

The Corporation of the City of Kawartha Lakes

Agenda

Planning Advisory Committee Meeting

PC2021-03

Wednesday, March 10, 2021

Electronic Public Participation - Meeting Commences at 9:00am

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Mayor Andy Letham

Deputy Mayor Patrick O'Reilly

Councillor Kathleen Seymour-Fagan

Councillor Andrew Veale

Mike Barkwell

Jason Willock

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As no public access to Council Chambers is permitted, members of the public are invited to watch the meeting live on YouTube at www.youtube.com/c/CityofKawarthaLakes

1.	Call to Order and Adoption of Agenda	
2.	Declarations of Pecuniary Interest	
3.	Public Meeting Reports	
3.1.	PLAN2021-008	4 - 48
	Zoning By-law Amendments for Cannabis Cultivation and Processing Jonathan Derworiz, Planner II	
3.1.1.	Public Meeting	
3.1.2.	Business Arising from the Public Meeting	
	That Report PLAN2021-008, Zoning By-law Amendment for Cannabis Cultivation and Processing , be received for information; and	
	That Report PLAN2021-008, Zoning By-law Amendment for Cannabis Cultivation and Processing , be referred back to staff to address issues raised through the public consultation process for further review until such time that all comments have been addressed.	
3.2.	PLAN2021-011	49 - 62
	Application to Amend the Somerville Zoning By-law 78-45 at 41 Shadow Lake Road 16 – Park and Radford-Park David Harding, Planner II	
3.2.1.	Public Meeting	
3.2.2.	Business Arising from the Public Meeting	
	That Report PLAN2021-011, Amend the Somerville Zoning By-law 78-45 at 41 Shadow Lake Road 16 – Park and Radford-Park , be received;	
	That a Zoning By-law Amendment respecting application D06-2021-002, substantially in the form attached as Appendix D to Report PLAN2021-011, be approved and adopted by Council; and	
	That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.	
4.	Deputations	

4.1.	PC2021-03.4.1	63 - 65
	Emma Drake, D.M. Wills Relating to Report PLAN2021-012 Item 6.2 on the Agenda	
4.2.	PC2021-03.4.2	66 - 68
	Amanda Dougherty, D.M. Wills Relating to Report PLAN2021-010, Item 6.1 on the Agenda	
5.	Correspondence	
6.	Regular and Returned Reports	
6.1.	PLAN2021-010	69 - 89
	Application to Amend the Mariposa Zoning By-law 94-07 at 1095 White Rock Road – Bedard Sand and Gravel Limited Mark LaHay, Planner II	
	That Report PLAN2021-010, respecting Part Lot 10, Concession 12, Geographic Township of Mariposa, Bedard Sand and Gravel Limited – Application D06-2020-004, be received;	
	That a Zoning By-law, respecting application D06-2020-004, substantially in the form attached as Appendix C to Report PLAN2021-010 be approved for adoption by Council; and	
	That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.	
6.2.	PLAN2021-012	90 - 104
	Application to Amend the Manvers Zoning By-law 87-06 at 174 Highway 7A - Connor David Harding, Planner II	
	That Report PLAN2021-012, Amend the Manvers Zoning By-law 87-06 at 174 Highway 7A - Connor, be received;	
	That a Zoning By-law Amendment respecting application D06-2020-009, substantially in the form attached as Appendix D to Report PLAN2021-012, be approved and adopted by Council; and	
	That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.	
7.	Adjournment	



Planning Advisory Committee Report

Report Number:	PLAN2021-008
Meeting Date:	March 10, 2021
Title:	Zoning By-law Amendment for Cannabis Cultivation and Processing
Description:	To incorporate regulations for cannabis cultivation and processing operations into all 18 of the City's Zoning By-laws
Type of Report:	Statutory Public Meeting
Author and Title:	Jonathan Derworiz, Planner II

Recommendation:

That Report PLAN2021-008, **Zoning By-law Amendment for Cannabis Cultivation and Processing**, be received for information; and

That Report PLAN2021-008, **Zoning By-law Amendment for cultivation and processing operations**, be referred back to staff to address issues raised through the public consultation process for further review until such time that all comments have been addressed.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

During the November 3, 2020 Committee of a Whole Meeting, the following recommendations were adopted:

CW2020-179

Moved by Councillor Richardson

Seconded by Councillor Elmslie

That Report LGL2020-011, **Regulation of Nuisance associated with Cannabis Cultivation and Processing Operations within the City of Kawartha Lakes**, be received;

That a by-law to amend the Property Standards By-law in the form attached as Appendix "A" be placed before the Agricultural Development Advisory Committee for review and comment;

That an amendment to the Fees and Charges By-law substantially in the form attached as Appendix "B" be forwarded to Council for adoption;

That a further report come forward from Development Services, by the end of Q1, 2021, to discuss potential by-law amendments to the various Zoning By-laws in force and effect throughout the municipality, following statutory public consultation; and

That these recommendations be forwarded to Council for consideration at the next Regular Council Meeting.

Carried

This report is in response to the third recommendation listed above.

Rationale:

The City of Kawartha Lakes has experienced a significant increase in enforcement matters and inquiries pertaining to cannabis operations with regard to both legitimate and illegitimate operations. Following the Federal Government's decriminalization of cannabis, Health Canada developed a Cannabis Licensing program for the cultivation and processing of the crop. Since then, municipalities across the country have been challenged with implementing cannabis regulations that do not exceed their municipal powers but also effectively regulate the use within their jurisdiction.

Proposal:

The proposed Zoning By-law Amendment is comprised of new definitions, amendments to existing definitions, and new general provisions and zone requirements. Staff is proposing to incorporate these amendments into all of the City's Zoning By-laws.

New Definitions

Air Filtration Control

This definition is intended to clarify measures that would mitigate odour concerns originating from a cannabis production facility. This definition also provides a distinction between indoor and outdoor facilities as the former would require an Air Filtration Control and the latter would not. This is realized further in the proposed General Provisions where facilities with Air Filtration Control are implied to be indoor and have a lesser separation from sensitive land uses. The proposed definition is as follows:

Air Filtration Control shall mean the functional use of industrial grade multi-stage carbon filtration systems 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 and Cannabis Production and Processing

Defining Cannabis Production and Processing formally introduces the uses into the Zoning By-law and allows further regulations to follow within the By-law. A key part of this definition is the explicit mention of Health Canada licensing as it automatically prohibits any unlicensed facilities and, in turn, provides additional grounds on which to issue enforcement orders for illegal cannabis operations within the municipality. Once defined, the use will be inserted into appropriate zones. A definition for Cannabis is also provided. Proposed definitions are as follows:

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 Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.

Sensitive Land Uses

In an effort to mitigate impacts of cannabis uses from neighbouring properties, separation distances from land uses that could be negatively impacted are proposed. Rather than listing what are considered Sensitive Land Uses, such as nursing homes or residences, a category for such is being proposed. This definition is currently within the Lindsay Zoning By-law and aligns with the usage of the term as per both Provincial Policy Statement, 2020, and the City of Kawartha Lakes Official Plan (Official Plan). The proposed definition is as follows:

Sensitive Land Use means buildings, amenity areas or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be part of the built or natural environment. Examples include, but are not limited to, residences, day care centres, and educational and health centres.

Amended Definitions:

To distinguish cannabis production and processing facilities from general agricultural and industrial uses large and minimize interpretive issues within Zoning By-laws, amendments to agriculture- and industrial-focused definitions such as Agricultural Use, Farm, Industry, Heavy and Industry, Medium are proposed. It is not the intent to imply that cannabis production and processing is not agricultural or industrial, but to ensure that potential for regulation misinterpretation is minimized and that cannabis uses are subject to separation distances and other agricultural uses are not. Examples of amended definitions are as follows:

Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, poultry or beekeeping, and such uses as are customarily and normally related to agriculture and includes accessory buildings and does not include cannabis production or processing facilities.

Farm, Specialized means any land on which the predominant economic activity consists of raising chickens, turkeys or other fowl, the raising of fur bearing animals, the raising

of swine, goats, horses, or cattle on feed lots or other intensive animal operations, the raising or boarding of dogs or cats or the growing of mushrooms and does not include a cannabis production or production facility.

Industry, Medium, means an industry, assembly, manufacturing or processing plant which is predominantly conducted within a wholly enclosed building but which may also involve a limited amount of open or unenclosed storage areas and the discharge of noise, odour, particulate matter or smoke, or vibration which is detectable beyond the property boundaries. Examples of such uses are sheet metal, plastic, fibre glass or wood fabricating operations; motor vehicle body repair shops; and food processing facilities. This use does not include cannabis production or processing facilities.

Manufacturing, Processing, Assembling or Fabricating Plant shall mean a plant in which the process of producing any product, by hand or mechanical power and machinery, is carried on systematically with division of labour and shall not include cannabis production or processing.

General Regulations

All Zoning By-laws contain a General Regulations, or General Provisions, section that includes regulations that apply across multiple zones and special regulations for specific uses. This section can also include interpretative and technical statements on how to apply certain Zoning By-law regulations. Creating new subsections within General Regulations specific to Cannabis Production and Processing is being proposed. Within this subsection, provisions regarding separation distances and a site plan requirement will be included.

Two separation distances from Sensitive Land Uses are being proposed:

- 70 metres from the site-boundary to site-boundary for Cannabis Production and Processing containing Air Filtration Control systems.
- 300 metres from the site-boundary to site-boundary, for Cannabis Production and Processing without Air Filtration Control systems.

Cannabis production and processing is considered an agricultural use by the Ontario Ministry of Agricultural, Food and Rural Affairs (OMAFRA) but still has industrial land use implications insofar as the potential for odours to surpass the boundaries of the site. Following review of best practices, the City of Kawartha Lakes Official Plan and Environmental Land Use Planning guides from the Ministry of the Environment,

Conservation and Parks, separation distances of 70 metres and 300 metres are being proposed.

Zones

The Ontario Ministry of Agriculture, Food and Rural Affairs has indicated that cannabis cultivation and processing are agricultural uses and, as such, staff are proposing that this use be inserted into Agricultural Zones. Staff are also proposing that this use be inserted into Industrial Zones as cannabis processing has industrial associations including oil extraction and research and development.

In-effect Zoning By-laws have varying industrial zones that differ in the degree of permitted uses. For instance, General Industrial as per the Ops Zoning By-law, permits light, medium and heavy industrial uses while the Woodville Zoning By-law permits light industrial uses in the Restricted Industrial Zone and light, medium, and heavy industrial uses in the General Industrial Zone. As part of regulation development, industrial zones were evaluated for suitability of cannabis processing uses.

Provincial Policy Conformity:

Provincial Policy Statement, 2020:

The Provincial Policy Statement, 2020 (PPS) sets the policy foundation for regulating development and land use planning in Ontario. A harmony among economic development, resources, public healthy and safety, and the quality of the natural and built environment is facilitated through the policies contained in this document. The proposed Zoning By-law amendments demonstrate conformity with the PPS in the following manner:

Cannabis Production and Processing is considered an agricultural use by OMAFRA but also has industrial use effects, as described above. As such, the proposed amendments overlap policies pertaining to both major facilities, as defined by the PPS, and agricultural uses.

Through consideration of the potential for odours and other nuisances to surpass the boundaries of a site containing a cannabis production or processing facility, separation distances are proposed. This notion aligns with Section 1.2.6, Land Use Compatibility, as it prescribes that, if avoidance between a major facility and a sensitive land use is not possible, any potential adverse effects from odour, noise and other contaminants,

are minimized and mitigated to minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures. The proposed 70 metre and 300 metre separation distances align with a document prepared by the Ministry of the Environment, Conservation and Parks that pertains to compatibility between industrial land uses and sensitive land uses. These separation distances are also echoed in the Official Plan.

With regard to the agricultural nature of cannabis uses, the intent of the proposed amendments is to not stifle cannabis production and processing, as an agricultural use, through regulations, but encourage the use to be located and operated in a manner that minimizes and mitigates potential off-site effects like odour. With this in mind, staff is proposing to permit cannabis production and processing in agricultural zones, subject to the conditions outlined in the General Provisions. Through the site plan process, further vetting of a cannabis production and processing use would be undertaken to evaluate the impacts of the proposed operation on prime agricultural lands.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019:

To plan for growth and development in a manner that supports economic prosperity, protects the environment, and assists communities in achieving a high quality of life, the Ontario government prepared A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan).

As per section 1.2.1. of the Growth Plan, a guiding principle for planning in Ontario is providing flexibility for economic development and new employment opportunities as they emerge while providing certainty for traditional industries, including resource-based sectors. This principle echoes the direction of the PPS and is realized through the proposed amendment. Cannabis production and processing are not clearly permitted uses within the in-effect Zoning By-laws. By formally introducing this use in select zones, clarity as to where this use can operate is given to prospective operators and the general public. This has the potential to encourage operators to establish in the City.

Cannabis production and processing facilities have the potential to utilize substantial amounts of water. Through the Site Plan process, additional studies may be requested. This requirement allows for evaluation of an application for compliance with Section 3.2.6. of the Growth Plan, Water and Wastewater Systems. Requested studies could also analyze potential impacts to water supplies for adjacent property owners.

City of Kawartha Lakes Official Plan, 2012:

The City of Kawartha Lakes Official Plan, 2012 (Official Plan) provides policies and direction on the growth and development of the municipality. While echoing and supporting the policies within Provincial Plans, the Official Plan provides Kawartha Lakes-specific policy direction.

Section 2.2 of the Official Plan contains policy specific to the City's economy. As per 2.2.2, the City recognizes the importance of farming activities within the City and will continue to support and protect the continuation and growth of the agricultural industry. Introducing cannabis production and processing supports this policy given that producing cannabis is recognized as a form of agriculture and this inherently supports the growth of the agricultural industry.

Considering the industrial nature of cannabis production and processing, Section 3.8 Separation and Buffering of Uses, of the Official Plan was utilized to determine the proposed 70 and 300 metre separation distances between cannabis uses and sensitive land uses. Using the evaluation matrix within Section 3.8.3., staff concluded that cannabis production and processing would be considered a Medium Use which requires a 70 metre separation distance. Medium Uses also constitute a 300 metre area of influence. The 70 metre separation distance would be measured from the property line of the subject site and applies to operations equipped with air filtration control. The 300 metre separation applies to operations without air filtration control and is considered an area of influence which can be revised based on analysis during the Site Plan Agreement process. That is, if additional measures to mitigate potential nuisances are provided and considered acceptable by staff, the 300 metre area of influence can be decreased through a minor variance.

Introducing cannabis production and processing also aligns with the Agriculture objectives prescribed by the Economic Development section of the Official Plan. Namely, h) and i) which instruct as follows: identify and explore the development of new markets, crops, agricultural products, value-added processing and value-chain partnerships, locally, regionally and internationally; and, protect the right-to-farm without overly onerous restrictions. The former is noted inherently as the formal introduction of cannabis production to the City is anticipated to garner interest from prospective producers. With regard to i), Staff feel that the regulations proposed are reasonable given the agricultural and industrial overlap that the uses consist of.

Zoning By-laws:

This amendment proposes inserting cannabis production and processing into zones that currently permit related uses i.e., Agricultural, Rural General, and General Industrial. Given the nature of cannabis production and processing as described in previous sections of this report, Staff feel that this use meets the intent of these zones and is appropriately listed in the same zones as agricultural uses, and medium and heavy industry.

The proposed amendment will not create any situations of legal non-compliance.

Other Alternatives Considered:

No other alternatives have been considered.

Alignment to Strategic Priorities:

In line with the Strategic Priority of a Vibrant and Growing Economy, the proposed amendments provide prospective cannabis producers with clarity with regard to establishing in the City of Kawartha Lakes.

Practice of the Strategic Priority of Good Government is conducted through this application as Staff continue to evaluate applications diligently and promote continuous improvement in all steps of the land use planning process.

Financial/Operation Impacts:

There are no financial or operational impacts pertaining to the proposed amendments. Costs would be incurred in the event of an appeal to the decision made by Council.

Consultations:

Notice of this application was published in the Kawartha Lakes This Week and the Peterborough This Week.

At the time of report writing, the following comments have been received:

Public Comments:

At the time of report writing, no public comments have been received.

Agency Review Comments:

The regulations as outlined in this report were presented to the Agricultural Development Advisory Committee on February 11, 2021. At this meeting, the following motion was carried:

Motion by Adam Shea and seconded by Shawn Westland

That ADAC supports the Planning Division's proposed Zoning amendments as they pertain to the proposed production and processing of cannabis by Health Canada-authorized commercial entities with the following conditions:

1. The Planning Division investigate if the 300m proposed set back from outdoor growing operations could be taken from the edge of the outdoor crop instead of the edge of the property line;
2. The Planning Division investigate if the 70m proposed set back from indoor growing operations with full air filtration could be taken from the edge of the building instead of the edge of the property line; and
3. the Planning Division review the potential impact of cannabis operations on the development of adjacent properties.

Carried

Generally, Staff support this implementation. Changes to this report and attached By-law to reflect this have not yet been made and will not be incorporated until comments from the public and agencies have been received.

Staff are awaiting comments from the Ontario Ministry of Agriculture, Food and Rural Affairs, and the Ontario Federation of Agriculture.

Development Services – Planning Division Comments:

Staff feels that the proposed regulations are not overly onerous to prospective producers. Based on research conducted on how other municipalities are regulating cannabis processing and production, the approach put forward in this report generally aligns with common practices. This proposed amendment generally conforms with the PPS, the Growth Plan, and the Official Plan as it is providing the regulations necessary to facilitate cannabis production and processing within the City of Kawartha Lakes.

With regard to the Site Plan requirement, this mechanism is proposed to allow Staff to vet the proposed setbacks, determine if additional studies are required, such as a hydrogeological study, and to evaluate the fencing for the site.

Conclusion:

Staff recommends that this report for the proposed Cannabis Cultivation and Processing Regulations Zoning By-law amendment be referred back to staff for further review and consideration until comments from the public meeting and agencies have been reviewed.

Attachments:



Appendix A.pdf



Appendix B.pdf

Appendix 'A' – Report LGL2020-011 – Regulation of Nuisance Associated with Cannabis Cultivation and Processing Operations within the City of Kawartha Lakes

Appendix 'B' – Draft Zoning By-law Amendment

Department Head email: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

Department File: D06-2020-027

The Corporation of the City of Kawartha Lakes

Committee of the Whole Report

Report Number LGL2020-011

Meeting Date: November 3, 2020

Title: Regulation of Nuisance associated with Cannabis Cultivation and Processing Operations within the City of Kawartha Lakes

Description: Proposed amendments to the Zoning By-law and Property Standards By-law to address odour and light pollution associated with Cannabis Cultivation and Processing Operations. Proposed amendments to the Fees and Charges By-law re seized cannabis.

Ward Number: All

Author and Title: Robyn Carlson – City Solicitor
Aaron Sloan – Manager of Municipal Law Enforcement
Jonathan Derworiz – Planner II

Recommendations:

That Report RS2020-011 Regulation of Nuisance associated with Cannabis Cultivation and Processing Operations within the City of Kawartha Lakes, be received;

That a by-law to amend the Property Standards By-law in the form attached as Appendix “A” be placed before the Agricultural Development Advisory Committee for review and comment;

That an amendment to the Fees and Charges By-law substantially in the form attached as Appendix “B” be forwarded to Council for adoption;

That a further report come forward from Development Services, to discuss potential by-law amendments to the various Zoning By-laws in force and effect throughout the municipality, following statutory public consultation; and

Department Head:_____

Legal/ Finance/ Other:_____

Chief Administrative Officer:_____

That these recommendations be forwarded to the agenda for the next Council meeting for adoption.

