,000 m2

Municipality	Permitted?	Defined Terms	Designations and Zones	Provisions
		<p><i>recreational purposes, subject to regulations under the Cannabis Act, as amended.</i></p> <ul style="list-style-type: none"> • Cannabis Drug Production Facility means: <i>A facility where the production or manufacturing of a drug containing cannabis is carried out, subject to regulations made under the Cannabis Act, as amended, and the Food and Drugs Act, as amended.</i> • Cannabis Processing Facility means: <i>A facility where the extraction of cannabis oil for the purpose of producing or manufacturing cannabis oils, gels or other edibles is carried out, subject to regulations under the Cannabis Act, as amended.</i> • Cannabis Research Facility means: <i>A facility used for activities in accordance with a Licence for Research, subject to regulations under the Cannabis Act, as amended.</i> 	<p>Processing Facilities and Cannabis Research Facilities Permitted as of right in EMP1 zone</p> <ul style="list-style-type: none"> • Cannabis Cultivation outdoor permitted as of right in Agricultural and Protected Countryside Zone. • Other uses permitted as of right in Rural Employment Zone. 	<ul style="list-style-type: none"> • Loading spaces to be located entirely within a building • Must be set back 150 metres from a number sensitive uses
<p>Leamington</p>	<p>By-law 35-18 – to regulate certain matters related to cannabis (Note. This is a by-law independent of the Zoning BY-law)</p>	<p>By-law 35-18</p> <p>Cannabis Facility: <i>means an indoor Premises on which Cannabis, Cannabis seed or Cannabis oil is grown, processed, extracted, packaged or otherwise made ready for sale, tested, destroyed, stored and/or shipped in accordance with the provisions of a licence issued by Health Canada, as may be amended from time to time, and shall not mean a Cannabis retail outlet operated by the Province of Ontario, Cannabis Lounge or Cannabis Retailer, and does not include any Property which is not licensed by Health Canada and on which Cannabis is grown exclusively for legal use by the registered owner of the Property (By-law 35-18).</i></p> <p>Part I Cannabis Facility: <i>means a Cannabis Facility for which the Municipality has received notice as a term of the application to Health Canada</i></p>	<p>By-law 35-18</p> <p>Part I Cannabis Facility</p> <ul style="list-style-type: none"> • May operate only in a zone designated for agricultural use, where a greenhouse, but not a hobby greenhouse, is permitted <p>Part II Cannabis Facility</p> <ul style="list-style-type: none"> • May operate in a zone designated for industrial use 	<p>By-law 35-18 Provisions</p> <p>5 - Part I Cannabis Facilities</p> <ul style="list-style-type: none"> • “Operate with an Odour Abatement Protocol to eliminate the mitigation of any Noxious Odour off its Premises” • “Be limited to the production, processing and packaging of Cannabis on behalf of the holder of the license for the Premises on which the Cannabis Facility is located and one other person” <p>6 - Part II Cannabis Facilities</p> <ul style="list-style-type: none"> • “Obtain a business license pursuant to the provisions of the Municipality’s Business Licensing By-law 03-18” • “Obtain, prior to commencing operation, a Change of Use Permit” • “Obtain prior to commencing operation, Site Plan Approval and enter into a Site Plan Agreement” • “Operate with an Odour Abatement Protocol to eliminate the mitigation of any Noxious Odour off its Premises and provide satisfactory proof thereof to the Municipality” • “Operate more than 200 m from the property line of the nearest Sensitive Use “ • “Be limited to the production, processing and packaging of Cannabis on behalf of the registered owner to the Premises and one other person” • “Be inspected by the Municipality’s Fire Department and comply with the provisions of the Fire Protection and Prevention Act”

