

The Corporation of the Town of Bradford West Gwillimbury

By-law 2020-94

Being a By-law to amend Zoning By-law 2010-050 to apply definitions and zoning standards for Cannabis cultivation as an Agricultural Use.

WHEREAS By-law 2010-050 is the main comprehensive Zoning By-law of the Town of Bradford West Gwillimbury;

AND WHEREAS By-law 2010-050 was approved by the Council of The Corporation of the Town of Bradford West Gwillimbury on June 8, 2010;

AND WHEREAS the Ontario Municipal Board under Case No. PL100684, by Order issued on August 13, 2010, deemed Zoning By-law 2010-050 in force and effect as of June 8, 2010, save and except for site-specific appeals, all of which have been disposed;

AND WHEREAS the Council of The Corporation of the Town of Bradford West Gwillimbury has conducted a consultation process aimed at amending applicable sections of the Zoning by-law to address cannabis cultivation as an agricultural use;

AND WHEREAS the Council of the Town of Bradford West Gwillimbury directed staff by Committee Recommendation COW-2020-65 passed on October 6, 2020 and authorized by Council on October 20, 2020 to initiated Zoning By-law Amendments (D14-19-06) related to Agricultural zoning standards and land use permissions for Agricultural Cannabis;

AND WHEREAS the Council of the Town of Bradford West Gwillimbury passed Recommendation COW-2020-17 on February 18, 2020, as approved by Resolution 2020-59 on March 3, 2020 directing Staff to initiate the public consultation process, including the holding of a Public Meeting and the preparation of a Town initiated Zoning By-law Amendment, for recommended provisions related to licensed cannabis growing/production facilities as an agricultural use;

AND WHEREAS the Council of the Town of Bradford West Gwillimbury passed Recommendation COW-2019-54 on May 7, 2019, as approved by Resolution 2019-198 on May 21, 2019, directing Staff to undertake a review of the Town's land use planning policies and regulations pertaining to Cannabis Micro-Cultivation Operations and to develop appropriate policies and regulations to manage and control cannabis related uses;

AND WHEREAS the Council of the Town of Bradford West Gwillimbury approved Resolution 2019-258 passing an Interim Control By-law, pursuant to Section 38 of the Planning Act, prohibiting the establishment of any new Cannabis Micro-Cultivation Operations on properties zoned Agricultural (A), Rural (RU), Marsh Agricultural (AM) and Natural Heritage System 2 (NHS2), for a period of one year, with the possibility of

extension, or until appropriate Official Plan and/or Zoning By-law provisions are in force, whichever is lesser;

AND WHEREAS the Council of the Town of Bradford West Gwillimbury passed Recommendation COW-2019-54 on May 7, 2019, as approved by Resolution 2019-198 on May 21, 2019 extending the Interim Control By-law to June 18, 2021;

AND WHEREAS the Provincial Policy Statement and the Provincial Growth Plan contain policies for the preservation and protection of prime agricultural lands, including but not limited specialty crop areas, within the Province of Ontario;

AND WHEREAS the Town of Bradford West Gwillimbury Official Plan contains policies that guide the use of prime agricultural lands in the Town;

AND WHEREAS authority is granted under Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13;

AND WHEREAS the Council of the Town of Bradford West Gwillimbury deemed it necessary and expedient to pass an Interim Control By-law to provide the Town with the time to undertake the review of its land use planning policies and regulations pertaining to Cannabis Micro-Cultivation Operations;

NOW THEREFORE the Council of The Corporation of the Town of Bradford West Gwillimbury enacts as follows:

1. Part 3 of By-law 2010-050 is amended by adding the following definitions to the current list:

Cannabis means ***Cannabis*** as defined in subsection 2(1) of the *Cannabis Act*, (Canada);

Agricultural Cannabis Cultivation Facility means the growing and harvesting of cannabis within a wholly enclosed building or structure and/or in an open-air setting for recreational or medical purposes which is authorized by a license issued by the Federal Minister of Health under the *Cannabis Act* (Canada) and its Regulations, as amended from time to time. An Agricultural Cannabis Cultivation Facility may include a minimal amount of packaging and/or shipping as an accessory use which is necessary to make the product available to Federal Cannabis license holders including but not limited to cultivators, processors, wholesalers, retailers, analytical testers, researchers, and nurseries in accordance with all applicable federal licenses, but shall not include a Cannabis Micro-Cultivation Facility. An Agricultural Cannabis Facility does not include growth, production and processing of four (4) or less cannabis plants on a lot for personal use and does not include the retailing of cannabis or cannabis products under a retail operator license issued under the *Cannabis License Act*, 2018.