Background:

By way of Council Resolution CW2020-095, Council on June 23, 2020 passed the following resolution:

That the Memorandum from Councillor Richardson, regarding the Regulatory Considerations for Managing Cannabis Cultivation in the City of Kawartha Lakes, be received;

That Staff be directed to provide information and options for zoning by-law regulations for both personal medical and commercial cultivation operations;

That Staff be directed to provide information and options for enforcement measures when commercial or personal medical cultivation operations exceed Federal approvals, or when the impact of the operation exceeds lot coverage percentages and post production/ processing brings a commercial element to otherwise residential or farm dwellings; and

That staff report back to Council with their proposals by the end of Q3 2020.

This Report addresses that direction. This Report does not address retail Cannabis sales, which are permitted in the General Retail category of Commercial zones. This Report addresses cannabis cultivation and processing operations, either through a federal commercial license (allowing sale to the government) or for personal use as a medical license.

Rationale:

If a member of the public is concerned with the legality of a cannabis operation, they should contact the police. The City is not privy to personal medical licenses, nor is it privy to commercial production licenses, both of which are issued by the federal government.

The City is entitled to regulate cannabis cultivation and production to the extent that this regulation falls within the City's ability to regulate land use within Zoning By-laws, enacted for valid planning purposes, and Property Standards By-laws.

The City is entitled to draft and enforce these by-laws to regulate property development to minimize nuisance, such as odour and light pollution. However, it cannot be the intent of these by-laws to supplement the criminal framework set

out in the Criminal Code and Cannabis Act. Perceived increase in crime as a result of the land use is not something that can be regulated under the Planning Act. It is important that all levels of government work together to ensure that residents feel safe in both the rural and urban settings.

Medical Marijuana and Planning Regulation

Medical marijuana can only be accessory to a residential use if the person with the license lives on the property.

Licensing for Commercial Cultivation and Processing

Health Canada is the governing body responsible for reviewing licence applications of prospective commercial cannabis growers. There are two types of licenses available that have tiers based on cultivation area and output:

Cultivation licenses allow the growing of cannabis indoors or outdoors, and if authorized, the sale and distribution to other licence holders and licensed retailers.

- 1) Standard Cultivation – no maximum cultivation area. License can authorize produce fresh and dried cannabis, cannabis plants and seeds. Accessory uses include drying, trimming and milling.
- 2) Micro Cultivation – 200m² maximum cultivation area. Permitted uses are the same as the Standard Cultivation license.
- 3) Nursery – license can permit production of cannabis plants and plant seeds. Accessory uses include drying.

Processing licenses permit the processing of cannabis indoors, and if authorized, the sale and distribution to other license holders and licensed retailers. Processing activities include extraction and refinement to create topicals, extracts and edibles.

- 1) Standard Processing – no maximum processing amount per year.
- 2) Micro Processing – permitted to process up to 600kg of dried flower, or equivalent, per year.

Land Use Issues and Planning Implications

Under the Cannabis Act, interested cultivators or processors are not required to obtain support from a municipality prior to applying for a license. Successful proponents are required to notify the municipality, copying the Minister, when a license is issued. While the Cannabis Act does not require any consultation with the municipality, under the Planning Act, municipalities are granted the authority to regulate land uses. From a land use planning perspective, cannabis crops, grown either indoor or outdoor, have land use planning implications the same as

mainstream agricultural or industrial uses. Staff have identified the following issues and options that require further analyses in determining the most appropriate course of action for regulating cannabis cultivation and processing in the City of Kawartha Lakes. This list is not exhaustive and, as this is an emerging industry, additional issues may arise:

- Distinguishing cannabis cultivation from production by way of defining such uses in Zoning By-laws;
- Amending existing definitions (i.e., Agricultural) or carving out new use-specific definitions.
- Determining an appropriate definition for the uses;
- Determining appropriate separation distances from residential uses and other sensitive land uses;
- Requiring Dark Sky compliance to mitigate light pollution;
- Applying Site Plan Control to each cultivator or producer; and,
- How and when to require studies pertaining to odour, stormwater and noise to minimize potential concerns from neighbouring property owners.

There are various options to address the issues outlined above. Brock, Uxbridge, Clarington and Scugog were examined in a municipal scan and are all currently exploring regulatory options for cannabis cultivation and production. This includes determining appropriate zones and zone requirements, enforcement measures and licensing. Brock and Scugog have both implemented Interim Control By-laws prohibiting the uses in the meantime while regulations are developed. Staff has obtained studies on cannabis cultivation and production from Georgina and Ramara and will be considering findings as regulations are built out. Staff are monitoring the progress made in these municipalities.

Along with odour and servicing, Staff are aware of concerns pertaining to a potential increase in criminal activity as a result of the land use. With regard to any land use, enforcement of applicable laws and maintaining a generally comfortable perception of safety requires a multifaceted approach from the respective municipality.

Planning will be reviewing minimum lot sizes in the agricultural zone to see if it is sufficient for cannabis growing (both indoor and outdoor). Planning will be reviewing agricultural, light industrial and residential lot coverage maximums that currently exist in the zoning by-laws that are in force and effect throughout the municipality to determine if they are sufficient for indoor cannabis cultivation.

Proposed Amendments to the Property Standards By-law

The proposed amendments to the Property Standards By-law should address the odour and light pollution issues associated both with residential cultivation of cannabis pursuant to medical license, the commercial cultivation of cannabis in

the agricultural zone, and the commercial processing of the cannabis plant into product in the industrial zone. The proposed amendments consider regulation of the nuisance issues associated with cannabis cultivation, and maintaining the safety of those in residential buildings where cannabis cultivation is occurring pursuant to a medical license. Proposed additional definitions and sections amendments are as follows:

“Noxious Odour” mean odours from activities emanating from a property that is persistent or continuous and is likely to interfere with the normal and reasonable use of another property;

“Odour Abatement Protocol” means a combination of methods, practices, equipment and technologies designed for the purpose of eliminating the emission and emanation of Noxious Odours from a property.

Light Penetration: Every Owner shall provide and maintain effective barriers to prevent the light from lamp standards, signs, vehicle head-lamps and other sources from shining directly into a Dwelling Unit or onto a neighbouring property.

Cannabis Related Activity: Where a Cannabis Related Activity is permitted on a property which occurs in a green house or building or other structure, the Owner or Occupier shall ensure that a ventilation system is installed to filter and exhaust the Noxious Odours

Exhaust of Noxious and Other Substances: Where a system of mechanical ventilation or Odour Abatement Protocol which exhausts noxious fumes, odours, gases, dust or sawdust from a Building is installed, the Owner shall ensure that the discharge from the system terminates above the roof line of the Building, and not less than three (3) metres (equivalent to nine point eight (9.8') feet) clear of any skylight, window, ventilator or other opening into that or another Building, and is operated in a manner so as not to constitute a Nuisance.

See Appendix “A” for a full list of proposed amendments. These proposals will be put before the Agricultural Development Advisory Committee for its review and comment before returning to Council.

Proposed Amendments to the Fees and Charges By-law

Enforcement of the Criminal Code with respect to illegal cannabis cultivation can be expensive, as the Ontario Provincial Police and the Kawartha Lakes Police are currently subject to the City’s tipping fees when attempting to landfill cannabis plants that have been seized. The by-law amendments to the City’s Fees and Charges By-law proposed at Schedule B provide a waiver of these costs for the enforcement authorities.

Other Alternatives Considered:

No other alternatives have been considered.

Financial/Operation Impacts:

Additional operation impacts will be felt by the Municipal Law Enforcement Office, as the enforcement of these added Property Standards provisions will fall to them. No additional staff is being proposed for that Office, so will result in additional workload for existing staff. Staff in that department are currently at/over capacity, so this is intended to increase wait times for responses. That department currently has a wait time of 2 months for some investigative issues and response.

A waiver of tipping fees will result in reduced revenue by the City.

Relationship of Recommendations to the 2020-2023 Strategic Plan:

This report and recommended resolutions aligns with the Guiding Principle of service excellence. Moreover, this report and recommendations support the strategic priority of good government.

Review of Accessibility Implications of Any Development or Policy:

N/A

Consultations:

Director of Development Services
Manager of Municipal Law Enforcement
Manager of Planning

Attachments:



LGL2020-011
Appendix A - Proper

Appendix A – Proposed Amendments to the Property Standards By-law to Address Nuisance Associated with Cannabis Growth and Processing Operations



LGL2020-011
Appendix B - By-Law

Appendix B – Proposed Amendments to the Fees and Charges By-law to
Address costs associated with police enforcement of illegal cannabis cultivation

Department Head E-Mail: rtaylor@kawarthalakes.ca

Department Head: Ron Taylor

The Corporation of the City of Kawartha Lakes

By-Law 2020-125

A By-Law To Amend The Following 18 Zoning By-Laws Within The City Of Kawartha Lakes

Village of Bexley Zoning By-Law No. 93-09
Village of Bobcaygeon Zoning By-Law No. 16-78
Township of Carden Zoning By-Law No. 79-2
Township of Dalton Zoning By-Law No. 10-77
Township of Eldon Zoning By-Law No. 94-14
Township of Emily Zoning By-Law No. 1996-30
Township of Fenelon Zoning By-Law No. 12-95
Village of Fenelon Falls Zoning By-Law No. 89-25
Townships of Laxton, Digby, Longford Zoning By-Law No. 32-83
Town of Lindsay Zoning By-Law No. 2000-75
Township of Manvers Zoning By-Law No. 87-06
Township of Mariposa Zoning By-Law No. 94-07
Village of Omemee Zoning By-law No. 1993-15
Township of Ops Zoning By-Law No. 93-30
Township of Somerville Zoning By-Law No. 78-45
Village of Sturgeon Point By-Law No. 339
Township of Verulam Zoning By-Law No. 6-87
Village of Woodville Zoning By-Law No. 93-9

[File D06-2020-027, Report PLAN2021-XXX, respecting lands within The City of Kawartha Lakes]

Recitals:

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. This By-Law is in response to recommendation PAC2020-051 passed at the November 4, 2020 Planning Advisory Committee Meeting, as adopted by Council at the November 17, 2020 Regular Council Meeting by resolution CR2020-368, regarding the regulation of Cannabis Production and Production in the City of Kawartha Lakes.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-Law 2021-XXX.

Section 1:00 Zoning Details – Definitions

- 1.01 Property Affected: The Property affected by this Section is described as lands within: the former Town of Lindsay; the former Townships of Carden, Dalton, Eldon, Emily, Fenelon, Laxton, Digby, Longford, Manvers, Mariposa, Ops, Somerville and Verulam; and, the former Villages of Bexley, Bobcaygeon, Fenelon Falls, Omemee, Sturgeon Point and Woodville.
- 1.02 Textual Amendment: The following By-Law Nos. and corresponding Sections as described in the table below are further amended by adding the Definitions in alphabetical order, as described in 1.03, in the table below:

Zoning By-law	Definitions Section/Part
Village of Bexley Zoning By-law No. 93-09	2
Village of Bobcaygeon Zoning By-law No. 16-78	2
Township of Carden Zoning By-law No. 79-2	15
Township of Dalton Zoning By-law No. 10-77	15
Township of Eldon Zoning By-law No. 94-14	2
Township of Emily Zoning By-law No. 1996-30	2
Township of Fenelon Zoning By-law No. 12-95	2
Village of Fenelon Falls Zoning By-law No. 89-25	1
Townships of Laxton, Digby, Longford Zoning By-law No. 32-83	19
Town of Lindsay Zoning By-law No. 2000-75	4
Township of Manvers Zoning By-law No. 87-06	21
Township of Mariposa Zoning By-law No. 94-07	2
Village of Omemee Zoning By-law No. 1993-15	2
Township of Ops Zoning By-law No. 93-30	19
Township of Somerville Zoning By-law No. 78-45	19
Village of Sturgeon Point By-law No. 339	2
Township of Verulam Zoning By-law No. 6-87	4
Village of Woodville Zoning By-law No. 93-9	2

1.03 Textual Amendment – Details

Air Filtration Control shall mean the functional use of industrial grade multi-stage carbon filtration systems or similar technology, to reduce and/or treat the emission of pollen, dust and odours expelled from a facility and size 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 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.

- 2.01 Property Affected: The Property affected by this Section is described as lands within: the former Townships of Carden, Dalton, Eldon, Emily, Fenelon, Laxton, Digby, Longford, Manvers, Mariposa, Ops, Somerville and Verulam; and, the former Villages of Bexley, Bobcaygeon, Fenelon Falls, Omemee, Sturgeon Point and Woodville.
- 2.02 Textual Amendment: The following By-Law Nos. and corresponding Sections as described in the table below are further amended by adding the Definitions in alphabetical order, as described in 2.03, in the table below:

Zoning By-law	Definitions Section/Part
Village of Bexley Zoning By-law No. 93-09	2
Village of Bobcaygeon Zoning By-law No. 16-78	2
Township of Carden Zoning By-law No. 79-2	15
Township of Dalton Zoning By-law No. 10-77	15
Township of Eldon Zoning By-law No. 94-14	2
Township of Emily Zoning By-law No. 1996-30	2
Township of Fenelon Zoning By-law No. 12-95	2
Village of Fenelon Falls Zoning By-law No. 89-25	1
Townships of Laxton, Digby, Longford Zoning By-law No. 32-83	19
Township of Manvers Zoning By-law No. 87-06	21
Township of Mariposa Zoning By-law No. 94-07	2
Village of Omemee Zoning By-law No. 1993-15	2
Township of Ops Zoning By-law No. 93-30	19
Township of Somerville Zoning By-law No. 78-45	19
Village of Sturgeon Point By-law No. 339	2
Township of Verulam Zoning By-law No. 6-87	4
Village of Woodville Zoning By-law No. 93-9	2

2.03 Textual Amendment – Details

Sensitive Land Use means buildings, amenity areas or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be part of the built or natural environment. Examples include residences, day care centres, and educational and health centres.

Section 2:00 Village of Bexley Zoning By-law No. 93-09

2.01 Property Affected: The Property affected by this Section is described as lands within the former Village of Bexley.

2.02 Textual Amendment: By-law No. 93-09 of the Village of Bexley is amended by:

2.02.1 In Part 2 – Definitions, replacing the definition for Agricultural Use, Industry, Heavy, Industry, Light, and Industry, Medium, with the following:

Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, aquaculture, poultry or beekeeping, and such uses as are customarily and normally related to agriculture but does not include cannabis production or processing.

Industry, Heavy, means an industry, assembly, manufacturing, or processing plant which is land intensive or predominantly conducted in an open or unenclosed space or which by their nature, including volume of truck traffic, use of hazardous or flammable materials, the discharge of noise, odours or particulate matter require extensive buffering. Examples of such uses are steel mills, steel fabricating, metal or rubber recovery plants, foundries, pesticide manufacturing, refineries and bulk fuel storage facilities. This use does not include Cannabis Production or Processing Facilities.

Industry, Light, means an industry which is conducted and wholly contained within an enclosed building and the operation of which does not produce emissions of noise, smoke, odour, particulate matter or vibration which is detectable beyond any lot line. Examples of such uses are light assembly, electronics, warehousing and industrial malls. This use does not include Cannabis Production or Processing Facilities.

Industry, Medium, means an industry, assembly, manufacturing or processing plant which is predominantly conducted within a wholly enclosed building but which may also involve open storage. Examples of such uses are sheet metal, plastic, fibre glass or wood fabricating, motor vehicle body repair shops and food processing facilities. This use does not include Cannabis Production or Processing Facilities.

2.02.2 In Part 3: General Provisions, adding the following:

3.22 Cannabis Production and Processing Facilities

3.22.1 Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid 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.

3.22.2 The cannabis production and processing facility shall comply with the lot size requirements, setbacks, and lot coverage prescribed within the zones where the use is permitted.

3.22.3 Notwithstanding 3.22.2:

- i. in the Rural General (RG) Zone and General Industrial (M2) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use.
- ii. in the Rural General (RG) Zone and General Industrial (M2) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use.
- iii. Cannabis Production and Processing Facilities shall be subject to a Site Plan Agreement.

Section 3:00 Village of Bobcaygeon Zoning By-Law No. 16-78

3.01 Property Affected: The Property affected by this Section is described as lands within the former Village of Bobcaygeon.

3.02 Textual Amendment: By-Law No. 16-78 of the Village of Bobcaygeon is amended by:

3.02.1 Replacing the definition for 2.3 Agricultural Use with the following:

2.3 Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, poultry or beekeeping, and such uses as are customarily and normally related to agriculture and includes a farm dwelling and accessory buildings but does not include cannabis production or processing.

3.02.2 Adding the following to Section 3 General Provisions:

3.27 Cannabis Production and Processing Facilities

i) Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid 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.

ii) The cannabis production and processing facility shall comply with the lot size requirement, setbacks and lot coverage prescribed within the zones where the use is permitted.

iii) Notwithstanding ii):

- i. in the Rural General (A1) Zone and Restricted Industrial (M1) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use.
- ii. in the Rural General (A1) Zone and Restricted Industrial (M1) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use.
- iii. Cannabis Production and Processing Facilities shall be subject to a Site Plan Agreement.

Section 4:00 Township of Carden Zoning By-Law No. 79-2

4.01 Property Affected: The Property affected by this Section is described as lands within the former Township of Carden.

4.02 Textual Amendment: By-Law No. 79-2 of the Township of Carden is amended by:

4.02.1 Replacing the definition for Agricultural Use in Section 15 with:

Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, poultry or beekeeping, and such uses as are customarily and normally related to agriculture and includes accessory buildings and does not include cannabis production or production facilities.

4.02.2 Adding the following to Section 14 General Provisions:

14.28 Cannabis Production and Processing Facilities

i) Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid 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.

ii) The cannabis production and processing facility shall comply with the lot size requirement, setbacks and lot coverage prescribed within the zones where the use is permitted.

iii) Notwithstanding ii):

- i. in the Rural General (RG) Zone and General Industrial (M3) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use.
- ii. in the Rural General (RG) Zone and General Industrial (M3) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use.
- iii. Cannabis Production and Processing Facilities shall be subject to a Site Plan Agreement.

Section 5:00 Township of Dalton Zoning By-Law No. 10-77

5.01 Property Affected: The Property affected by this Section is described as lands within the former Township of Dalton.

5.02 Textual Amendment: By-Law No. 10-77 of the Township of Dalton is amended by:

5.02.1 Replacing the definitions for Agricultural Use and Agricultural Use, Specialized, in Section 15, with the following:

Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, poultry or beekeeping, and such uses as are customarily and normally related to agriculture and includes accessory buildings and does not include cannabis production or processing facilities.

Agricultural Use, Specialized means land on which the predominant use is for buildings for the intensive raising or keeping of chickens, turkeys or other fowl, rabbits or other fur bearing animals, a broiler plant, the growing of mushrooms, the keeping of animals for medical purposed or the intensive feeding of hogs, sheep, goats, horses or cattle in a confined area and does not include cannabis production or processing facilities.

5.02.2 Adding the following to Section 14 – General Provisions:

14.31 Cannabis Production and Processing Facilities

i) Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid 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.

ii) The cannabis production and processing facility shall comply with the lot size requirement, setbacks and lot coverage prescribed within the zones where the use is permitted.

iii) Notwithstanding ii):

- i. in the Rural General (RG) Zone and General Industrial (M2) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use.
- ii. in the Rural General (RG) Zone and General Industrial (M2) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use.
- iii. Cannabis Production and Processing Facilities shall be subject to a Site Plan Agreement.