Municipality	Permitted?	Defined Terms	Designations and Zones	Provisions
		<p>Part II Cannabis Facility: means a Cannabis Facility that is not a Part II Cannabis Facility including a designated grower, a micro-cultivator, processor or a premise on which Cannabis is grown for or on behalf of one of more other persons than the registered owner of the premises</p>		
<p>Norfolk</p>	<p>ZBA 25-Z-2018 to Zoning By-law 1-Z-2014</p>	<p>ZBL</p> <p>“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).</p> <p>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 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.” [25-Z-2018]</p> <p>Amendment to ‘Farm’: shall mean ..., but does not include Cannabis Production and Processing</p> <p>Amendment to ‘Garden Centre’: shall mean ... and shall not include Cannabis Production and Processing</p> <p>Amendment to ‘Wholesale Outlet’: shall mean ... and shall not include Cannabis Production and Processing</p>	<p>ZBL</p> <ul style="list-style-type: none"> Permitted Use Within Industrial Zones: General Industrial Zone (MG), Light Industrial Zone (ML), Rural Industrial Zone (MR) Permitted Use Within Agricultural Zone (A) 	<p>General Provisions – 3.21 Cannabis Production and Processing</p> <ul style="list-style-type: none"> “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 General Industrial Zone (MG), Light Industrial Zone (ML), Rural Industrial Zone (MR) may be located closer to any Residential Zone, Institutional Zone, or Open Space Zone than 70 metres. 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 Agricultural Zone (A) may be located closer to any Residential Zone, Institutional Zone, or Open Space Zone than 150 metres. 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 General Industrial Zone (MG), Light Industrial Zone (ML), Rural Industrial Zone (MR) may be located closer to any dwelling, public school, private school, place of worship, or day care nursery than 150 metres. 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 Agricultural Zone (A) may be located closer to any dwelling, public school, private school, place of worship, or day care nursery than 150 metres. 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 Agricultural Zone (A), General Industrial Zone (MG), Light Industrial Zone (ML), Rural Industrial Zone (MR) may be located closer to any dwelling, public school, private school, place of worship, or day care nursery than 300 metres. 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. Outdoor storage is prohibited on the property in which the Cannabis Production and Processing is located. Cannabis Production and Processing shall only be permitted within the zones as explicitly indicated in this Zoning By-law. All development in relation to the establishment of or expansion to a Cannabis Production and Processing shall be subject to Site Plan Control.” <p>4.9 – Number of Parking Spaces</p> <ul style="list-style-type: none"> Industrial establishment including Cannabis Production and Processing: 1 parking space for every 90 square metres of usable floor area

Municipality	Permitted?	Defined Terms	Designations and Zones	Provisions
		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.		
Oakville	The Township's website indicates that permission may exist under the existing zoning, in stating "In Oakville, it is the Chief Building Official so that the application can be reviewed for zoning compliance to determine what the primary use is in accordance with existing use definitions such as Agriculture or Manufacturing, and the applicable zoning permissions." According to a phone discussion with the Manager of Zoning, the Town is treating cannabis facilities under the definitions of agriculture and manufacturing, as the definitions exist in the by-law.	N/A	ZBL <i>Agriculture: means the growing of crops such as nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures.</i> <i>Manufacturing: means a premise for the altering, assembling, fabricating, processing, treating, or repairing goods, wares, merchandise, substances, articles, or products.</i>	Production Facilities Information on Town Website <ul style="list-style-type: none"> • A Federal license is required by submitting an application • Must provide written notice to the local government, policy and fire in the area <ul style="list-style-type: none"> ○ Addressed to a senior official of the local authority – Chief Building Official so that the application can be reviewed for zoning compliance to determine primary uses in accordance with existing use definitions such as Agriculture or Manufacturing, and the applicable zoning permissions
Arnprior	Zoning By-law 6875-18	ZBL Cannabis Related Facility: means an establishment where the cultivation, processing, analytical testing and/or research of cannabis occur as authorized by a license by the Government of Canada. The retail sale of cannabis is not permitted in conjunction with a cannabis related facility.	ZBL Cannabis related Facility is a permitted use in the Employment Zone.	ZBL General Provisions for Employment Zones - 8.3.2 Cannabis Related Facilities <ul style="list-style-type: none"> • "No facility shall be located closer than 100m from residential or institutional" • "No residential shall be permitted on the same lot" • "Loading spaces and storage must be within fully enclosed building" • "Retail sale is not permitted in conjunction with the use" 5.4 Non-Residential Parking Requirements <ul style="list-style-type: none"> • Cannabis Related Facility Minimum spaces required: 1/100m²
Haldimand County	Draft Zoning By-law Amendments prepared would permit the uses as of right in Agricultural Zones and Industrial Zones.	Draft ZBA Cannabis Production Facility: Cannabis Production Facility" shall mean any building or structure licensed and authorized by Health Canada to ship, deliver, transport, destroy, grow, dry, export and/or import cannabis for medical or non-medical purposes, including related research as defined an	Draft ZBA <ul style="list-style-type: none"> • (draft) Permitted as of right in the Agricultural and Industrial zones 	Draft ZBA Provisions <ul style="list-style-type: none"> • "A cannabis production facility will be subject to site plan control" • "A cannabis production facility shall comply with all zone provisions of the zone it is located within"; • "Prohibited on any lot containing a dwelling unit"; • Any building or structure or portion of land thereof used for cannabis production facility purposes shall be setback a minimum of 150 metres from: <ul style="list-style-type: none"> ○ any Residential, Commercial, Institutional or Open Space Zone; ○ the nearest lot line of any lot containing a dwelling unit, day nursery, school, community centre, place of entertainment, place of assembly, place of worship, long term care home, retirement home or cultural facility; and, ○ any settlement area boundary.