Agricultural Cannabis Micro-Cultivation Facility means any land and/or building used for the growing and harvesting of cannabis with a maximum plant surface area of 200m² (2,153 square feet), which is authorized by a license issued by the Federal Minister of Health, pursuant to the *Cannabis Act* (Canada) as amended from time to time, or any successor thereto. A Cannabis Micro-Cultivation Facility includes a Cannabis Nursery as defined in the *Cannabis Act* (Canada) and may include a minimal amount of packaging and/or shipping as an accessory use which is necessary to make the product available to Federal Cannabis license holders including but not limited to cultivators, processors, wholesalers, retailers, analytical testers, researchers, and nurseries in accordance with all applicable federal licenses, but shall not include an Agricultural Cannabis Cultivation Facility. A Cannabis Micro-Cultivation Facility does not include growth, production and processing of four (4) or less cannabis plants on a lot for personal use and does not include the retailing of cannabis or cannabis products under a retail operator license issued under the *Cannabis License Act*, 2018.

2. That the Definition of Agricultural Use in Part 3 of Zoning By-law 2010-050, as amended, is hereby deleted and replaced with the following:

Agricultural Use 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* **but does not include an Agricultural Cannabis Cultivation Facility or an Agricultural Cannabis Micro-Cultivation Facility.**

3. Part 4 – General Provisions is hereby amended by adding a new Subsection 4.35 as follows:

4.35 ZONE STANDARDS FOR AGRICULTURAL CANNABIS CULTIVATION FACILITY

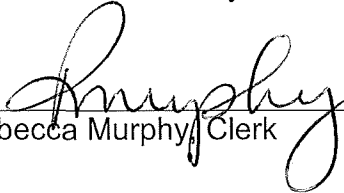
- a) Any *Agricultural Cannabis Cultivation Facility* must be setback a minimum of 300 metres from a school, day care, playground, sporting venue, park, recreational area, residence, place of worship, community centre or any other place where people regularly gather or sleep;
- b) Any *Agricultural Cannabis Cultivation Facility* must be setback a minimum of 150 metres from any Settlement Area boundaries.
- c) A completely enclosed security fence having a minimum *height* of 1.8 metres shall be provided and maintained around the perimeter of the *Agricultural Cannabis Cultivation Facility*.

- d) Hooped style, free-standing greenhouses or other temporary style structures that are not adequately constructed as to prevent unwanted emissions, will not be permitted.
4. Part 4 – General Provisions is hereby amended by adding a new Subsection 4.36 as follows:
- 4.36 ZONE STANDARDS FOR *AGRICULTURAL CANNABIS MICRO-CULTIVATION FACILITY***
- a) Notwithstanding Table 9.2, the minimum lot area for an *Agricultural Cannabis Micro-Cultivation Facility* shall be 2 hectares.
- b) Any *Agricultural Cannabis Micro-Cultivation Facility* must be setback a minimum of 300 metres from a school, day care, playground, sporting venue, park, recreational area, residence, place of worship, community centre or any other place where people regularly gather or sleep;
- c) Any *Agricultural Cannabis Micro-Cultivation Facility* must be setback a minimum of 150 metres from any Settlement Area boundaries.
- d) A completely enclosed security fence having a minimum *height* of 1.8 metres shall be provided and maintained around the perimeter of the *Agricultural Cannabis Micro-Cultivation Facility*.
- e) Hooped style, free-standing greenhouses or other temporary style structures that are not adequately constructed as to prevent unwanted emissions, will not be permitted.
5. Table 5.2 – Non-Residential Parking Requirements in Section 5.14 is amended by adding *Agricultural Cannabis Cultivation Facility* and *Agricultural Cannabis Micro-Cultivation Facility* to the list of uses with a corresponding minimum parking space requirement of 1 space for every 100m² of gross floor area or every 2 employees, whichever is greater.
6. Part 9 is amended by amending Section 9.3 – Permitted Uses and Table 9.1 adding *Agricultural Cannabis Cultivation Facility* and *Agricultural Cannabis Micro-Cultivation Facility* to the list of uses column and inserting an “X” indicating in which zones these uses are permitted, which is to be limited to the Agricultural (A) and Rural (RU) zones.
7. That this by-law does not prevent the keeping of up to four (4) plants per address for personal use as permitted under the Federal *Cannabis Act*, as amended from time to time.
8. If any provision or requirement of this By-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-law or the application of such provision or requirement to all persons

other than those to which it is held to be invalid or unenforceable, shall not be affected thereby, and each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.

9. This Bylaw shall come into force and take effect on the date of enactment.

Enacted this 20th day of October, 2020.



Rebecca Murphy, Clerk



Rob Keffer, Mayor