Section 6:00 Township of Eldon Zoning By-Law No. 94-14

6.01 Property Affected: The Property affected by this Section is described as lands within the former Township of Eldon.

6.02 Textual Amendment: By-Law No. 94-14 of the Township of Eldon is amended by:

6.02.1 In Part 2 – Definitions, replacing the definitions for Agricultural Produce Storage Facility, Agricultural Use, Agriculturally Related Commercial Use, Industry, Heavy, Industry, Light, and Industry, Medium with the following:

Agricultural Produce Storage Facility means a building or structure used for the storage of agricultural produce and may include facilities for wholesale distribution or an accessory retail outlet for the sale of such agricultural produce, not including cannabis, to the general public.

Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, aquaculture, poultry or beekeeping, and such uses as are customarily and normally related to agriculture and does not include cannabis production or processing.

Agriculturally Related Commercial Use means a use directly related to agriculture and requiring proximity to farm operations and includes such uses as animal husbandry services, produce or grain storage facilities or farm machinery sales and service outlets and does not include cannabis production or processing facilities.

Industry, Heavy, means an industry, assembly, manufacturing, or processing plant which is land intensive or predominantly conducted in an open or unenclosed space or which by their nature, including volume of truck traffic, use of hazardous or flammable materials, the discharge of noise, odours or particulate matter require extensive buffering. Examples of such uses are steel

mills, steel fabricating, metal or rubber recovery plants, foundries, pesticide manufacturing, refineries and bulk fuel storage facilities. This use does not include cannabis production or processing.

Industry, Light, means an industry which is conducted and wholly contained within an enclosed building the operation of which does not produce emissions of noise, smoke, odour, particulate matter or vibration which is detectable beyond any lot line. Examples of such uses are light assembly, electronics, warehousing and industrial malls. This use does not include cannabis production or processing.

Industry, Medium, means an industry, assembly, manufacturing or processing plant which is predominantly conducted within a wholly enclosed building but which may also involve open storage. Examples of such uses are sheet metal, plastic, fibre glass or wood fabricating, motor vehicle body repair shops and food processing facilities. This use does not include cannabis production or processing.

6.02.2 Adding the following to Section 3 – General Provisions:

3.22 Cannabis Production and Processing Facilities

3.22.1) Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid 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.

3.22.2) The cannabis production and processing facility shall comply with the lot size requirement, setbacks and lot coverage prescribed within the zones where the use is permitted.

3.22.3) Notwithstanding 3.22.2):

- i. in the Agricultural (A1) Zone, Rural General (A2) Zone and General Industrial (M2) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use.
- ii. in the Agricultural (A1) Zone, Rural General (A2) Zone and General Industrial (M2) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use.
- iii. Cannabis Production and Processing Facilities shall be subject to a Site Plan Agreement.

Section 7:00 Township of Emily Zoning By-Law No. 1996-30

- 7.01 Property Affected: The Property affected by this Section is described as lands within the former Township of Emily.
- 7.02 Textual Amendment: By-Law No. 1996-30 of the Township of Emily is amended by:

7.02.1 Replacing definitions for Agricultural Use, Industry, Heavy, Industry Light, and Industry, Medium, in Part 2 – Definitions with the following:

Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, aquaculture, poultry or beekeeping, and such uses as are customarily and normally related to agriculture and does not include cannabis production or production facilities.

Industry, Heavy, means an industry, assembly, manufacturing or processing plant which is land intensive or predominantly conducted in an open or unenclosed space or which by its nature, including volume of truck traffic, use of hazardous or flammable materials, the discharge of noise, odours or particulate matter requires extensive buffering. Examples of such uses are steel mills, steel fabricating, metal or rubber recovery plants, foundries, pesticide manufacturing, refineries and bulk fuel storage facilities, but the same does not include aggregate processing operations. This use does not include cannabis production or processing facilities. (OMB Order # 1118 June 9, 1999)

Industry, Light, means an industry which is conducted and wholly contained within an enclosed building the operation of which does not produce emissions of noise, smoke, odour, particulate matter or vibration which is detectable beyond any lot line. Examples of such uses are light assembly, electronics, warehousing and industrial malls. This use does not include cannabis production or processing facilities.

Industry, Medium, means an industry, assembly, manufacturing or processing plant which is predominantly conducted within a wholly enclosed building but which may also involve open storage. Examples of such uses are sheet metal, plastic, fibre glass or wood fabricating, motor vehicle body shops and food processing facilities. This use does not include cannabis production or processing facilities.

7.02.2 Adding the following to Part 3 – General Provisions:

3.22 Cannabis Production and Processing Facilities

3.22.1) Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in

possession of a valid 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.

3.22.2) The cannabis production and processing facility shall comply with the lot size requirement, setbacks and lot coverage prescribed within the zones where the use is permitted.

3.22.3) Notwithstanding 3.22.2):

- i. in the Agricultural (A1) Zone, Rural General (A2) Zone and General Industrial (M2) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use.
- ii. in the Agricultural (A1) Zone, Rural General (A2) Zone and General Industrial (M2) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use.
- iii. Cannabis Production and Processing Facilities shall be subject to a Site Plan Agreement.

Section 8:00 Township of Fenelon Zoning By-Law No. 12-95

8.01 Property Affected: The Property affected by this Section is described as lands within the former Township of Fenelon.

8.02 Textual Amendment: By-Law No. 1996-30 of the Township of Fenelon is amended by:

8.02.1 In Part 2, replacing the definitions for Agricultural Produce Storage Facility, Agricultural Use, Agriculturally Related Commercial Use, Industry, Heavy, Industry, Light, and Industry, Medium, with:

Agricultural Produce Storage Facility means a building or structure used for the storage of agricultural produce and may include facilities for wholesale distribution or an accessory retail outlet for the sale of such agricultural produce, not including cannabis, to the general public.

Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, aquaculture, poultry or beekeeping, and such uses as are customarily and normally related to agriculture but does not include cannabis production or processing.

Agriculturally Related Commercial Use means a use directly related to agriculture and requiring proximity to farm operations and includes such uses as animal husbandry services, produce or grain storage facilities or farm machinery

sales and service outlets but does not include cannabis production or processing.

Industry, Heavy, means an industry, assembly, manufacturing, or processing plant, exclusive of a sand or gravel pit, which is land intensive, or predominantly conducted in an open or unenclosed space, or which by its nature generates large volumes of truck traffic; uses and/or stores bulk quantities of hazardous or flammable materials; usually or commonly discharges noise, odours, smoke or particulate matter or vibration beyond the property boundaries; and require extensive buffering. Examples of such uses are steel mills, steel fabricating, metal or rubber recovery plants, foundries, pesticide manufacturing and refineries. This use does not include cannabis production or processing facilities.

Industry, Light, means an industry which is conducted and wholly contained within an enclosed building the operation of which does not produce emissions of noise, odour, smoke or particulate matter or vibration which are detectable beyond any lot line. Examples of such uses are light assembly, electronics, warehousing and industrial malls. This use does not include cannabis production or processing facilities.

Industry, Medium, means an industry, assembly, manufacturing or processing plant which is predominantly conducted within a wholly enclosed building but which may also involve a limited amount of open or unenclosed storage areas and the discharge of noise, odour, particulate matter or smoke, or vibration which is detectable beyond the property boundaries. Examples of such uses are sheet metal, plastic, fibre glass or wood fabricating operations; motor vehicle body repair shops; and food processing facilities. This use does not include cannabis production or processing facilities.

8.02.2 Adding the following to Part 3 – General Provisions:

3.22 Cannabis Production and Processing Facilities

3.22.1) Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid 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.

3.22.2) The cannabis production and processing facility shall comply with the lot size requirement, setbacks and lot coverage prescribed within the zones where the use is permitted.

3.22.3) Notwithstanding 3.22.2):

- i. in the Agricultural (A1) Zone, Rural General (A2) Zone and General Industrial (M2) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use.
- ii. in the Agricultural (A1) Zone, Rural General (A2) Zone and General Industrial (M2) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use.
- iii. Cannabis Production and Processing Facilities shall be subject to a Site Plan Agreement.

Section 9:00 Village of Fenelon Falls Zoning By-Law No. 89-25

9.01 Property Affected: The Property affected by this Section is described as lands within the former Village of Fenelon Falls.

9.02 Textual Amendment: By-Law No. 89-25 of the Village of Fenelon Falls is amended by:

9.02.1 In Part 1 – Definitions, replace 1.3 Agricultural Produce Warehouse and 1.116 Manufacturing, Processing, Assembling or Fabricating Plant with the following:

1.3 Agricultural Produce Warehouse shall mean a building or part of a building used for the storage of agricultural produce and may include facilities for wholesale distribution or an accessory retail commercial outlet for the sale of such agricultural produce, not including cannabis, to the general public.

1.116 Manufacturing, Processing, Assembling or Fabricating Plant shall mean a plant in which the process of producing any product, by hand or mechanical power and machinery, is carried on systematically with division of labour and shall not include cannabis production or processing.

9.02.2 Add the following to Part 5 – General Zone Provisions:

5.29 Cannabis Production and Processing Facilities

5.29.1 Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid 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.

5.29.2 The cannabis production and processing facility shall comply with the lot size requirement, setbacks and lot coverage prescribed within the zones where the use is permitted.

5.29.3 Notwithstanding 5.29.2:

- i. in the Restricted Industrial (M1) Zone and General Industrial (M2) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use.
- ii. in the Restricted Industrial (M1) Zone and General Industrial (M2) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use.
- iii. Cannabis Production and Processing Facilities shall be subject to a Site Plan Agreement.

Section 10:00 Townships of Laxton, Digby, Longford Zoning By-Law No. 32-83

10.01 Property Affected: The Property affected by this Section is described as lands within the former Townships of Laxton, Digby and Longford.

10.02 Textual Amendment: By-Law No. 32-83 of the Townships of Laxton, Digby, Longford is amended by:

10.02.1: In Section 19 – Definitions, replacing the definition of Agricultural Use, Industry, Heavy, Industry, Light, and, Industry, Medium, with the following:

Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, poultry or beekeeping, and such uses as are customarily and normally related to agriculture and includes accessory buildings and does not include cannabis production or processing facilities.

Industry, Heavy, means an industry, assembly, manufacturing, or processing plant which is land intensive or predominantly conducted in an open or unenclosed space or which by their nature, including: volume of truck traffic, use of hazardous or flammable materials, the discharge of noise, odours or particulate matter, require extensive buffering. Examples of such uses are steel mills, steel fabricating, metal or rubber recovery plants, foundries, pesticide manufacturing, refineries and bulk fuel storage facilities. This use does not include cannabis production or processing facilities.

Industry, Light, means an industry which is conducted and wholly contained within an enclosed building the operation of which does not produce emissions of noise, smoke, odour, particulate matter or vibration which is detectable beyond any lot line. Examples of such uses are light assembly, electronics, warehousing and industrial malls. This use does not include cannabis production or processing facilities.

Industry, Medium, means an industry, assembly, manufacturing or processing plant which is predominantly conducted within a wholly enclosed building but which may also involve open storage. Examples of such uses are sheet metal, plastic, fibre glass or wood fabricating, motor vehicle body repair shops and food processing facilities. This use does not include cannabis production or processing facilities.

10.02.2: In Section 18 – General Provisions, insert the following:

18.31 Cannabis Production and Processing Facilities

18.31.1 Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid 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.

18.32.2 The cannabis production and processing facility shall comply with the lot size requirement, setbacks and lot coverage prescribed within the zones where the use is permitted.

18.32.3 Notwithstanding 18.32.2:

- i. in the Rural General (A1) Zone and General Industrial (M1) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use.
- ii. in the Rural General (A1) Zone and General Industrial (M1) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use.
- iii. Cannabis Production and Processing Facilities shall be subject to a Site Plan Agreement.

Section 11:00 Town of Lindsay Zoning By-Law No. 2000-75

11.01 Property Affected: The Property affected by this Section is described as lands within the former Town of Lindsay.

11.02 Textual Amendment: By-Law No. 2000-75 of the Town of Lindsay is amended by:

11.02.1 In Section 4 – Definitions, replacing 4.2 Agricultural Use and 4.99 Industrial Use with the following:

4.2 Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, poultry or beekeeping, and such uses as are customarily and normally related to agriculture. Agricultural use shall also include the use of

land, buildings or structures on an accessory basis for the sale of agricultural products produced on the farm, but shall not include an abattoir and does not include cannabis production or processing facilities.

4.99 Industrial Use means the use of land, building or structures for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses. This use does not include cannabis production or processing facilities.

11.02.2 Adding the following to Section 5 – General Provisions for All Zones:

5.35 Cannabis Production and Processing Facilities

5.35.1 Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid 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.

5.35.2 The cannabis production and processing facility shall comply with the lot size requirement, setbacks and lot coverage prescribed within the zones where the use is permitted.

5.35.3 Notwithstanding 5.35.2:

- i. in the Rural General (AI) Zone and General Industrial (M1) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use.
- ii. in the Rural General (AI) Zone and General Industrial (M1) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use.
- iii. Cannabis Production and Processing Facilities shall be subject to a Site Plan Agreement.

Section 12:00 Township of Manvers Zoning By-Law No. 87-06

12.01 Property Affected: The Property affected by this Section is described as lands within the former Township of Manvers.

12.02 Textual Amendment: By-Law No. 87-06 of the Township of Manvers is amended by:

12.02.1 In Section 21 – Definitions, replacing the definitions for Agricultural Use with the following:

Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry,

poultry or beekeeping, and such uses as are customarily and normally related to agriculture and includes a farm dwelling and accessory buildings and does not include cannabis production and processing facilities.

12.02.2 Inserting the following into Section 20 - General Provisions:

20.30 Cannabis Production and Processing Facilities

20.30.1 Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid 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.

20.30.2 The cannabis production and processing facility shall comply with the lot size requirement, setbacks and lot coverage prescribed within the zones where the use is permitted.

20.30.3 Notwithstanding 20.30.2:

- i. in the Rural General (A1) Zone, Rural Specialized (A2) Zone, and General Industrial (M1) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use.
- ii. in the Rural General (A1) Zone, Rural Specialized (A2) Zone, and General Industrial (M1) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to the following to a Sensitive Land Use.
- iii. Cannabis Production and Processing Facilities shall be subject to a Site Plan Agreement.

Section 13:00 Township of Mariposa Zoning By-Law No. 94-07

13.01 Property Affected: The Property affected by this Section is described as lands within the former Township of Mariposa.

13.02 Textual Amendment: By-Law No. 94-07 of the Township of Mariposa is amended by:

13.02.1 In Part 2 – Definitions, replacing the definitions for Agricultural Produce Storage Facility, Agricultural Use, Agriculturally Related Commercial Use, Industry, Heavy, Industry, Light, and Industry, Medium, with the following:

Agricultural Produce Storage Facility means a building or structure used for the storage of agricultural produce and may include facilities for wholesale distribution or an accessory retail outlet for the sale of such agricultural produce, not including cannabis, to the general public.

Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, aquaculture, poultry or beekeeping, and such uses as are customarily and normally related to agriculture and does not include cannabis production or processing facilities.

Agriculturally Related Commercial Use means a use directly related to agriculture and requiring proximity to farm operations and includes such uses as animal husbandry services, produce or grain storage facilities or farm machinery sales and service outlets and does not include uses related to cannabis production or processing.

Industry, Heavy, means an industry, assembly, manufacturing, or processing plant which is land intensive or predominantly conducted in an open or unenclosed space or which by their nature, including volume of truck traffic, use of hazardous or flammable materials, the discharge of noise, odours or particulate matter require extensive buffering. Examples of such uses are steel mills, steel fabricating, metal or rubber recovery plants, foundries, pesticide manufacturing, refineries and bulk fuel storage facilities. This use does not include cannabis production or processing.

Industry, Light, means an industry which is conducted and wholly contained within an enclosed building the operation of which does not produce emissions of noise, smoke, odour, particulate matter or vibration which is detectable beyond any lot line. Examples of such uses are light assembly, electronics, warehousing and industrial malls. This use does not include cannabis production or processing.

Industry, Medium, means an industry, assembly, manufacturing or processing plant which is predominantly conducted within a wholly enclosed building but which may also involve open storage. Examples of such uses are sheet metal, plastic, fibre glass or wood fabricating, motor vehicle body repair shops and food processing facilities. This use does not include cannabis production or processing.

13.02.2 Inserting the following into Part 3 - General Provisions:

3.23 Cannabis Production and Processing Facilities

3.23.1 Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid 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.

3.23.2 The cannabis production and processing facility shall comply with the lot size requirement, setbacks and lot coverage prescribed within the zones where the use is permitted.

3.23.3 Notwithstanding 3.23.2:

- i. in the Agricultural (A1) Zone, Rural General (A2) Zone, and General Industrial (M2) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use.
- ii. in the Agricultural (A1) Zone, Rural General (A2) Zone, and General Industrial (M2) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use.
- iii. Cannabis Production and Processing Facilities shall be subject to a Site Plan Agreement.

Section 14:00 Village of Omemee Zoning By-Law No. 1993-15

14.01 Property Affected: The Property affected by this Section is described as lands within the former Village of Omemee.

14.02 Textual Amendment: By-Law No. 1993-15 of the Village of Omemee is amended by:

14.02.1 In Part 2 – Definitions, replacing the definitions for Agricultural Produce Storage Facility, Agricultural Use, Industry, Heavy, Industry, Light, and Industry, Medium, with those below:

Agricultural Produce Storage Facility means a building or structure used for the storage of agricultural produce and may include facilities for wholesale distribution or an accessory retail outlet for the sale of such agricultural produce, not including cannabis, to the general public.

Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, aquaculture, poultry, worm farming or beekeeping, and such uses as are customarily and normally related to agriculture and does not include cannabis production or processing.

Industry, Heavy, means an industry, assembly, manufacturing, or processing plant which is land intensive or predominantly conducted in an open or unenclosed space or which by their nature, including volume of truck traffic, use of hazardous or flammable materials, the discharge of noise, odours or particulate matter require extensive buffering. Examples of such uses are steel mills, steel fabricating, metal or rubber recovery plants, foundries, pesticide manufacturing, refineries and bulk fuel storage facilities. This use does not include cannabis production or processing.

Industry, Light, means an industry which is conducted and wholly contained within an enclosed building the operation of which does not produce emissions of noise, smoke, odour, particulate matter or vibration which is detectable beyond any lot line. Examples of such uses are light assembly, electronics, warehousing and industrial malls. This use does not include cannabis production or processing.

Industry, Medium, means an industry, assembly, manufacturing or processing plant which is predominantly conducted within a wholly enclosed building but which may also involve open storage. Examples of such uses are sheet metal, plastic, fibre glass or wood fabricating, motor vehicle body repair shops and food processing facilities. This use does not include cannabis production or processing.

14.02.2 Adding the following to Part 3 – General Provisions:

3.22 Cannabis Production and Processing Facilities

3.22.1 Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid 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.

3.22.2 The cannabis production and processing facility shall comply with the lot size requirement, setbacks and lot coverage prescribed within the zones where the use is permitted.

3.22.3 Notwithstanding 3.22.2:

- i. in the Rural General (A1) Zone and General Industrial (M2) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use.
- ii. in the Rural General (A1) Zone and General Industrial (M2) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use.
- iii. Cannabis Production and Processing Facilities shall be subject to a Site Plan Agreement.

Section 15:00 Township of Ops Zoning By-Law No. 93-30

15.01 Property Affected: The Property affected by this Section is described as lands within the former Township of Ops.

15.02 Textual Amendment: By-Law No. 93-30 of the Township of Ops is amended by:

15.02.1 In Section 19 – Definitions, replacing the definitions for Farm and Farm, Specialized, as per the following:

19.72 Farm means any farming or agricultural use and includes apiaries, aviaries, berry or bush crops, breeding, raising, training or boarding of horses or cattle, commercial greenhouses, farms devoted to the hatching, raising and marketing of chickens, turkeys or other fowl or game birds, animals fish or frogs, farms for grazing, flower gardening, field crops, goat or cattle dairies, growing, raising, picking, treating and storing of vegetables or fruit produce produced on the premises, nurseries, orchards, riding stables, the raising of sheep or goats or other ruminants, the raising of swine, tree crops, market gardening, bee keeping, wood lots, such uses or enterprises as are customarily carried on in the field of general agriculture not including a specialized farm as defined or a cannabis production or processing facility. 'Farm' includes a single-family dwelling house and such principle or main buildings and structure as a barn or silo, as well as accessory buildings and structure which are incidental to the operation of the farm.