Municipality	Permitted?	Defined Terms	Designations and Zones	Provisions
		<p><i>applicable Federal Regulation, as amended from time to time</i></p> <p><i>“Air Treatment Control System” shall mean a system designed, approved and implemented in accordance with a license issued by Health Canada for the purposes of controlling emissions, including odour.</i></p>		<ul style="list-style-type: none"> ○ These setbacks increased based on the size of the facility in the following increments: less than 6,967 sq.m.: 150 metres, less than 9,260 sq.m.: 200 metres, greater than 9,260 sq.m.: 300 metres and where an air treatment control system is not provided: 300 metres. ● Parking requirement for a cannabis production facility shall be 1 parking space per 100 square metres of gross floor area; ● Outdoor storage is prohibited on a property on which a cannabis production facility is located; ● No outdoor signage or advertising shall be permitted; ● Where a facility is located on a lot, no other use shall be permitted on the lot or within the building as a whole, other than the growing of accessory agricultural crops; ● The minimum lot area must be greater than 4.0 hectares; ● Minimum setback for all structures associated with a cannabis production facility is 30 metres from all property lines; ● A building or structure used for security purposes for a cannabis production facility may be located in the front yard and does not have to comply with the required minimum front yard setback; ● Loading spaces for a cannabis production facility must be in a wholly enclosed building; ● All uses and activities associated with the cannabis production facility must take place entirely within a building.
<p>Brant County</p>	<p>Draft Housekeeping to amend ZBL 61-16 (Recommendation Meeting and Council not yet Scheduled). Would permit the uses as of right in Agricultural and Employment Zones.</p>	<p>Draft ZBA</p> <p>Cannabis Production Facility: <i>Means a lot, building or structure used for cultivation, processing, testing, destroying, packaging and shipping of cannabis authorized by a license issued by the Federal Minister of Health, pursuant to the Cannabis Act (S.C. 2018, c. 16), under the Controlled Drugs and Substances Act.</i></p> <p>Medical Cannabis Production Facility: <i>Means a lot, building or structure used for cultivation, processing, testing, destroying, packaging and shipping of Medical Cannabis authorized by a license issued by the Federal Minister of Health, pursuant to the, Access to Cannabis for Medical Purposes Regulations (ACMPR) under the Controlled Drugs and Substances Act.</i></p>	<p>Draft ZBA</p> <ul style="list-style-type: none"> ● Both Medical Cannabis Production Facilities and Cannabis Production Facilities listed as permitted uses within: <ul style="list-style-type: none"> ○ Agricultural Zone (A) ○ Agricultural Employment Zone (AE) ○ Light Industrial Zone (M2) ○ Heavy Industrial Zone (M3) 	<p>Draft ZBA General Provisions –</p> <p>4.23 Medical Cannabis Production Facility; and</p> <p>4.24 Cannabis Production Facility</p> <ul style="list-style-type: none"> ● “No building or structure or portion thereof used for Medical Cannabis Production Facility situated in Light Industrial Zone (M2) and Heavy Industrial Zone (M3) shall be located closer to any Residential Zone or use, Institutional Zone or use, or Open Space Zone than 150 metres.” ● “No building or structure or portion thereof used for Medical Cannabis Production Facility situated in the Agricultural Zone (A) or Agricultural Employment (AE) Zone shall be located closer to any Residential Zone or use, Institutional Zone or use, or Open Space Zone than 150 metres. “ ● “The facility operations, including loading spaces and storage, must be located within in a wholly enclosed building. Loading spaces may be located within the rear yard, not adjacent to a street, if the property is fully fenced and the property has security fencing in place. Loading spaces shall not be permitted within any front yard or any yard adjacent to a street.” ● “Open storage is prohibited.” ● “All development in relation to the establishment of or expansion to a Medical Cannabis Production Facility shall be subject to Site Plan Control process. “ ● “A building or structure used for security person for a Medical Cannabis Production Facility may be located in the front yard. “ <p>Section 5.12 - Parking Space Requirements for Cannabis Production Facilities and Medical Cannabis Production Facilities</p> <ul style="list-style-type: none"> ● 1 per 100m²



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