19.73 Farm, Specialized means any land on which the predominant economic activity consists of raising chickens, turkeys or other fowl, the raising of fur bearing animals, the raising of swine, goats, horses, or cattle on feed lots or other intensive animal operations, the raising or boarding of dogs or cats or the growing of mushrooms and does not include a cannabis production or production facility.

15.02.2 Adding the following to Section 2 – General Provisions:

2.28 Cannabis Production and Processing Facilities

2.28.1 Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid 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.

2.28.2 The cannabis production and processing facility shall comply with the lot size requirement, setbacks and lot coverage prescribed within the zones where the use is permitted.

2.28.3 Notwithstanding 2.28.2:

- i. in the Agricultural (A) Zone, Agricultural Support (AS) Zone, and General Industrial (M) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use.

- ii. in the Agricultural (A) Zone, Agricultural Support (AS) Zone, and General Industrial (M) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use.
- iii. Cannabis Production and Processing Facilities shall be subject to a Site Plan Agreement.

Section 16:00 Township of Somerville Zoning By-Law No. 78-45

16.01 Property Affected: The Property affected by this Section is described as lands within the former Township of Somerville.

16.02 Textual Amendment: By-Law No. 78-45 of the Township of Somerville is amended:

16.02.1 In Section 19 – Definitions, replacing the definition for Agricultural Use, Industry, Heavy, Industry, Light, and Industry, Medium, with the following:

Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, poultry or beekeeping, and such uses as are customarily and normally related to agriculture and includes accessory buildings and does not include cannabis production or processing facilities.

Industry, Heavy, means an industry, assembly, manufacturing, or processing plant, exclusive of a sand or gravel pit or quarry, which is land intensive, or predominantly conducted in an open or unenclosed space, or which by their nature, generates large volumes of truck traffic; uses and/or stores bulk quantities of hazardous or flammable materials; usually or commonly discharges noise, odours, smoke or particulate matter, or vibrations beyond the property boundaries; and require extensive buffering. Examples of such uses are steel mills, steel fabricating, metal or rubber recovery plants, foundries, pesticide manufacturing and refineries. This use does not include cannabis production or processing facilities.

Industry, Light, means an industry which is conducted and wholly contained within an enclosed building the operation of which does not produce emissions of noise, smoke, odour, particulate matter or vibration which is detectable beyond any lot line. Examples of such uses are light assembly, electronics, warehousing and industrial malls. This use does not include cannabis production or processing facilities.

Industry, Medium, means an industry, assembly, manufacturing or processing plant which is predominantly conducted within a wholly enclosed building but which may also involve a limited amount of open storage and the discharge of noise, odour, smoke or particulate matter, or vibration which is detectable beyond the property boundaries. Examples of such uses are sheet metal, plastic, fibre glass or wood fabricating, motor vehicle body repair shops and food

processing facilities. This use does not include cannabis production or processing facilities.

16.02.2 In Section 18 – General Provisions, adding the following:

18.29 Cannabis Production and Processing Facilities

18.29.1 Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid 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.

18.29.2 The cannabis production and processing facility shall comply with the lot size requirement, setbacks and lot coverage prescribed within the zones where the use is permitted.

18.29.3 Notwithstanding 18.29.2:

- i. in the Rural General (RG) Zone and General Industrial (M2) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located closer than 70m to a Sensitive Land Use.
- ii. in the Rural General (RG) Zone and General Industrial (M2) Zone, a cannabis production and processing facility without air filtration control shall not be located closer than 300m to a Sensitive Land Use.
- iii. Cannabis Production and Processing Facilities shall be subject to a Site Plan Agreement.

Section 17:00 Village of Sturgeon Point By-Law No. 339

17.01 Property Affected: The Property affected by this Section is described as lands within the former Village of Sturgeon Point.

17.02 Textual Amendment: By-law No. 339 of the Village of Sturgeon Point is amended by:

17.02.1 In Section 2 – Definitions, replacing the definition for 2.3 Agricultural Use with the following:

Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, poultry or beekeeping, and such uses as are customarily and normally related to agriculture and includes a farm dwelling and accessory buildings and does not include cannabis production or processing facilities.

17.02.2 Adding the following to Section 3 – General Provisions:

3.24 Cannabis Production and Processing Facilities

3.24.1 Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid 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.

3.24.2 The cannabis production and processing facility shall comply with the lot size requirement, setbacks and lot coverage prescribed within the zones where the use is permitted.

3.24.3 Notwithstanding 3.24.2:

- i. in the Rural General (A1) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use.
- ii. in the Rural General (A1) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use.
- iii. Cannabis Production and Processing Facilities shall be subject to a Site Plan Agreement.

Section 18:00 Township of Verulam Zoning By-law No. 6-87

18.01 Property Affected: The Property affected by this Section is described as lands within the former Township of Verulam.

18.02 Textual Amendment: By-law No. 6-87 of the Township of Verulam is amended by:

18.02.1 In Section 4 – Definitions, replacing the definition for Farm with the following:

Farm means a use of land, buildings or structures for the purpose of field crops, fruit farming, market gardening, dairying, woodlots, animal husbandry, poultry or beekeeping, and such uses as are customarily and normally related to agriculture and does not include cannabis production or processing facilities.

18.02.2 In Section 5 – General Provisions:

5.27 Cannabis Production and Production Facilities

5.27.1 Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law

only allows for the Production and Processing of cannabis for operators in possession of a valid 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.

5.27.2 The cannabis production and processing facility shall comply with the lot size requirement, setbacks and lot coverage prescribed within the zones where the use is permitted.

5.27.3 Notwithstanding 5.27.2:

- i. in the General Rural (A1) Zone and General Industrial (M1) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use.
- ii. in the General Rural (A1) Zone and General Industrial (M1) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use.
- iii. Cannabis Production and Processing Facilities shall be subject to a Site Plan Agreement.

Section 19:00 Village of Woodville Zoning By-law No. 93-9

19.01 Property Affected: The Property affected by this Section is described as lands within the former Village of Woodville.

19.02 Textual Amendment: By-law 93-9 of the Village of Woodville is amended by:

19.02.1 In Part 2 – Definitions, replacing the definitions for Agricultural Produce Storage Facility, Agricultural Use, Industry, Heavy, Industry, Light, and Industry, Medium, with the following:

Agricultural Produce Storage Facility means a building or structure used for the storage of agricultural produce and may include facilities for wholesale distribution or an accessory retail outlet for the sale of such agricultural produce, not including cannabis, to the general public.

Agricultural Use means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, aquaculture, poultry or beekeeping, and such uses as are customarily and normally related to agriculture and does not include cannabis production or processing facilities.

Industry, Heavy, means an industry, assembly, manufacturing, or processing plant which is land intensive or predominantly conducted in an open or unenclosed space or which by their nature, including volume of truck traffic, use of hazardous or flammable materials, the discharge of noise, odours or particulate matter require extensive buffering. Examples of such uses are steel mills, steel fabricating, metal or rubber recovery plants, foundries, pesticide

manufacturing and refineries. This use does not include cannabis production or processing facilities.

Industry, Light, means an industry which is conducted and wholly contained within an enclosed building the operation of which does not produce emissions of noise, smoke, odour, particulate matter or vibration which is detectable beyond any lot line. Examples of such uses are light assembly, electronics, warehousing and industrial malls. This use does not include cannabis production or processing facilities.

Industry, Medium, means an industry, assembly, manufacturing or processing plant which is predominantly conducted within a wholly enclosed building but which may also involve open storage. Examples of such uses are sheet metal, plastic, fibre glass or wood fabricating, motor vehicle body repair shops, food processing facilities and bulk fuel storage facilities. This use does not include cannabis production or processing facilities.

19.02.2 In Part 3 – General Provisions, adding the following:

3.22 Cannabis Production and Processing Facilities

3.22.1 Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid 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.

3.22.2 The cannabis production and processing facility shall comply with the lot size requirement, setbacks and lot coverage prescribed within the zones where the use is permitted.

3.22.3 Notwithstanding 3.22.2:

- i. in the Rural General (A1) Zone and General Industrial (M2) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use.
- ii. in the Rural General (A1) Zone and General Industrial (M2) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use.
- iii. Cannabis Production and Processing Facilities shall be subject to a Site Plan Agreement.

Section 20:00 Effective Date

20.01 Effective Date: This By-Law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this 23rd day of March, 2021.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

DRAFT



Planning Advisory Committee Report

Report Number: PLAN2021-011
Meeting Date: March 10, 2021
Title: Amend the Somerville Zoning By-law 78-45 at 41 Shadow Lake Road 16 – Park and Radford-Park
Description: D06-2021-002
Type of Report: Public Meeting
Author and Title: David Harding, RPP, MCIP, Planner II

Recommendations:

That Report PLAN2021-011, **Amend the Somerville Zoning By-law 78-45 at 41 Shadow Lake Road 16 – Park and Radford-Park**, be received;

That a Zoning By-law Amendment respecting application D06-2021-002, substantially in the form attached as Appendix “D” to Report PLAN2021-011, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The subject property is a rural lot with frontage on Base Line Road and a cottage on Silver Lake.

On July 11, 2019 the Committee of Adjustment granted provisional consent to applications D03-2018-012, D03-2018-013, and D03-2018-014. Due to the pandemic, the applications lapsed. On January 15, 2021, the Director of Development Services granted provisional consent for the applications.

The consent applications collectively establish two separate lots by separating the existing cottage on the subject property, located near the shoreline along with the private road known as Shadow Lake Road 16 (referred to as the shoreline lot), from the balance of the rural lands (referred to as the rural backlot). Please see Appendix "B" for a visual representation of the two lots, denoted in red and yellow. The division of land to create these two lots is proposed in application D03-2018-013. In order to provide the rural backlot with access to Silver Lake, application D03-2018-012 proposes to sever a small access strip leading from the southern leg of Shadow Lake Road 16 to the water (referred to as the shoreline access strip), and application D03-2018-014 grants the rural backlot with the right to use Shadow Lake Road 16 to gain access to the shoreline access strip.

Shadow Lake Road 16 is a private road that provides access to addresses 29, 31, 33 39, and 45 Shadow Lake Road 16, in addition to the cottage on the subject property. From Base Line Road, Shadow Lake Road 16 proceeds west and forks to provide access to the shoreline lots along Silver Lake. The south side of the fork provides access to 29 and 31 Shadow Lake Road 16. The shoreline access strip is accessed via taking the south fork. The north side of the fork provides access to the cottage on the subject property and civic numbers 33, 39 and 45.

As a condition of provisional consent, the subject lands are to be rezoned to establish the proposed uses for each parcel, unify and standardize applicable zone provisions and apply any applicable development standards.

Owners:	Geoff Park and Daphne Radford-Park
Applicant:	Doug Carroll – DC Planning Services Inc.
Legal Description:	Part of Lot 54, Front Range, geographic Township of Somerville, now City of Kawartha Lakes
Official Plan:	"Waterfront" and "Rural" within the City of Kawartha Lakes Official Plan 2012

Zone:	"Limited Service Residential (LSR) Zone" and "Rural General (RG) Zone" in the Township of Somerville Zoning By-law 78-45, as amended.
Site Size:	Shoreline Lot – 1.55 hectares Shoreline Access Strip – 300 square metres Rural Backlot – 5 hectares
Site Servicing:	Shoreline Lot – Private individual well and septic system Shoreline Access Strip – Un-serviced Rural Backlot – Un-serviced

Rationale:

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan)

The Growth Plan provides a framework to plan for growth and development in urban areas, rural towns and villages that are able to support surrounding rural and agricultural areas. Policy 2.2.9 of the Growth Plan provides for development on rural lands outside of rural settlement areas for resource-based recreational uses provided the use is compatible with the scale, character, and capacity of the resource and surrounding landscape.

The applications propose to separate an existing cottage from the balance of its rural lands within a shoreline residential area, and provide a rural backlot with shoreline access. The proposal will formally divide the different uses of the property. This division is not anticipated to adversely affect the character of the area.

The proposal conforms to the policies of the Growth Plan.

Provincial Policy Statement, 2020 (PPS):

The PPS recognizes the importance of rural areas to the quality of life of its residents. Under the PPS, the subject property is considered to be rural land within a rural area of the City. Policies 1.1.4 and 1.1.5 support development on rural lands provided it pertains to the management or use of resources, resource-based recreational activities, limited residential development and/or other land uses and development compatible with the rural landscape that can be sustained by rural service levels.

The applications propose to utilise the recreational resource of Silver Lake.

The proposal is consistent with the PPS.

Official Plan Conformity:

The subject property is designated “Waterfront” and “Rural” within the City of Kawartha Lakes Official Plan, 2012 (Official Plan).

In keeping with provincial policies and plans, the strategic direction in the Official Plan is to direct development to settlement areas where practical. The lakes and rivers within the City are valuable environmental and recreational resources to its residents and visitors.

Low density residential development has historically been and continues to be the primary land use around many of the City’s lakes and rivers. Most of these shoreline areas fall outside of the City’s settlement areas. Development is permitted within the City’s shoreline areas provided the lands are within the “Waterfront” designation. The portions of the subject property near the shoreline are designated “Waterfront”. All of Shadow Lake Road 16, with the exception of the laneway providing access to civic numbers 29 and 31, is within the “Rural” designation. As the existing cottage is part of a continuous line of shoreline development, application D03-2018-013 is considered a shoreline infill lot. Consent policies contained within Section 20.4 and 33.3 specify that shoreline infill lots shall have a minimum road frontage of 30 metres and minimum lot area of 3,000 square metres. The proposed severed lands maintain the intent of the policies as sufficient land is being severed and the property will maintain ownership over the entirety of Shadow Lake Road 16, which is used to provide access to the other shoreline residential uses. The application does not propose to change the permitted residential use of the shoreline lands, but expand it to cover the extent of the shoreline lot proposed.

The rural backlot is within the “Rural” designation. The “Rural” designation recognizes the value of non-prime agricultural lands, being soil classes 4-7, for various uses which require large tracts of land outside of urban settlement areas. Such uses are: golf courses, ski resorts, ecotourism, agricultural-related commercial/industrial uses, and agricultural uses that can be sustained on class 4-7 soils. The division of land would formally separate the private road and shoreline uses from the balance of the rural land. While the overall area of land within the “Rural” designation is being reduced, the contiguous lands on the north and east side of Shadow Lake Road 16 are being retained in a single parcel, in keeping with the intent of the “Rural” policies to retain large tracts of land for various rural uses. The application does not propose to change the permitted uses on the proposed retained lands, but recognize the area for such uses to facilitate the division of land.

The shoreline access strip will provide the rural backlot with water access and uses accessory to the rural backlot. The shoreline access strip will be tied to the rural backlot

via a merger agreement as a condition of provisional consent. The intent of the “Waterfront” designation is to maintain lots of a minimum size and frontage to ensure appropriate density and massing along the shoreline, and in turn protect the long term ecological health of the City’s waterbodies. The intent of the “Waterfront” designation is maintained as the shape of the shoreline access parcel is already defined by the lots on either side of it, it will not be a separately conveyable piece of land nor will any new dwelling be constructed on it.

The application conforms to the Official Plan.

Zoning By-law Compliance:

The lands near the shoreline are zoned “Limited Service Residential (LSR) Zone” within the Township of Somerville Zoning By-law 78-45. The balance of the lands is within the “Rural General (RG) Zone”.

The “Rural General Exception Eight (RG-8) Zone” proposed on the rural backlot does not change any of the uses permitted within the RG Zone. The exception permits the reduced lot area the provisional consent grants, and establishes Base Line Road as the front lot line. The By-law defines private roads as streets, roads or highways, and Shadow Lake Road 16, which is an irregularly shaped road, borders the south and west sides of the proposed lot. Establishing Base Line Road as the front lot line ensures the consistent application of the By-law to future development.

The “Limited Service Residential Exception Sixteen (LSR-16) Zone” proposed on the shoreline lot standardizes competing front lot line and front yard definitions between Shadow Lake Road 16 and Base Line Road by defining the Base Line Road frontage as the sole front lot line. By doing so, the amendment also proposes a setback from the edge of Shadow Lake Road 16 consistent with the front yard setback provisions that apply to the other lots along Shadow Lake Road 16. All other LSR Zone provisions will be carried forward into the LSR-16 Zone.

The “Limited Service Residential Exception Seventeen (LSR-17) Zone” proposed on the shoreline access strip restricts permitted uses to residential accessory uses that may only be established if a dwelling is established on the rural backlot. The LSR-17 Zone establishes development standards for these accessory uses.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Alignment to Strategic Priorities:

The 2020-2023 Council Adopted Strategic Plan identifies these Strategic Priorities:

- Priority 1 – A Vibrant and Growing Economy
- Priority 2 – An Exceptional Quality of Life
- Priority 3 – A Healthy Environment
- Priority 4 – Good Government

This application aligns with a vibrant and growing economy and exceptional quality of life as it will facilitate the division of land create an additional lot.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision is appealed to the Local Planning Appeals Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Servicing Comments:

The property to be severed that contains the cottage is serviced by a private individual well and septic system. The other lands are un-serviced.

Consultations:

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application.

The Development Engineering Division and Agricultural Development Officer has no concerns with the application.

Development Services – Planning Division Comments:

The application conforms to the Growth Plan and Official Plan and is consistent with the Provincial Policy Statement. The application proposes no significant changes to the existing zone categories or provisions, but better organizes the application of the zoning by-law based upon the proposed land division configurations.

The boundaries of the RG-8 Zone represent the largest portion of the subject parcel available for rural uses whether or not severance was proposed, its lands to the south and east are encumbered by private road and/or shoreline residential development.

The by-law amendment proposed in Appendix "D" allows for the orderly development of the lands.

Conclusion:

The application conforms to the Growth Plan, is consistent with the Provincial Policy Statement and conforms to the Official Plan. Staff supports the application based on the information contained in this report and the comments received as of February 25, 2021. Staff respectfully recommends that the Planning Advisory Committee consider referring the application to Council for approval.

Attachments:

Appendix 'A' – Location Map



Appendix A to
Report PLAN2021-01

Appendix 'B' – Aerial Photograph



Appendix B to
Report PLAN2021-01

Appendix 'C' – Concept Plan



Appendix C to
Report PLAN2021-01

Appendix 'D' – Draft By-law Amendment



Appendix%20D%20
to%20Report%20PL/

Department Head email: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

Department File: D06-2021-002

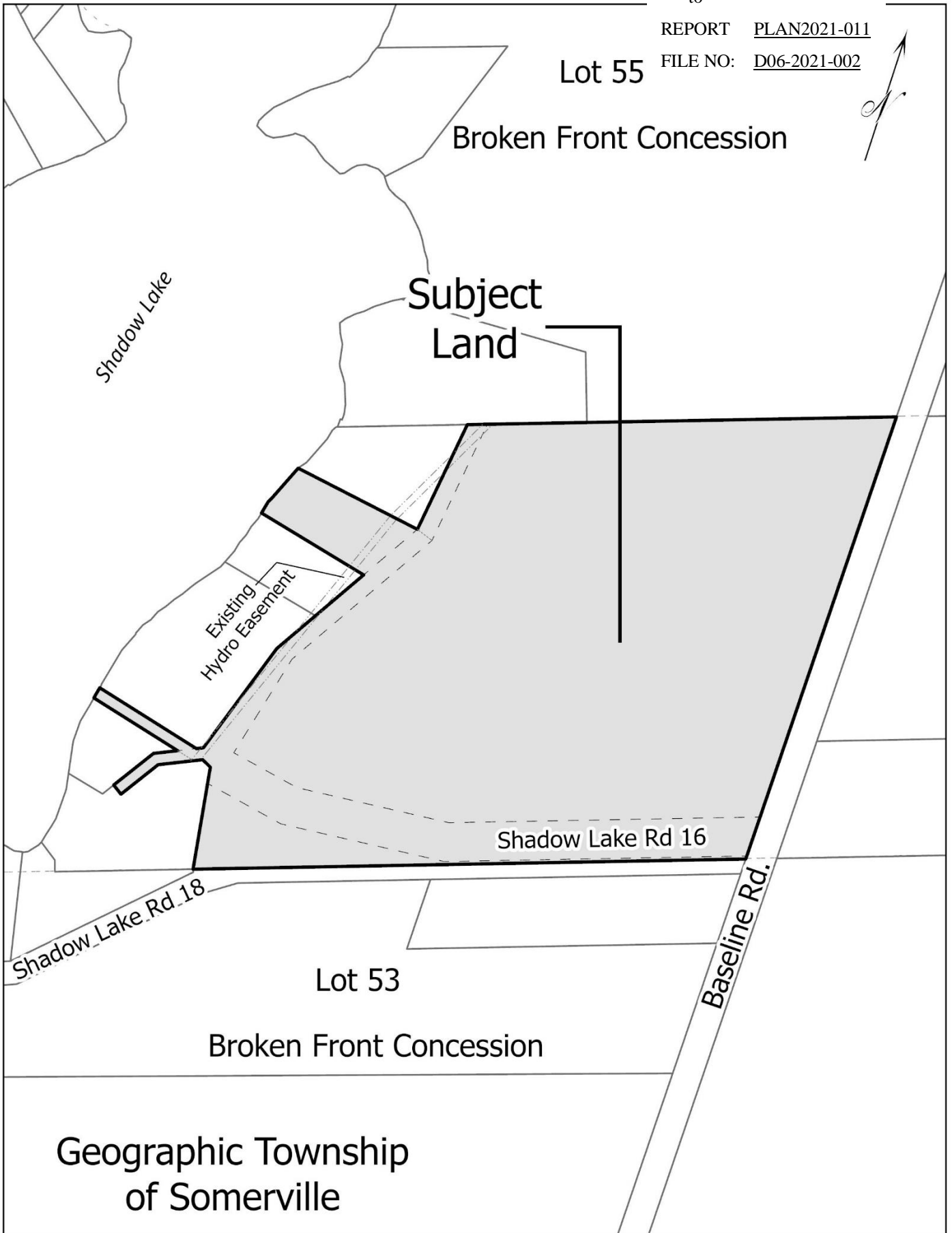
to

REPORT PLAN2021-011

FILE NO: D06-2021-002

Lot 55

Broken Front Concession



to

REPORT PLAN2021-011

FILE NO: D06-2021-002

41 Shadow Lake Road 16



This map is a user generated static map output and is for reference only. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.

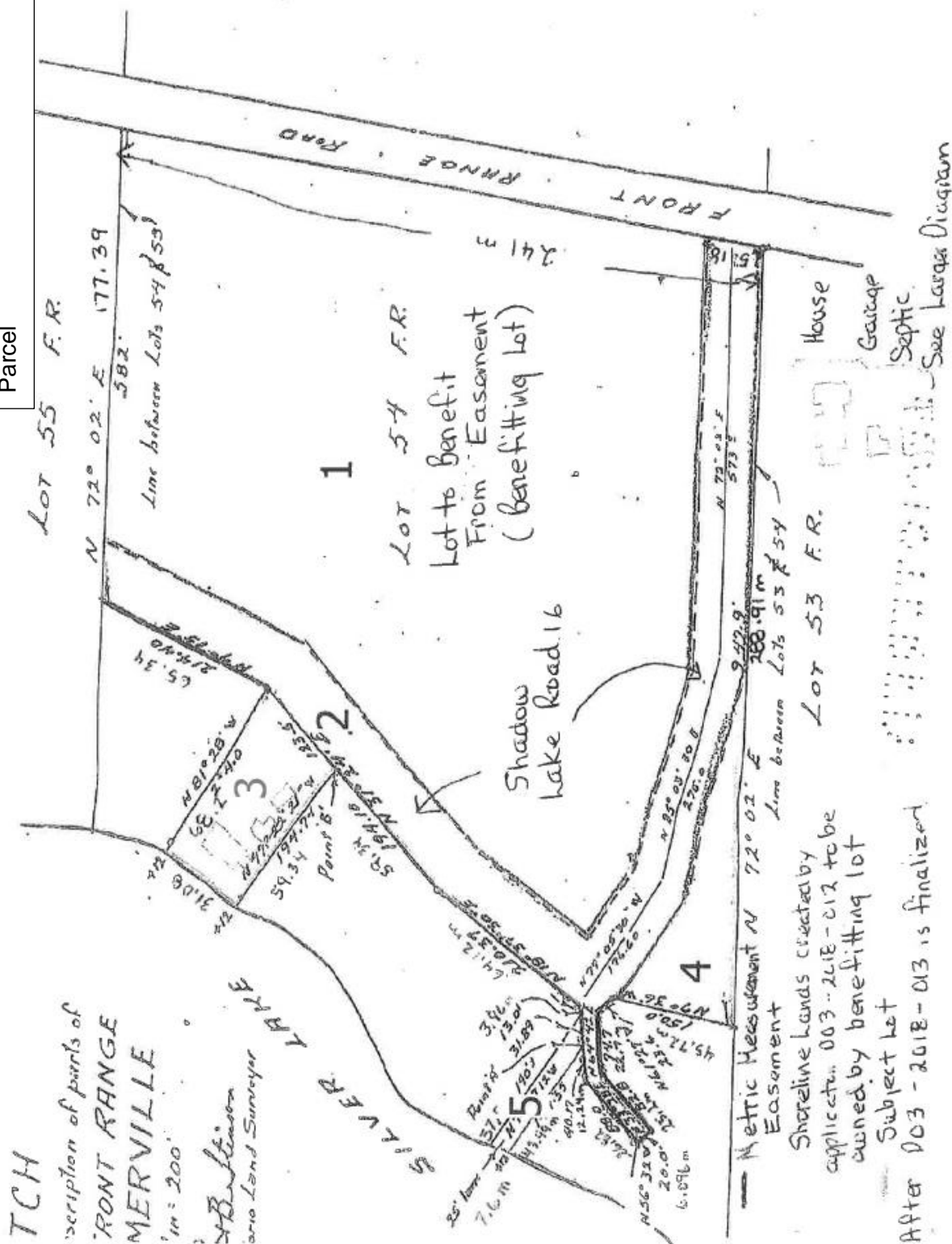
THIS MAP MAY NOT BE USED FOR COMMERCIAL OR LEGAL PURPOSES



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FILE NO: D06-2021-002

Numbers 2, 3, 4: Lot 1 - Shoreline Parcel along with Shadow Lake Road 16.
Numbers 1 and 5: Lot 2 – Rural Backlot with Shoreline Access Parcel



The Corporation of the City of Kawartha Lakes
By-Law 2021 -

to
 REPORT PLAN2021-011
 FILE NO: D06-2021-002

**A By-law to Amend the Township of Somerville Zoning By-law
 No. 78-45 to Rezone Land within the City of Kawartha Lakes**

File D06-2021-002, Report PLAN2021-011, respecting Part Lot 54, Front Range, geographic Township of Somerville, identified as 41 Shadow Lake Road 16.

Recitals

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2021-__.

Section 1.00: Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 54, Front Range, geographic Township of Somerville, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 78-45 of the Township of Somerville is further amended by adding the following subsection to 9.3:

“9.3.8 Rural General Exception Eight (RG-8) Zone

 - a. Notwithstanding the definition of front lot line within Section 19, the lot line abutting Base Line Road shall be the front lot line.
 - b. Notwithstanding article 9.2 a, the minimum lot size shall be 5 hectares.

All other provisions of the RG Zone and By-law apply.”
- 1.03 **Textual Amendment:** By-law No. 78-45 of the Township of Somerville is further amended by adding the following subsection to 5.3:

“5.3.17 Limited Service Residential Exception Sixteen (LSR-16) Zone

 - a. Notwithstanding the definition of a street, road or highway within Section 19, on land zoned “LSR-16”, a private right-of-way shall not be defined as a street, road, or highway.
 - b. Notwithstanding article 5.2 b, the minimum lot frontage is 21 metres.

- c. In addition to the requirements in subsection 5.2, the following article applies:
 - i. Minimum setback requirement from Shadow Lake Road 16 7.5 m
- d. Notwithstanding article 18.1.2 (a), an accessory building may be erected within a front yard.
- e. In addition to the applicable General Provisions and LSR Zone requirements an accessory building shall comply with article 5.3.17 c. All other provisions of the LSR Zone and By-law apply.”

1.04 **Textual Amendment:** By-law No. 78-45 of the Township of Somerville is further amended by adding the following subsection to 5.3

“5.3.18 Limited Service Residential Exception Seventeen (LSR-17) Zone

- a. Notwithstanding subsection 5.1, land zoned “LSR-17” shall only be used for uses, buildings, and structures accessory to a dwelling on land zoned “RG-8”.
- b. Notwithstanding the definition of a lot in Section 19, land zoned “LSR-17” Zone shall be considered a lot for the purposes of applying the applicable Zone and By-law provisions.
- c. Notwithstanding subsection 5.2, land zoned “LSR-17” shall be subject to the following requirements:

i.	Minimum lot area	300 sq.m
ii.	Minimum lot frontage	6 m
iii.	Minimum front yard	7.5 m
iv.	Minimum rear yard	7.5 m
v.	Minimum water setback	15 m
vi.	Maximum lot coverage	30%
vii.	Maximum number of accessory buildings	2

All other provisions of the By-law apply.”

1.05 **Schedule Amendment:** Schedule ‘A’ to By-law No. 78-45 of the Township of Somerville is further amended to change the zone category on the property from Limited Service Residential (LSR) Zone and Rural General (RG) Zone to Limited Service Residential Exception Sixteen (LSR-16) Zone, Limited Service Residential Exception Seventeen (LSR-17) Zone and Rural General Exception Eight (RG-8) Zone for the land referred to as LSR-16, LSR-17, and RG-8, as shown on Schedule ‘A’ attached to this By-law.

Section 2.00: Effective Date

2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ____ day of _____, 2021.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

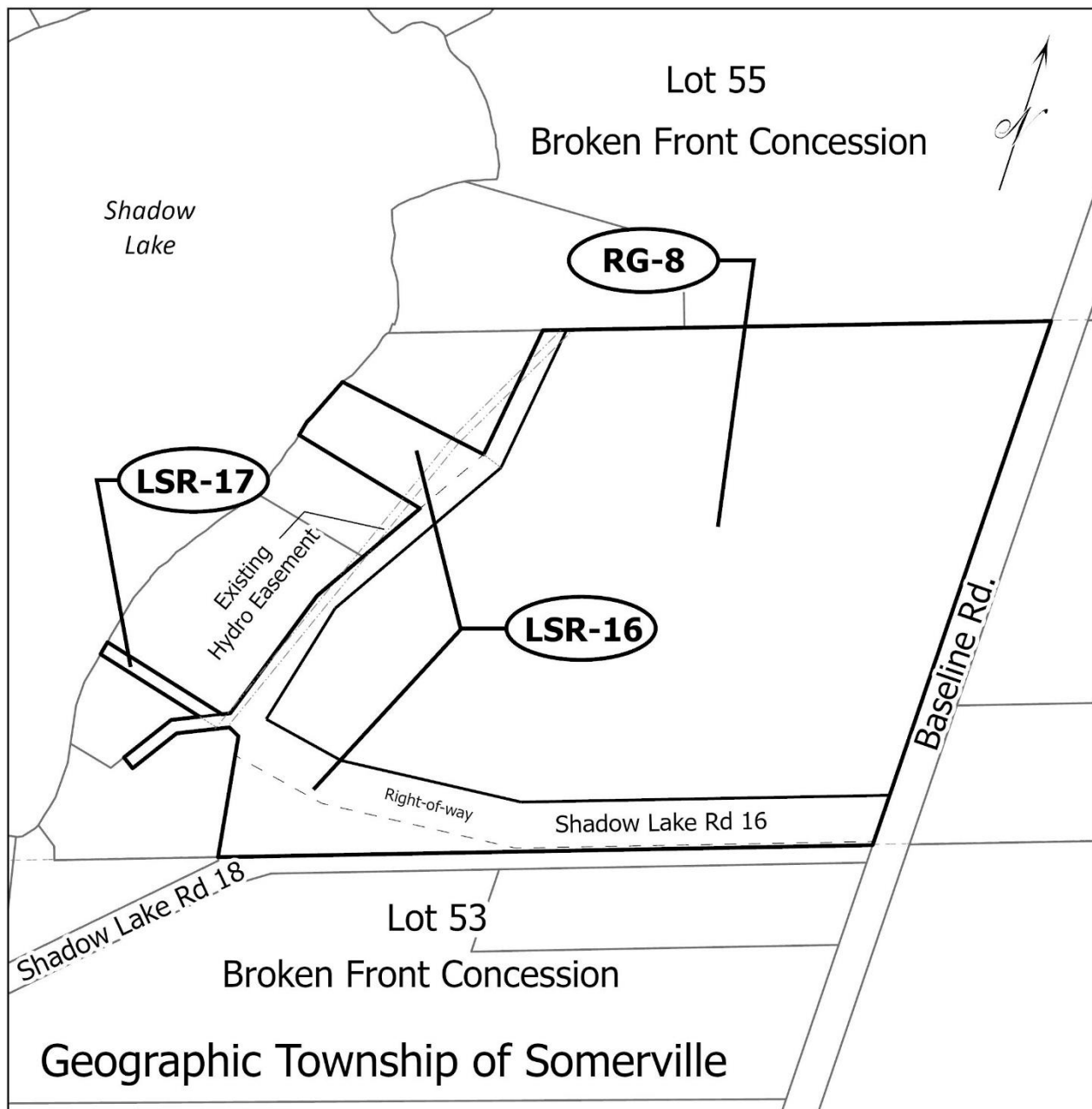
THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED

THIS _____ DAY OF _____ 2021.

MAYOR _____ CLERK _____





Request to Speak before Council

Request to Make a Deputation/Presentation to
Council/Committee
City of Kawartha Lakes
City Clerk's Office
26 Francis Street, PO Box 9000
Lindsay, ON K9V 5R8
705-324-9411

Name: *

Emma Drake

Address: *

250 Jameson Drive

City/Town/Village:

Peterborough

Province: *

ON

Postal Code:

K9J0B9

Telephone: *

705-742-2297 X 285

Email: *

edrake@dmwills.com

There can be a maximum of two speakers for each deputation. Please list the name(s) of the individual(s) who will be speaking. The names that are listed here will be included on the Council Meeting Agenda.

Deputant One:

Emma, Drake

Deputant Two:

First Name, Last Name

Please provide details of the matter to which you wish to speak: *

Wishing to speak to application D06-2020-009 - 174 Highway 7A, geographic Twp. of Manvers being presented to PAC at the March 10th meeting.

Please attach any additional supporting documents you wish to provide and submit with this completed form.

Have you discussed this matter with City Staff?

☒ Yes

☐ No

If yes, Which department and staff member(s) have you spoken to?

What action are you hoping will result from your presentation/deputation? *

Provide additional information to PAC supplemental to the staff report, be available for questions.

By signing this form you are acknowledging that all of the information you are providing on this form is true, and giving the City permission to collect your personal information for the principal purpose of a request to make a deputation to Committee or Council as outlined below.

Signature:

Emma Drake

Date:

2/23/2021



The personal information is being collected by the City of Kawartha Lakes for the principal purpose of a request to make a deputation to Committee or Council pursuant to the City's procedural by-law. This information, including all attachments submitted may be circulated to members of Council, staff, the general public and posted on the City website. Questions about the collection of this information should be directed to the City Clerk or Deputy Clerk at 705 324-9411 ext. 1295 or 1322.

Do you agree to the publication of your name and contact information on the City's website and the City Council agenda? *

☒ Yes

☐ No

Please complete this form and return to the City Clerk's Office by submitting it online or:
Fax: 705-324-8110 Email: agendaitems@kawarthalakes.ca



Request to Speak before Council

Request to Make a Deputation/Presentation to
Council/Committee
City of Kawartha Lakes
City Clerk's Office
26 Francis Street, PO Box 9000
Lindsay, ON K9V 5R8
705-324-9411

Name: *

Amanda Dougherty

Address: *

250 Jameson Drive

City/Town/Village:

Peterborough

Province: *

Ontario

Postal Code:

K9J0B9

Telephone: *

705-742-2297 X 278

Email: *

adougherty@dmwills.com

There can be a maximum of two speakers for each deputation. Please list the name(s) of the individual(s) who will be speaking. The names that are listed here will be included on the Council Meeting Agenda.

Deputant One:

Amanda, Dougherty

Deputant Two:

First Name, Last Name

Please provide details of the matter to which you wish to speak: *

Wishing to speak to application D06-2020-004 - Part Lot 10, Concession 12, 1095 White Rock Road, geographic Township of Mariposa, being presented to PAC at the March 10th meeting.

Please attach any additional supporting documents you wish to provide and submit with this completed form.

Have you discussed this matter with City Staff?

☒ Yes

☐ No

If yes, Which department and staff member(s) have you spoken to?

What action are you hoping will result from your presentation/deputation? *

Provide additional information to PAC supplemental to the staff report, be available for questions.

By signing this form you are acknowledging that all of the information you are providing on this form is true, and giving the City permission to collect your personal information for the principal purpose of a request to make a deputation to Committee or Council as outlined below.

Signature:

Amanda Dougherty

Date:

2/24/2021



The personal information is being collected by the City of Kawartha Lakes for the principal purpose of a request to make a deputation to Committee or Council pursuant to the City's procedural by-law. This information, including all attachments submitted may be circulated to members of Council, staff, the general public and posted on the City website. Questions about the collection of this information should be directed to the City Clerk or Deputy Clerk at 705 324-9411 ext. 1295 or 1322.

Do you agree to the publication of your name and contact information on the City's website and the City Council agenda? *

☒ Yes

☐ No

Please complete this form and return to the City Clerk's Office by submitting it online or:
Fax: 705-324-8110 Email: agendaitems@kawarthalakes.ca

Planning Advisory Committee Report

Report Number: PLAN2021-010

Meeting Date: March 10, 2021

Title: Amend the Mariposa Zoning By-law 94-07 at 1095 White Rock Road – Bedard Sand and Gravel Limited

Description: To change the Extractive Industrial (M3) Zone to an Extractive Industrial Exception (M3-*) Zone to permit a quarry operation on the subject land in addition to the existing permitted sand and gravel pit operation and to request a recyclables storage area as a permitted use.

Type of Report: Regular Meeting

Author and Title: Mark LaHay, Planner II, MCIP, RPP.

Recommendation(s):

That Report PLAN2021-010, respecting Part Lot 10, Concession 12, Geographic Township of Mariposa, Bedard Sand and Gravel Limited – Application D06-2020-004, be received;

That a Zoning By-law, respecting application D06-2020-004, substantially in the form attached as Appendix C to Report PLAN2021-010 be approved for adoption by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The statutory public meeting was held by the Planning Advisory Committee on August 12, 2020, which adopted the following recommendation:

PAC2020-024

Moved By Councillor Veale

Seconded By J. Willock

That Report PLAN2020-031, **respecting Part Lot 10, Concession 12, Geographic Township of Mariposa, Bedard Sand and Gravel Limited – Application D06-2020-004**, be received; and

That the application respecting the proposed Zoning By-law Amendment be referred back to staff until such time as all comments have been received from all circulated agencies and City Departments, and for further review and processing.

Carried

At the Council Meeting of August 20, 2020, Council adopted the following resolution:

CR2020-231

Moved By Deputy Mayor O'Reilly

Seconded By Councillor Veale

That the Minutes of the August 12, 2020 Planning Advisory Committee Meeting be received and the recommendations, included in Section 8.3 of the Agenda, save and except for Item 8.3.2, be adopted.

Carried

This report addresses that direction.

The subject lands are located approximately 6 km northwest of the community of Oakwood on the south west corner of White Rock Road and Black School Road in the geographic Township of Mariposa. The owner currently operates a sand and gravel pit on the subject site, which abuts another licensed pit immediately to the west. This existing license encompasses the entire site area with an extraction area of 23.4 ha. approved for extraction below the water table. The owner is proposing a quarry operation which will encompass the entire licensed boundary; however, the extraction area for the quarry will be limited to 19.5 ha. to properly maintain rehabilitated pit slopes and required setbacks. The current license permits a maximum limit for

extraction of 907,000 tons/year, which will not increase with the proposed quarry operation.

The current operation is accessed via the existing haul route on White Rock Road. The existing access driveway and White Rock Road will continue to operate as the haul route for the proposed quarry operation and therefore, no alternative route is proposed. Processed materials will continue to be transported down to Highway 7.

The surrounding land uses includes Black School Road to the north, an existing licensed sand and gravel pit to the west and agricultural uses to the east and to the south as well as further north and west. At least four residences with associated out buildings exist within 500 metres of the site.

Owner:	Bedard Sand and Gravel Limited
Applicant:	D.M. Wills Associates Limited (previously Landmark Associates Limited)
Legal Description:	Part Lot 10, Concession 12, being Part 1, Registered Plan 57R-6739, geographic Township of Mariposa
Official Plan:	"Aggregate" in the City of Kawartha Lakes Official Plan
Zoning:	Extractive Industrial (M3) Zone in the Township of Mariposa Zoning By-law 94-07
Site Size:	29.98 ha (74.08 ac.) MPAC
Site Servicing:	No new buildings are proposed and therefore, servicing is not required
Adjacent Uses:	North: Black School Road/Agricultural East: White Rock Road/Agricultural South: Agricultural West: existing licensed pit operation

Rationale:

The owner is seeking a site specific zoning amendment to permit a proposed quarry operation for the extraction of limestone, which would occur in two phases along with a recyclables storage as illustrated on the Quarry Operational Site Plan (see Appendix 'B3'). The current use on the proposed site is a sand and gravel pit operation, which may occur simultaneously with the proposed quarry operation.

According to the Planning Justification Report, extraction methods for the pit operation will remain unchanged from those currently established on the property. Extraction of the limestone will require both drilling and blasting. Aggregate will continue to be stockpiled and processed on site. No additional buildings/structures are proposed at this time. Progressive rehabilitation has occurred on site as extraction has advanced which reduces the grade of the slope and introduces vegetation. The final plan would serve to create a small lake in the quarried area once the aggregate resource has been exhausted from the property as illustrated on the Progressive/Final Rehabilitation Site Plan (see Appendix 'B4').

The owner will subsequently apply for a Category 1 and 2 Aggregate License, being a Class "A" pit and quarry operation below the water table under the Aggregate Resources Act (ARA) once the application for rezoning to permit a quarry operation use is in place. However, a license will not be issued unless the appropriate zone is approved and in effect.

A number of studies have been submitted by the owner in support of the application. These include the following:

1. Planning Justification Report prepared by D.M. Wills Associates Limited (Landmark Associates Limited), and dated December, 2019. This report provides a planning analysis in the context of provincial and local planning policies pursuant to the Aggregate Resources Act to support an application to amend the Township of Mariposa Zoning By-law 94-07.
2. Addendum to Planning Rationale Report prepared by D.M. Wills Associates Limited, dated July 29, 2020. This addendum updates the previously submitted Planning Rationale Report in relation to the policies of the now in-effect 2020 PPS.
3. ARA Summary Statement prepared by Dennis C. Simmons and Land Management Consulting Services and dated March 19, 2019. This summary provides an overview of the proposed operation and references studies and requirements for a license application.
4. Level 1 and Level 2 Natural Environment Technical Report prepared by D Bell Environmental Services and dated May, 2013. The nesting habitat of bank swallows was found on the licensed property at pit face locations along the north limits of extraction. A mitigation plan has been prepared as directed by the Ministry of Natural Resources and Forestry (MNRF) to ensure suitable nesting habitat during the nesting season. In addition, Bobolink and Eastern Meadowlark were observed in pasture land within 120 metres of the licensed pit to the southwest. Extraction setbacks have been increased from 15 to 50 metres along

a portion of the west licensed boundary to reduce impacts.

5. Stage 1 and 2 Archaeological Assessment prepared by Northeastern Archaeological Associates and dated October 21, 2018. The assessment concluded that the licensed pit property possesses no cultural heritage value. A clearance letter dated January 9, 2019 was provided by the Ministry of Tourism, Culture and Sport.
6. Hydrogeological Assessment prepared by Alpha Environmental Services Inc. and dated November 30, 2018. The report estimates that the water table is at an elevation of 274.71 masl, whereas extraction of blasted limestone will be undertaken to a depth of 260 masl and there will be no pumping of ground water. The report indicated that groundwater flow from the surrounding wells within a 500 metre radius would occur towards the on-site wash pond and concluded no groundwater monitoring is necessary since the proposed quarry operations will not impact existing wells or related hydrogeological functions. Notwithstanding, notes have been included on the operational site plans to ensure water wells within 500 metres of the site are to be sampled and analyzed.
7. Updated Hydrogeological Assessment prepared by Alpha Environmental Services Inc. and dated August 12, 2020. The report concluded that no impact on local water resources is anticipated from this below water table proposal that will not include any pumping of water from the extracted area. Extraction will take place using an excavator/drag line, as appropriate. Recommendations included implementing well monitoring and reporting programs, which shall be included in the Operational Notes on the Site Plans. The City's peer reviewer advised that they are satisfied with the changes made and described in the August 12, 2020 Hydrogeology report.
8. Noise Impact Study prepared by HGC Engineering Limited and dated February 5, 2019. The report considered potential effects on neighbouring noise sensitive receptors (residences) from drilling, extraction, processing and transportation sources. The report concluded that sound levels produced by on-site activities and associated equipment will comply with Ministry of Environment, Conservation and Parks (MECP) guidelines. Localized noise barriers would be required for the drilling equipment during a certain stage of quarry/drilling activities if the equipment exceeded a certain sound power level; however, no other operational noise preventive measures will be required.
9. Updated Noise Impact Study prepared by HGC Engineering Limited and dated November 5, 2020. The revised report concluded that sound levels from the proposed quarry, predicted under worst case operating scenarios and with the implementation of recommended noise control mitigation measures, are expected to comply with MECP guidelines. The recommendations have been accepted by the City's noise peer reviewer and these recommended measures

have also been incorporated on the operational site plans for the quarry.

10. Blast Impact Study prepared by DST Consulting Engineers and dated July 17, 2019. The report identifies blast parameters and procedures to be followed to ensure no impact on neighbouring properties, including monitoring for vibration and overpressure at two of the closest receptors. The report concluded that blasting can meet MECP regulations provided the recommended blast parameters are implemented and that blast induced vibrations at the proposed quarry will not affect water wells in the area, however, well monitoring was recommended.
11. Updated Blast Impact Study prepared by DST Consulting Engineers and dated July 13, 2020. The City's peer reviewer has advised that their recommendations have been implemented and they are satisfied with the current state of the blast impact analysis, and they have no further comments or recommendations at this time.
12. Existing Features Plan, Pit Operational Site Plan, Quarry Operational Site Plan and Progressive/Final Rehabilitation Site Plan prepared by Coe Fisher Cameron Land Surveyors and dated October 9, 2019 and further revised January 25, 2021.

All of the reports and plans submitted have been circulated to the applicable agencies and City Departments for review and comment. Staff has reviewed the Planning Rationale Report and Addendum that was prepared and filed in support of the applications and accepts the planning rationale provided in the context of the relevant Provincial and City of Kawartha Lakes policies and plans.

Applicable Provincial Policies:

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):

The 2019 Growth Plan directs development to settlement areas except where the policies of the Plan permit otherwise.

In accordance with Section 2.2.9, within Rural Areas, development is permitted for the management and use of resources, which would include both the pit and quarry operations on the subject lands.

In accordance with Section 4.2.2, the subject land is located outside of the Natural Heritage System mapping prepared by the Province and the proposed development is not within a key natural heritage feature nor within 120 metres of a key natural heritage feature within the Natural Heritage System or within 120 metres of a key

hydrologic feature and therefore not subject to the applicable policy requirements related to the Natural Heritage System.

Section 4.2.6 provides for the retention of agricultural uses and preservation of agricultural land. Although the subject lands have been identified as prime agricultural in the Province's mapping, the policies do not apply as they are designated "Aggregate" within the City's Official Plan. Notwithstanding, no negative impacts are anticipated to surrounding agricultural uses.

Section 4.2.7 pertains to preserving Cultural Heritage resources. The submitted Archaeological Assessment did not identify the property as having cultural heritage value.

Under Section 4.2.8.1, mineral aggregate resources, such as sand, gravel and limestone are to be protected with an emphasis on recovery and recycling of materials derived from these resources for reuse. Sections 4.2.8.3, 4.2.8.4 and 4.2.8.5 provide guidance for rehabilitation and appear to be specific to new mineral aggregate operations as well as those located within prime agricultural lands or the Natural Heritage System, which are not applicable as it is not identified in the City's Official Plan. Furthermore, the proposed quarry operation would appear to be an additional use within an existing mineral aggregate operation and not necessarily a new mineral aggregate operation.

Notwithstanding the above, the submitted Planning Justification Report had regard for the rehabilitation policies of Section 4.2.8.4, which are specific to new operations outside the Natural Heritage System and identified that the soil profile of the property would not have been ideal for agricultural uses, specifically cropland. Therefore, the disturbed area of the site will be rehabilitated to a small lake, which is considered of greater ecological value than the previous existing state of the land, providing a natural feature not prevalent to the area; and which may otherwise provide an opportunity of a different form of agriculture being fish farming/aquaculture. The resulting lake is intended to either provide an agricultural opportunity, or otherwise form a natural ecosystem.

In consideration of the above, the application appears to conform with the policies of the Growth Plan.

Provincial Policy Statement, 2020 (PPS):

The Provincial Policy Statement (PPS) provides policy direction for the appropriate development of land, while protecting resources of provincial interest, public health and

safety, and the quality of the natural environment. This application considers a number of Provincial policy interests including mineral aggregate resource availability from a close to market location, protection of significant natural heritage features and areas of ecological functions, the protection of groundwater and surface water resources, operational design to ensure no adverse impacts on adjacent sensitive land uses and protecting significant cultural heritage and agricultural resources.

Policies 1.1.4 and 1.1.5 of the PPS directs that upon rural lands within rural areas, permitted uses and activities are to relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses and development that is compatible with the rural landscape that can be sustained by rural service levels.

Development and site alteration shall also be directed in accordance with the policies of Section 2.1 (Natural Heritage) and 3.1 (Natural Hazard) of the PPS. The PPS prohibits development and site alteration on lands adjacent to natural heritage features, unless it has been demonstrated there will be no negative impacts on the natural features or their ecological functions. The proposed development does not appear to be within or adjacent to any natural heritage features as identified in Section 2 of the PPS, and does not appear to be located within any natural hazards, as identified in Section 3 of the PPS.

Section 2.2 provided policies to the protection of water quality and quantity. Both the Hydrological Assessment and the Blast Impact Assessment concluded that no impacts are anticipated to local wells.

Section 2.5.2 provides protection for mineral aggregate long term resource supply and Sections 2.5.2.1, 2.5.2.2, 2.5.2.3 and 2.5.2.4 provide the following:

- As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible;
- Extraction shall be undertaken in a manner which minimized social and environmental impacts;
- Mineral aggregate resource conservation shall be undertaken including through the use of accessory aggregate recycling facilities within operations, wherever feasible.
- Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impacts.

Section 2.5.3 provided policy with respect to Rehabilitation, where progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, and to recognize the interim nature of extraction. Progressive rehabilitation is being actively achieved in the current pit operation and will continue to be instituted as outlined on the site plans.

Section 2.6 provides that significant cultural heritage landscapes are to be conserved. According to the findings of the Archeological Assessment, the property does not hold any cultural heritage value.

In consideration of the above, the application appears to be consistent with the PPS.

Official Plan Conformity:

The existing designation under the City of Kawartha Lakes Official Plan is "Aggregate". This designation permits pits and/or quarries licensed pursuant to the Aggregate Resources Act.

In addition, accessory uses such as crushing, screening, washing, stockpiling, and blending, weight scales, operational maintenance/repair facilities, and offices and associated facilities are permitted as well as associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products. Furthermore, dimensional stone quarry operation with crushing and blasting operation within a licensed quarry and recycling may be permitted in a site-specific by-law for the recycling only of inert materials such as asphalt, concrete, brick, porcelain and reclaimed aggregate products.

The Official Plan requires appropriate studies where a quarry is proposed to ensure that the impact is acceptable and the City may peer review the studies to determine if the findings are acceptable. As indicated in this report, the applicant has submitted various studies to satisfy the pre-consultation requirements and additional studies required by the MNRF and MECP to obtain the necessary aggregate license. The technical studies concluded that no impacts are anticipated to water resources and potential noise and vibration impacts can be mitigated in accordance with MNRF and MECP guidelines and a mitigation plan has been prepared with respect to ensuring protection for Species at Risk (SAR) on the site. The City has obtained all peer review comments and is satisfied that the recommendations can be appropriately implemented. Formal comments from MNRF and MECP will be provided through the review of the ARA License Application, once submitted.

In this regard, Section 23.5.4 of the Official Plan requires the City to be satisfied that the site plans submitted to the Province under the Aggregate Resources Act satisfies all the City's concerns prior to the approval of a zoning amendment for an aggregate operation. All required comments and/or recommendations are to be included on the submitted site plans. The recommended Holding symbol for the proposed zoning by-law discussed below will ensure conformity with the Official Plan.

Aggregate Policy Review:

The City is currently engaged with receiving and reviewing public and stakeholder submissions to provide input into this process as well as monitoring any changes to Provincial policies and regulations.

Zoning By-Law Compliance:

The application proposes to change the zone category on this property from the Extractive Industrial (M3) Zone to, in this case, an Extractive Industrial Exception Nine (M3-9) Zone. This will permit a quarry operation, in addition to the existing sand and gravel pit operation, and ancillary uses to the operation such as recyclables storage area as a permitted use. In this regard, reclaimed materials such as asphalt, concrete and brick may be imported to the property and temporarily stored, with the intent to sell those materials.

The existing pit operation currently meets or exceeds all zone provisions of the 'M3' Zone with the exception of the excavation setback to the rear lot line that shares a common boundary where there is a separate licensed pit operator. No changes to the existing excavation or stockpile setbacks are proposed as part of the rezoning application. Otherwise, excavation setbacks meet and stockpile setbacks exceed the minimum requirement to all relevant properties.

At this time, a Holding (H) symbol is recommended until the owner/applicant files the appropriate application to the MNRF for the approval of a license under the Aggregate Resources Act. In addition, prior to removal of the holding symbol to permit the proposed use, Staff will need to ensure that the aggregate site plans adequately address any requirements of the submitted studies and reports, including comments by the City's peer reviewers. In this regard, the majority of the comments on the site plans have been updated, with minor additional comments to be made with respect to hydrogeology, blasting and monitoring.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Alignment to Strategic Priorities:

The Council Adopted 2020-2023 Strategic Plan identifies these Strategic Priorities:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment
- Good Government

This application aligns with the Healthy Environment strategic goal as it protects water quality and natural features and functions while managing aggregate resources.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision to adopt or its refusal to adopt the requested amendment is appealed to the Local Planning Appeal Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Servicing Comments:

The proposed use does not require water or sanitary services and therefore, such servicing is not considered in this report.

Consultations:

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application. To date, we have received the following comments:

Public Comments:

On July 20, 2020, an inquiry from S. Thomas was made with respect to the proposed quarry operation and the location of the recyclables storage area as the family owns property at 657 Peniel Road.

On August 11, 2020, C. Mulock who lives south of the proposed quarry called with concerns about hydrogeology, blasting time frames and what recourse he has if his well goes dry. In response, Mr. Mulock was advised that timeframes could be set for blasting

within the ARA approval notes and the operator can send out a notice to abutting residents in advance of when the blasts would occur. With respect to the well, if it is impacted by the quarry operation, Bedard Sand and Gravel Limited will be required to provide a water supply (i.e. drilling another well).

In addition, in response to address public concern regarding the use of Jake brakes, Planning has requested through Public Works for consideration of signage to prohibit the use of these devices for area truck traffic in the White Rock Road and Black School Road area.

Agency Review Comments:

On July 20, 2020, the Engineering and Corporate Assets Department advised they had no objection to the proposed zoning by-law amendment application.

On July 21, 2020, the Building Division advised they had no concerns with the application.

On July 27, 2020, the Community Services Department advised they had no concerns or comments regarding the application.

On August 11, 2020, the Agriculture Development Officer advised of no concerns beyond those provided during pre-consultation seeking no impact to water sources or nearby agricultural lands or operations. The Agriculture Development Officer is supportive of the rehabilitation plan to return the property to a vegetated and partly forested state with a small pond suitable for fish farming.

On January 25, 2021, the Ministry of Natural Resources and Forestry (MNRF) advised that they primarily utilize the ARA process to provide comments on a proposal. The Integrated Aggregate Resources Section now handles all applications under the ARA. The MNRF subsequently advised that once an application is received their ecologists and other staff would review it and offer comments on any impacts to natural heritage. They also noted on their mapping that there is an evaluated wetland nearby that is not considered a Provincially Significant Wetland.

Development Services – Planning Division Comments:

The appropriate background studies in support of the application have been submitted and circulated to the appropriate Agencies and City Departments for review and comment. The application for Zoning By-law Amendment demonstrates consistency with the Provincial Policy Statement and conformity to the Growth Plan and general conformity with the Official Plan. The proposed Zoning By-law amendment will appropriately facilitate an application for a Category 1 and 2 Aggregate License, being a

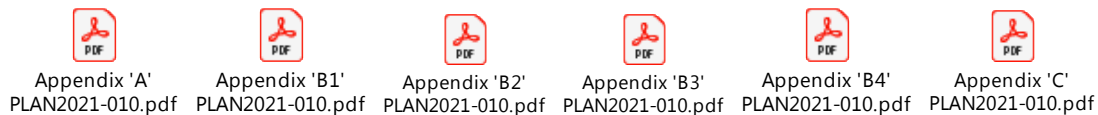
Class "A" pit and quarry operation below the water table and to permit a recyclables storage area use, upon the removal of the holding symbol, which will be contingent on the owner/applicant filing the appropriate application to obtain a License under the ARA for the proposed use and the City being satisfied with the ARA Site Plans.

Conclusion:

The application would conform to the policies of the 2019 Growth Plan and be consistent with the Provincial Policy Statement and generally conforms to the policies of the City of Kawartha Lakes Official Plan. The application has been reviewed in consideration of comments from the circulated agencies, relevant provincial policies, the City of Kawartha Lakes Official Plan, and the Township of Mariposa Zoning By-law. In consideration of the comments contained in this report, Staff respectfully recommends that the proposed rezoning application be referred to Council for approval.

Attachments:

The following attached documents may include scanned images of appendices, maps, and photographs. If you require an alternative format, please call Mark LaHay, Planner II, (705) 324-9411 ext. 1324.



Appendix 'A' – Location Map

Appendix 'B1' - Existing Features Plan

Appendix 'B2' - Pit Operation Site Plan

Appendix 'B3' - Quarry Operation Site Plan

Appendix 'B4' - Progressive/Final Rehabilitation Site Plan

Appendix 'C' – Draft Zoning By-law Amendment

Department Head email: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

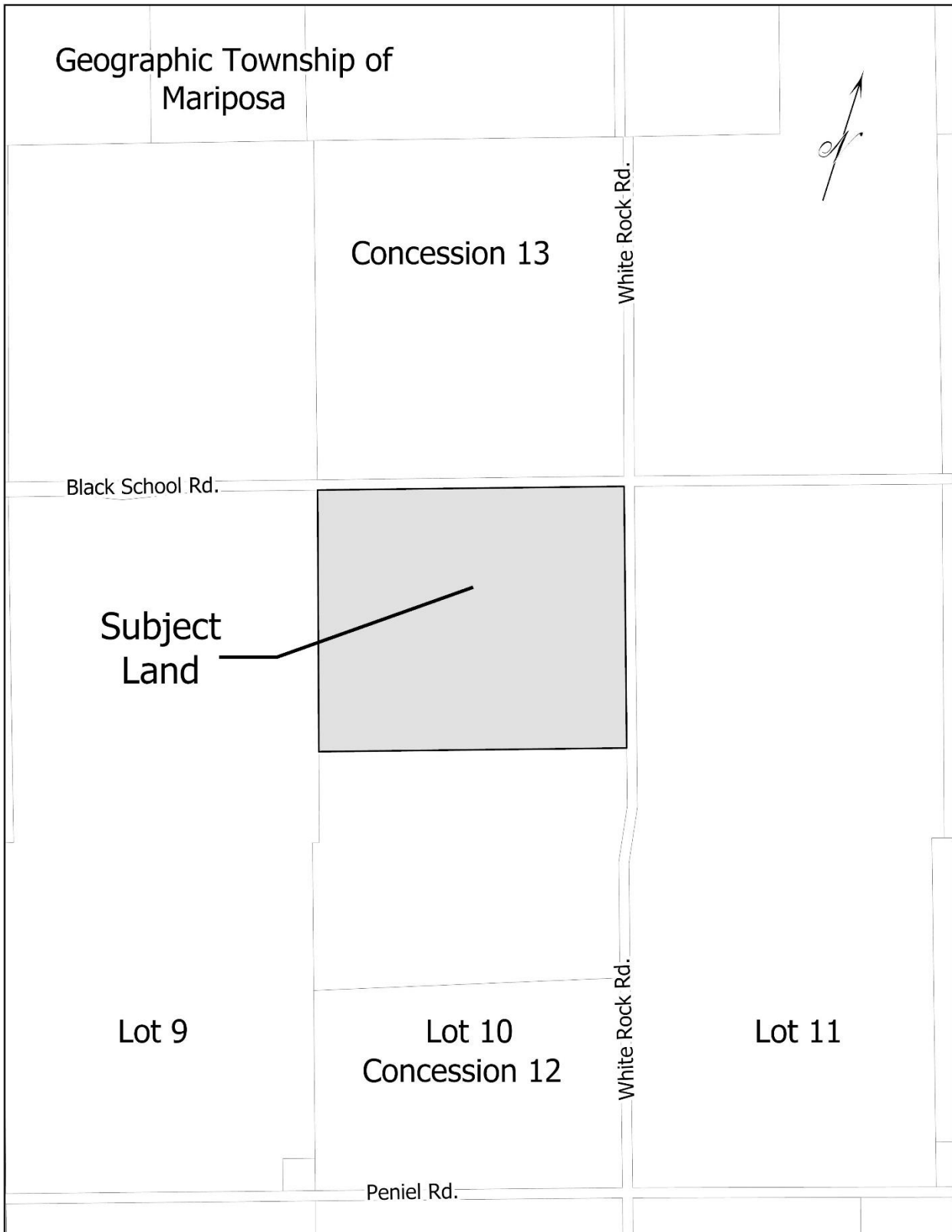
Department File: D06-2020-004

APPENDIX “ A ”

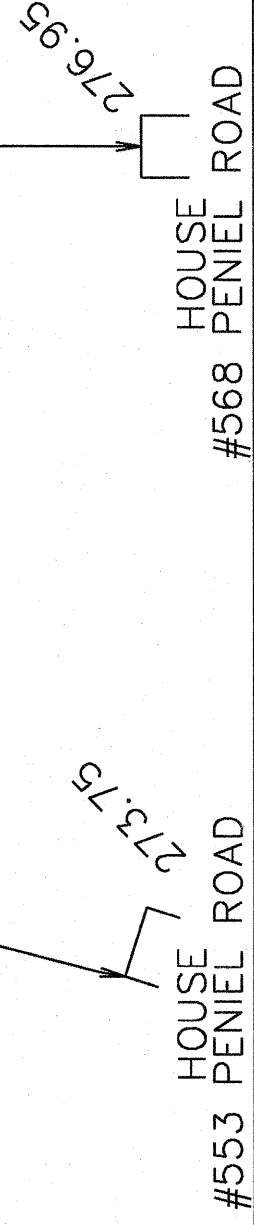
to

REPORT PLAN2021-010

FILE NO: D06-2020-004



FILE	REF	M.A.P.N.	DATE	10/11/2021
FILE: G:\18-17-042\01\Drawing\18-17-042-01-EXST.dgn			10/25/2021	

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RESOURCES ACT LICENSE NO. 2360

NOTES

1. QUARRY OPERATIONS MAY TAKE PLACE CONCURRENT WITH PIT OPERATIONS.
2. THE WEST LIMIT OF THE QUARRYING MAY COMMENCE AT THE WEST LIMIT OF THE PHASE 2 AREA.

OVERLIDE OF REGULATIONS

THE FOLLOWING CONDITIONS (NOTES) VARY FROM THE PROVINCIAL OPERATIONAL STANDARDS THAT APPLY TO AGGREGATE QUARRYING OPERATIONS. THERE IS NO FINDING REQUIRED ALONG THE WEST PROPERTY AREA BOUNDARY ADJACENT TO THE LICENSED PIT PROPERTY (AGGREGATE LICENSE #3419).

10.1.1.01 (EXCAVATION EXTENDS) FOR QUARRY OPERATIONS THERE IS NO WATER TABLE ASSESSMENT REQUIRED. A PORTION OF THE WEST LICENSED AREA BOUNDARY ADJACENT TO THE LICENSED PIT PROPERTY (AGGREGATE LICENSE #4119). THIS PORTION OF REDUCED SETBACK IS LICENSED ON THIS SMALL SCALE.

10.1.2 (2.1) (2.1) FOR QUARRY OPERATIONS THERE WILL BE NO SLOPING OF FINAL QUARRY FACES REQUIRED AS THE EXTRACTED AREA WILL BE FLOODED WITH WATER, EVENTUALLY CREATING A SMALL LAKE.

WATER WELL MONITORING PROGRAM

(As per Best Impact Assessment Report prepared by DSI consulting engineers dated August 1st, 2020 and the Environmental Assessment report prepared by Aldo International Inc. dated August 1st, 2020)

1. ALL WATER WELLS WITHIN 500 METERS OF THE SITE (WELLS #1 TO #4) BE IDENTIFIED ON THE EXISTING SURFACE MAP AND MONITORED FOR WATER LEVELS. MONITORING SHALL BE CONDUCTED ON A DAILY BASIS IN ACCORDANCE WITH MONITORING PLAN FOR THE ENVIRONMENTAL CONSERVATION PARKS AND PROTECTED AREAS. MONITORING OF WATER LEVELS SHALL BE CONDUCTED BY A QUALIFIED PERSONNEL. MONITORING OF WATER LEVELS SHALL ALSO BE IDENTIFIED IN THE FIELD OF THE WATER TABLE MONITORING. STATE OF THE ART MONITORING EQUIPMENT SHALL BE USED TO MONITOR WATER LEVELS. MONITORING OF WATER LEVELS SHALL BE CONDUCTED FOR REVIEW BY MINISTRY OF NATURAL RESOURCES WILDLIFE AND FOREST DURING THEIR REVIEW PERIOD.

2. WATER MONITORING SHALL BE INSTALLED IN WELLS #2 AND #4 PRIOR TO BLASTING IN ORDER TO

WHITEROCK PIT/QUARRY - AGGREGATE LICENCE #3260
 LICENSED TO: BEDARD SAND & GRAVEL LIMITED
 14500 HWY. 101
 WOODVILLE, ONTARIO, K3M 2T0

**PART OF LOT 10
 CONCESSION 12
 GEOGRAPHIC TOWNSHIP OF HARRIDEN
 CITY OF KAWARTHAKA LAKES**

SCALE 1" = 1250'

27 metres

0 25 50 75 100

METRIC
 DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 3.048

LEGEND

BOUNDARY OF LICENSED AREA

LOT LINE

LIMIT OF ROAD ALLOWANCE

LIMIT OF EXTRACTION (QUARRY)

SETBACK LIMIT (PIT)

LIMIT OF 120m INFORMATION ZONE

OVERHEAD HYDRO WIRES

TELEPHONE POLE

HYDRO POLE

WATERCOURSE

FENCE

CONTIGUOUS LINE

DIRECTION OF EXTRACTION WITH PHASE NUMBER

SITE BENCHMARK

GROUND ELEVATION

CROSS - SECTION

BLAST PHASE AREA BOUNDARY

PORTABLE ASPHALT PLANT AND RECYCLES STORAGE AREA BOUNDARY

PHASE BOUNDARY

PROPOSED BERM

DEPTH OF EXCAVATION

RECEPTOR # 2

VACANT LOT # 1

27th Ave

27,500

R2

ML1

SPILLS RESPONSE PLAN

KAMRSHILL LAKES ROAD NO. 9

LOT 15 LOT 16 LOT 17 LOT 18 LOT 19

LOT 20 LOT 21 LOT 22 LOT 23 LOT 24

LOT 25 LOT 26 LOT 27 LOT 28 LOT 29

LOT 30 LOT 31 LOT 32 LOT 33 LOT 34

LOT 35 LOT 36 LOT 37 LOT 38 LOT 39

LOT 40 LOT 41 LOT 42 LOT 43 LOT 44

LOT 45 LOT 46 LOT 47 LOT 48 LOT 49

LOT 50 LOT 51 LOT 52 LOT 53 LOT 54

LOT 55 LOT 56 LOT 57 LOT 58 LOT 59

LOT 60 LOT 61 LOT 62 LOT 63 LOT 64

LOT 65 LOT 66 LOT 67 LOT 68 LOT 69

LOT 70 LOT 71 LOT 72 LOT 73 LOT 74

LOT 75 LOT 76 LOT 77 LOT 78 LOT 79

LOT 80 LOT 81 LOT 82 LOT 83 LOT 84

LOT 85 LOT 86 LOT 87 LOT 88 LOT 89

LOT 90 LOT 91 LOT 92 LOT 93 LOT 94

LOT 95 LOT 96 LOT 97 LOT 98 LOT 99

LOT 100

KAMRSHILL LAKES ROAD NO. 9

UNDER HAVILY ROAD

WHITE ROCK ROAD

HILL CREEK ROAD

CONCESSION

CONCESSION


CONCESSION

CONCESSION

2

RE MAP: NOT TO SCALE

I HEREBY ACKNOWLEDGE AND SHALL CARRY ON THE OPERATION OF THIS SITE PLAN IN ACCORDANCE WITH THE SITE PLAN UPON WHICH MY LICENCE IS BASED.


 JAMES BEDDO
BEDDO SAND & GRAVEL LIMITED

4/23/21
DATE

SITE PLAN APPROVED BY

MINISTRY OF NATURAL RESOURCES & FORESTRY

DATE

PLAN PREPARED BY <i>M. S. Moore</i> MARSHALL & LANEY ENGINEERS AND SURVEYORS	QUARRY OPERATIONAL SITE PLAN		SHEET 3 OF 4		JOB NO. 26-2001-- DATE
			COE FISHER CAMERON LAND SURVEYORS A Division of J.D. Barnes Limited 10000 Highway 100, Suite 100 T100 1S24 1E7 T700 2S24 40W (403) 243-1111		
DRAWN BY: _____	REV. # / DATE: _____	CHECKED BY: _____	M.A.H.:	REFERENCE NO.:	18-17-042-01
APPROVED BY: _____ DATE: _____					

APPENDIX " B-3 "

to

REPORT PLAN2021-010

FILE NO: D06-2020-004

[illegible]

120m

AI-1 ZONE
(AGRICULTURAL)

CROPPED LAND

PART 2

Number of hauls	<i>P. setiferus</i> (%)	<i>P. setiferus</i> + <i>P. setiferus</i> + <i>P. setiferus</i> (%)
1	10	10
2	90	20
3	60	30
4	70	40
5	80	50
6	70	60
7	60	70
8	70	80
9	80	90
10	90	100

By-Law 2021 -**A By-Law To Amend The Township of Mariposa Zoning By-Law No. 94-07 To Rezone Land Within The City Of Kawartha Lakes**

File D06-2020-004, Report PLAN2021-010, respecting Part Lot 10, Concession 12, being Part 1, Registered Plan 57R-6739, geographic Township of Mariposa, identified as 1095 White Rock Road – Bedard Sand and Gravel Limited

Recitals:

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land. Section 36 of the Planning Act authorizes Council to place a Holding (H) symbol on any zoning category assigned to property. The purpose of the Holding (H) symbol is to restrict the use of the property until conditions imposed by Council have been met.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land to Zone to permit a quarry operation on the subject land to facilitate an application for a Category 1 and 2 Aggregate License, being a Class "A" pit and quarry operation below the water table, in addition to the existing permitted sand and gravel pit operation and to request a recyclables storage area as a permitted use on the subject land. A Holding (H) symbol shall be applied to ensure the owner submits a License Application under the Aggregate Resources Act and the City is satisfied with the submitted Site Plans.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2021-__.

Section 1:00 Zoning Details

- 1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 10, Concession 12, being Part 1, Registered Plan 57R-6739, geographic Township of Mariposa, City of Kawartha Lakes.
- 1.02 **Textual Amendment:** By-law No. 94-07 of the Township of Mariposa is further amended to add the following section to Section 21.3:

"21.3.9 EXTRACTIVE INDUSTRIAL EXCEPTION NINE (M3-9) ZONE

 - 21.3.9.1 Notwithstanding subsection 21.1.1, land zoned M3-9 may also be used for a quarry.
 - 21.3.9.2 Notwithstanding subsection 21.1.1, on land zoned M3-9, a recyclables storage area is permitted for reclaimed materials such as aggregate products, asphalt, concrete and brick, which may be imported to the property for processing and temporarily stored for sale.
 - 21.3.9.3 Until the holding provision has been removed, the only permitted uses shall be limited to existing permitted uses.
 - 21.3.9.4 On land zoned M3-9(H), the removal of the (H) holding symbol shall be in accordance with the following:
 - (a) Submission to the Ministry of Natural Resources and Forestry of an Application for a License under the Aggregate Resources Act for the proposed quarry; and
 - (b) Submission of Aggregate Resources Act Site Plans to the satisfaction of the City."

1.03 **Schedule Amendment:** Schedule ‘A’ to By-law No. 94-07 of the Township of Mariposa is further amended to change the zone category from the Extractive Industrial (M3) Zone to the Extractive Industrial Exception Nine Holding [M3-9 (H)] Zone for the land referred to as ‘M3-9(H)’, as shown on Schedule ‘A’ attached to this By-law.

Section 2:00 Effective Date

2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Sections 34 and 36 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2021.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED

THIS _____ DAY OF _____ 2021.

MAYOR _____ CLERK _____

Geographic Township of
Mariposa

Concession 13

White Rock Rd.



Black School Rd.

M3-9(H)

Lot 9

Lot 10
Concession 12

White Rock Rd.

Lot 11



Planning Advisory Committee Report

Report Number: PLAN2021-012
Meeting Date: March 10, 2021
Title: Amend the Manvers Zoning By-law 87-06 at 174 Highway 7A - Connor
Description: D06-2020-009
Type of Report: Regular Meeting
Author and Title: David Harding, RPP, MCIP, Planner II

Recommendations:

That Report PLAN2021-012, **Amend the Manvers Zoning By-law 87-06 at 174 Highway 7A - Connor**, be received;

That a Zoning By-law Amendment respecting application D06-2020-009, substantially in the form attached as Appendix "D" to Report PLAN2021-012, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

At its November 4, 2020 meeting the Planning Advisory Committee referred the application back to staff in order to collect all outstanding agency comments and for further review and processing. Those comments were received and the review concluded.

The subject property is a commercially zoned lot in the southwest corner of the rural neighbourhood of Yelverton. The lot contains a former automotive garage business now used as a contractor's shop since 2016. The current businesses within the building are Envirotech Insulation and Envirotech Electrical Services Inc.

The applicant is applying to recognize the uses and to facilitate the expansion of the businesses on the property. As a result of this expansion, new development standards are being sought. The development standards will also allow for the placement of a third business (photography studio) within the expanded building. A photography studio is a permitted use upon the property.

The applicant has submitted the following documentation in support of their proposal which was circulated for comment and review:

1. Planning Justification Brief dated March 2020 prepared by D.M. Wills Associates Limited (Landmark Associated Limited).
2. Planning Justification Brief Addendum dated July 15, 2020 prepared by D.M. Wills Associates Limited.
3. Stormwater Management Brief dated March 2020 prepared by D.M. Wills Associates Limited.
4. Traffic Letter dated July 15, 2020 prepared by D.M. Wills Associates Limited.
5. Sewage Brief dated March 13, 2020 prepared by D.M. Wills Associates Limited (Landmark Associated Limited)
6. Phase One Environmental Site Assessment Report dated July 14, 2016 prepared by GHD
7. Phase Two Environmental Site Assessment Report dated July 14, 2016 prepared by GHD
8. Preliminary Grading and Drainage Plan dated July 21, 2020 prepared by D.M. Wills Associates Limited (Landmark Associated Limited)
9. Hydrogeologic Investigation Report dated February 7, 2020 prepared by GHD.

10. Topographic Survey Plan prepared by Coe Fisher Cameron Land Surveyors dated August 14, 2018.

11. Preliminary Concept dated July 2020 prepared by D.M. Wills Associates Limited (Landmark Associated Limited).

Owners:	Mark and Kelly Connor
Applicant:	Darryl Tighe/Emma Drake – D.M. Wills Associates Limited
Legal Description:	Part Lot 3, Concession 8, geographic Township of Manvers, now City of Kawartha Lakes
Official Plan:	"Prime Agricultural" within the City of Kawartha Lakes Official Plan 2012
Zone:	"General Commercial (C1) Zone" in the Township of Manvers Zoning By-law 87-06, as amended
Site Size:	2,828.1 square metres
Site Servicing	Private individual well and holding tank

Rationale:

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan):

The Growth Plan directs the vast majority of growth to settlement areas. Growth in rural settlement areas that is not on full municipal services is to be limited.

Policy 2.2.9 permits development outside of settlement areas compatible with the surrounding uses and rural landscape, may be sustained by rural service levels, and will not adversely affect agricultural or resource-based uses.

Policy 2.2.5.1 encourages economic development through the use of underutilized employment lands and employment densities.

The subject property is a commercially zoned parcel within the rural community of Yelverton, surrounded in all directions by residential and a cemetery use. As such, the property is not utilized for agricultural uses nor is it in a location where this is likely.

The proposal conforms with the Growth Plan as it proposes to better utilize an existing commercial property within the rural community of Yelverton by proposing three uses: an electrical contractor's shop, an insulation contractor's shop, and a photography studio.

Provincial Policy Statement, 2020 (PPS):

Yelverton is a cluster of non-agricultural lots surrounded by agricultural operations. Yelverton and the agricultural lands around it are within the "Prime Agricultural" designation of the Official Plan. Yelverton and the agricultural lands around it is classified as Rural Area within the PPS.

Policy 1.1.4 identifies that rural areas are important to the economic success of the Province and the quality of life within it. The long-term protection of rural assets and amenities is essential for a sustainable economy.

Policy 1.1.4.1 identifies that healthy, viable and integrated rural areas are to be supported by activities such as supporting the diversification of the economic base and employment opportunities. Rural character is to be built upon and rural amenities and assets leveraged. Opportunities for economic activities within prime agricultural areas in accordance with Policy 2.3 are encouraged.

While the lands are within the prime agricultural area, policy 2.3.6 requires non-agricultural uses to avoid impacts to prime agricultural area operations and to utilize lands with little to no agricultural potential.

The proposal is consistent with the PPS as the proposal is to increase employment within a rural area upon an existing non-agricultural lot beside a highway, and that use does not impact agricultural or resource use operations.

Official Plan Conformity:

The subject land is designated 'Prime Agricultural' within the City of Kawartha Lakes Official Plan 2012 (Official Plan). The objective of the designation is to protect agricultural operations as well as agriculture-related businesses from incompatible uses. The designation recognizes the existence of historic clusters of residential lots and by extension the other non-residential use lots near them. The Official Plan permits a zoning by-law amendment to recognize these uses.

The subject property is located within a cluster of non-agricultural lots known as Yelverton. Yelverton is surrounded by agricultural uses.

The subject property does not abut an agricultural land use. This application proposes no change to the existing lot fabric and will not impact the surrounding agricultural uses.

The application conforms with the Official Plan.

Zoning By-law Compliance:

The subject land is zoned "General Commercial (C1) Zone" in the Township of Manvers Zoning By-Law 87-06. It is the only commercially zoned lot within Yelvetron. There is a community facility lot for the cemetery and the rest of the lots within Yelvetron have residential zoning.

The C1 Zone permits a wide assortment of goods and service uses, including the photography studio that is proposed within a part of the building addition.

Contractor's shop uses are proposed along with modifications to the site's development standards.

Contractor's shop is not a defined use with the zoning by-law nor is it listed as a permitted use. A definition is provided within the attached by-law amendment in Appendix D permits contracting businesses such as the electrical and insulation businesses along with accessory outdoor storage. Given the residential surroundings of the site, outdoor storage requirements are set to match that of the zone and are to be within the rear or side yard.

The development standards will address building/outdoor storage setback and parking requirements.

The front and flankage yard setbacks proposed allow the addition to be constructed in-line with the existing building's north wall (15 metres is currently required and 10 metres is proposed) and construct a deeper building that comes closer to Yelvetron Road (15 metres is required; 9.9 metres is proposed). The proposed 6 metre yard setback will not only cover off the proposed building footprint, but provide for future building infill between the proposed addition and existing building and delineate the outdoor storage area setback. The proposed 6 metre side and flankage yard requirements are proposed to mirror the rear yard setback requirement of the C1 Zone and provide sufficient landscaped buffer space in accordance with Section 20.14.

The subject property is defined as a corner lot. However, the front lot line by definition is a small boundary segment at the corner of Highway 7A and Yelvetron Road. The existing building faces Highway 7A and the proposed addition is also to face Highway 7A. In order to better reflect how the property functions, the by-law amendment proposes to classify the north lot line as the front lot line.

The parking requirement has been calculated at 13, or 1 per 30 square metres of floor area. The application proposes to reduce this to 12: 8 in the front yard and 4 in the rear yard. The Planning Justification Brief provided, identifies the rear yard parking lot will be used to store work vehicles, and the front parking lot will be used for customer and employee vehicles. There are four employees for the insulation and electrical business,

and a single employee is anticipated for the photography studio. The remaining three spaces in the front parking lot would be for customers. No more than two customer vehicles are anticipated at any one time for the photography business, and no customer parking is anticipated given the contracting nature of the electrical and insulation businesses. Should the businesses grow or change, there is sufficient land to provide additional spaces.

The north parking area contains parking along one side. This parking is proposed to be extended further west towards the west entrance. Aisle width along the north side of the site is constrained to 4 metres due the proximity of the existing building to the north lot line. There is additional aisle width for vehicle turning contained on Ministry of Transportation (MTO) land between the travelled portion of the highway and lot in the form of a grassed island. The MTO is not proposing to remove the island. The by-law amendment proposes to recognize this existing aisle situation.

The aisle width for the south parking area is proposed at 6 metres. The south parking area is for company vehicles and has parking on one side of the aisle. The reduction also allows for the retention of a tree. The by-law amendment proposed to recognize the proposed aisle configuration.

An amendment is proposed to the frequency and composition of the landscaped buffer requirements in Section 20.14 in order to provide some additional flexibility to tree and shrub placement at the site plan stage.

In order to ensure the orderly development of the site, adhere to the by-law's landscaping requirements, and address Engineering Division's and the Ministry of Transportation's comments, a holding (H) symbol is required to impose site plan control, which can be seen in Appendix D.

Other Alternatives Considered:

No alternatives have been considered at this time.

Alignment to Strategic Priorities:

The 2020-2023 Council Adopted Strategic Plan identifies these Strategic Priorities:

- Priority 1 – A Vibrant and Growing Economy
- Priority 2 – An Exceptional Quality of Life
- Priority 3 – A Healthy Environment
- Priority 4 – Good Government

This application aligns with a vibrant and growing economy and exceptional quality of life as it provides opportunity to provide employment to trades involved in building construction and building maintenance.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision is appealed to the Local Planning Appeals Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Servicing Comments:

The property is serviced by a private individual well and holding tank.

Consultations:

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application.

The Development Engineering Division advises that they have no objection to the proposal and that detailed review and comments will be provided at the site plan stage.

The Building Division advises that they have no concern with the application.

The Community Services Department advises that they have no concerns with the application.

The Agriculture Development Officer raised no concerns as a result of the circulation and Economic Development Division is supportive of the proposal.

The Ministry of Transportation has no concerns with the rezoning application as the proposal does not encroach any further than the existing commercial building. The property is within the MTO permit control area and MTO approval/permits are required for all proposed works. Additional technical comments were provided regarding entrance requirements and stormwater management in anticipation of the circulation of the site plan application.

Development Services – Planning Division Comments:

The application conforms to the Growth Plan and Official Plan and is consistent with the Provincial Policy Statement. A contractor's shop is not listed as a permitted use, the existing building and the addition do not meet current setback requirements, and adjustments to the parking requirements are needed.

The by-law amendment proposed in Appendix D allows for the orderly development of the site. A holding symbol will allow an additional measure of control over the orderly development of the site and to design suitable buffers given the surrounding residential uses.

Conclusion:

The application conforms to the Growth Plan, is consistent with the Provincial Policy Statement and conforms to the Official Plan. Staff supports the application based on the information contained in this report and the comments received as of February 24, 2021. Staff respectfully recommends that the Planning Advisory Committee consider referring the application to Council for approval.

Attachments:

Appendix 'A' – Location Map



Appendix A to
Report PLAN2021-01

Appendix 'B' – Aerial Photograph



Appendix B to
Report PLAN2021-01

Appendix 'C' – Concept Plan



Appendix C to
Report PLAN2021-01

Appendix 'D' – Draft By-law Amendment



Appendix D to
Report PLAN2021-01

Department Head email: cmarshall@kawarthalakes.ca

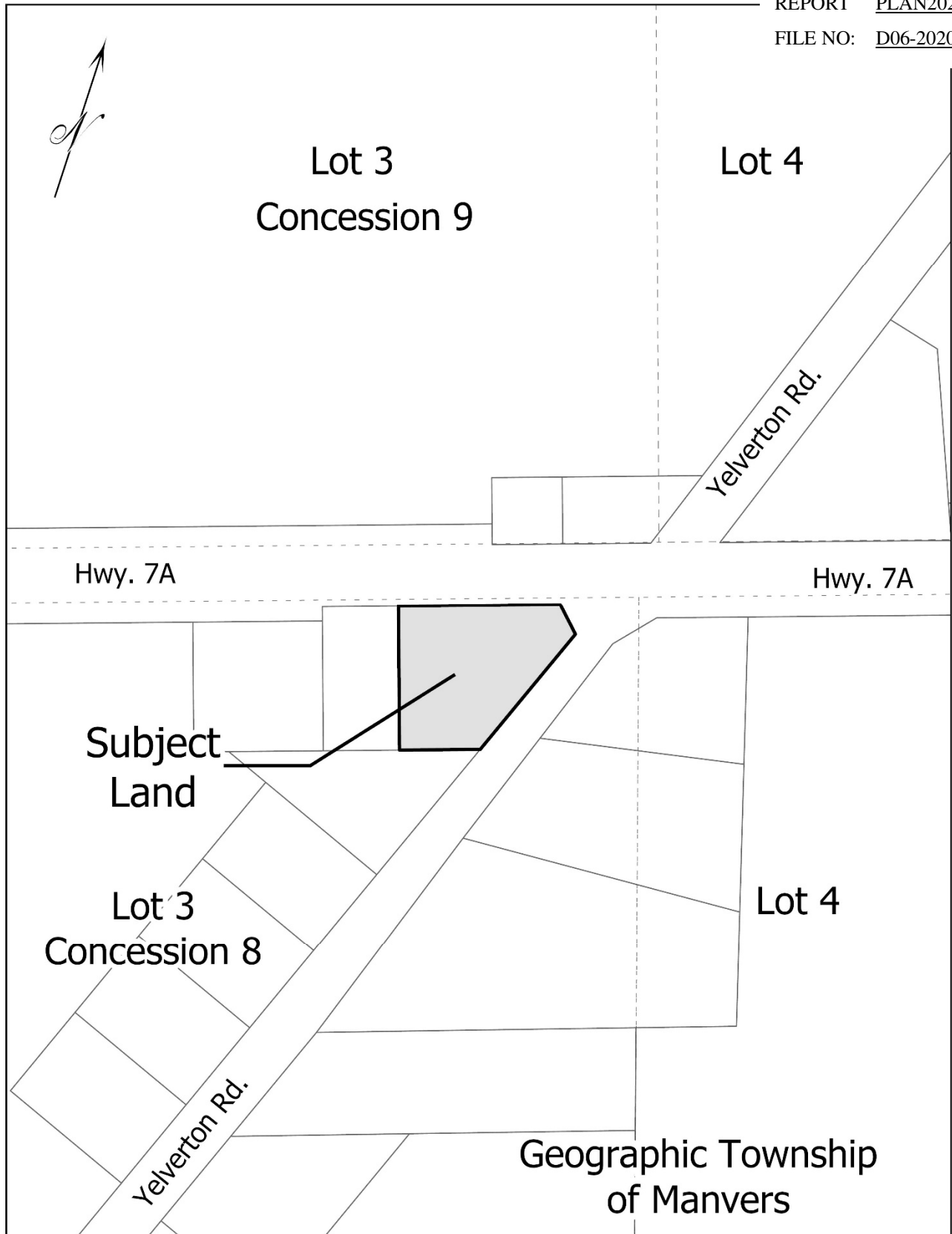
Department Head: Chris Marshall

Department File: D06-2020-009

to

REPORT PLAN2021-012

FILE NO: D06-2020-009



to

REPORT PLAN2021-012

FILE NO: D06-2020-009

174 Highway 7A, geographic Twp. of Manvers



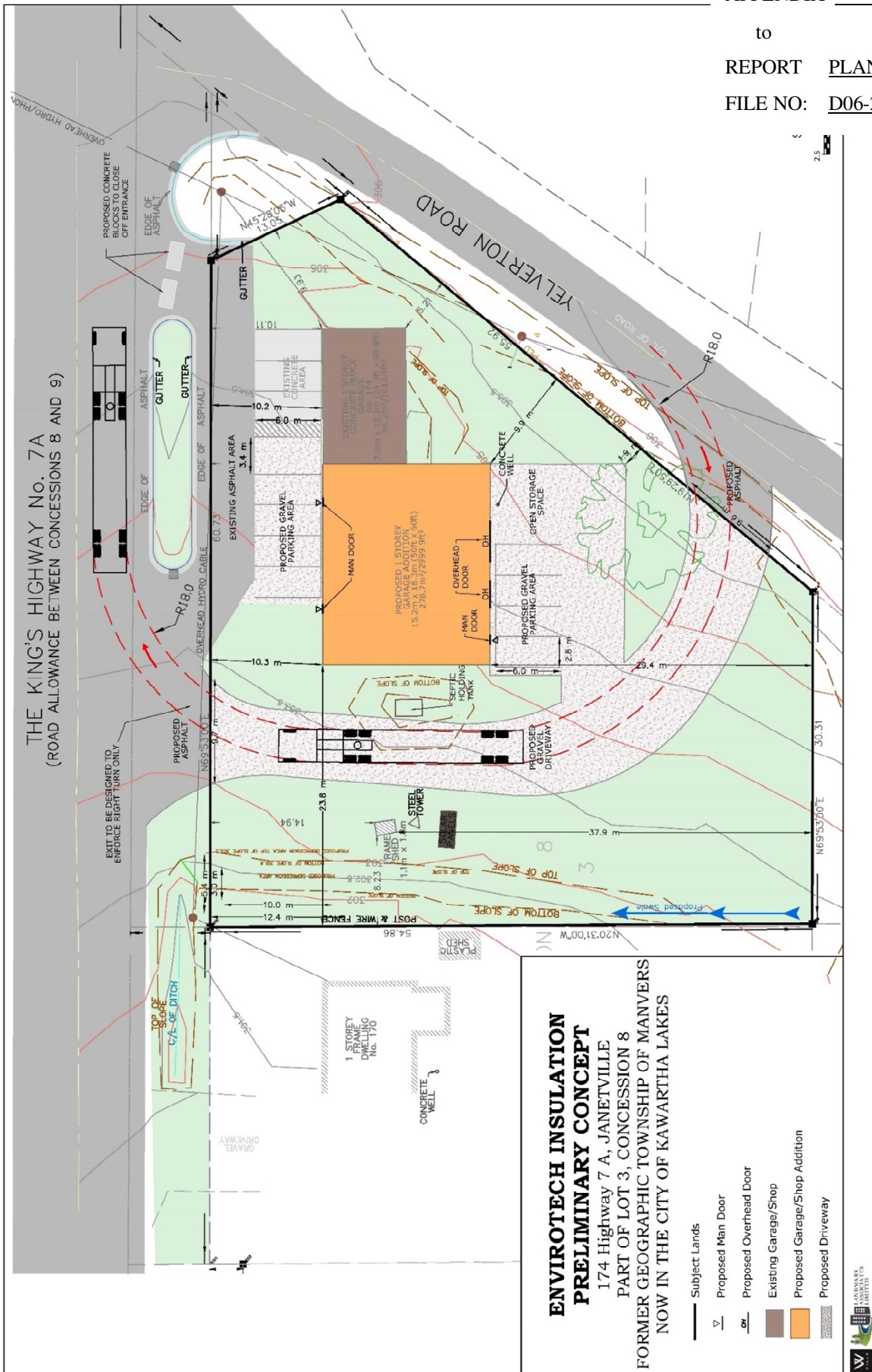
This map is a user generated static map output and is for reference only. All data, layers and text that appear on this map may or may not be accurate, current, or otherwise reliable.



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0.06 Kilometers
WGS_1984_Web_Mercator_Auxiliary_Sphere
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to

REPORT PLAN2021-012FILE NO: D06-2020-009

The Corporation of the City of Kawartha Lakes
By-Law 2021 -

to
 REPORT PLAN2021-012
 FILE NO: D06-2020-009

A By-law to Amend the Township of Manvers Zoning By-law No. 87-06 to Rezone Land within the City of Kawartha Lakes

File D06-2020-009, Report PLAN2021-012, respecting Part Lot 3, Concession 8, geographic Township of Manvers, identified as 174 Highway 7A.

Recitals

1. Section 34 of the Planning Act, R.S.O. 1990, c.P.13 authorizes Council to determine the appropriate zoning categories and provisions assigned to land.
2. Council has received an application to amend the categories and provisions relating to a specific parcel of land.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to rezone the Property.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2021-__.

Section 1.00: Zoning Details

1.01 **Property Affected:** The Property affected by this by-law is described as Part Lot 3, Concession 8, geographic Township of Manvers, City of Kawartha Lakes.

1.02 **Textual Amendment:** By-law No. 87-06 of the Township of Manvers is further amended by adding the following subsection to 12.4:

“(g) Notwithstanding subsection 12.1, on land zoned C1-S7 the permitted uses shall also include a contractor’s shop.

A contractor’s shop shall be defined as: a building or part thereof where equipment and materials of a contractor are stored and/or where a contractor performs office, maintenance, or assembly work, and may include the outdoor storage of equipment or materials accessory to the building, but does not include any other use or activity otherwise defined herein.

Outdoor storage shall be within the interior side or rear yard and subject to all yard and setback provisions of the C1-S7 Zone and landscaping provisions in subsection 20.14.

Notwithstanding the definition of front lot line within Section 21, on land zoned C1-S7 the front lot line shall be defined as the north lot line dividing the lot from the highway.

Notwithstanding subsections 12.2 and 20.12, on land zoned C1-S7 the following requirements shall apply:

- | | | |
|-------|--|------|
| (i) | Minimum front yard | 10 m |
| (ii) | Minimum flankage yard | 6 m |
| (iii) | Minimum side yard | 6 m |
| (iv) | Minimum number of parking spaces | 12 |
| (v) | Minimum aisle width for north parking area | 4 m |
| (vi) | Minimum aisle width for south parking area | 6 m |

Notwithstanding the portion of subsection 20.13 that specifies loading space locations, a loading space may be located upon a driveway.

Notwithstanding the portion of subsection 20.14(b) specifying the landscaped buffer to be a continuous unpierced hedgerow of evergreens or shrubs not less than 1.5 metres high at the time of planting, alternative spacing and vegetation composition may be provided where required in the site plan.

All other provisions of the C1 Zone and the By-law shall apply to land zoned C1-S7.

On land zoned C1-S7 the removal of the (H) holding symbol shall require the owner to enter into a site plan agreement with the City for any development on the land.”

- 1.03 **Schedule Amendment:** Schedule ‘A’ to By-law No. 87-06 of the Township of Manvers is further amended to change the zone category on the property from General Commercial (C1) Zone to General Commercial Special Seven Holding (C1-S7(H)) Zone for the land referred to as C1-S7(H), as shown on Schedule ‘A’ attached to this By-law.

Section 2.00: Effective Date

- 2.01 **Effective Date:** This By-law shall come into force and take effect on the date it is finally passed, subject to the provisions of Section 34 of the Planning Act R.S.O. 1990, c.P.13.

By-law read a first, second and third time, and finally passed, this ____ day of _____, 2021.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

THIS IS SCHEDULE 'A' TO BY-LAW _____ PASSED

THIS _____ DAY OF _____ 2021.

MAYOR _____ CLERK _____

