



Council Report

Report Number:	PLAN2023-038
Meeting Date:	July 25, 2023
Title:	Administrative Amendment to Zoning By-law No. 2000-75
Description:	City initiated zoning by-law amendment to correct an administrative error in Zoning By-law 2000-75
Type of Report:	Council Meeting
Author and Title:	Jonathan Derworiz, MCIP, RPP (WSP Canada Inc. on behalf of City of Kawartha Lakes Development Services)

Recommendations:

That Report PLAN2023-038, **Administrative Amendment to Zoning By-law 2000-75**, be received;

That a Zoning By-law, substantially in the form attached as Appendix B to Report PLAN2023-038 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:

Zoning By-law No. 2021-057 was recommended for approval by Council on May 18, 2021 and was subsequently enacted. This By-law amended the City's Zoning By-laws to regulate cannabis cultivation and processing by establishing new definitions, amendments to existing definitions, new general provisions and new zoning requirements. Report PLAN2021-019 provides a comprehensive overview and discussion of the amendment and is attached to this Report as 'Appendix A' for reference.

It has recently been noted by staff that Zoning By-law No. 2021-057 erroneously amended the Town of Lindsay By-law No. 2000-75 by making reference to an incorrect zone in Section 5.37.3. Staff are therefore recommending an administrative amendment to correct this error, while the overall intent of Section 5.37.3 remains unchanged.

Rationale:

Zoning By-law No. 2021-057 amended the City's Zoning By-laws, including the Town of Lindsay Zoning By-law No. 2000-75. One of the amendments to Zoning By-law 2000-75 included the establishment of a new Section 5.37.3, as follows:

"5.37.3 Notwithstanding 5.37.2:

- 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. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the 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. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use."

It is noted that provisions 5.37.3 i) and ii) erroneously reference the Rural General (A1) and General Industrial (M1) zones. These zones are not established by Zoning By-law 2000-75 and therefore the provisions have no effect as currently written. Further, staff are unable to appropriately implement the provisions of the Zoning By-law because of this error.

Staff are therefore proposing an administrative amendment that would amend provisions 5.37.2 i) and ii) to correctly reference the General Employment (GE) zone,

which is established by Zoning By-law 2000-75. The amended Section 5.37.3 would read as follows:

“5.37.3 Notwithstanding 5.37.2:

- i) in the General Employment (GE) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located closer than 70m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.
- ii) in the General Employment (GE) Zone, a cannabis production and processing facility without air filtration control shall not be located closer than 300m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.”

A copy of the proposed zoning by-law amendment is attached as ‘Appendix B’.

Report PLAN2021-019 provides a comprehensive discussion on the intent and scope of Zoning By-law No. 2021-057. This includes an assessment of which zones are deemed appropriate to permit cannabis production and cultivation uses. In all cases, the City’s Zoning By-laws were amended to permit cannabis production and cultivation in both Agricultural Zones and Industrial Zones, subject to satisfying certain development criteria.

This amendment is therefore seeking to correct an error that can be attributed to an administrative oversight that inadvertently referenced an incorrect zone with regards to permitting cannabis cultivation and production in “Industrial Zones.” For additional clarity, it is the opinion of staff that the GE Zone is the “Industrial Zone” equivalent as established by Zoning By-law 2000-75, and is therefore consistent with the intent of the intent of Zoning By-law No. 2021-057.

Provincial Policies:

A comprehensive assessment of provincial and local land use planning policy was previously undertaken in support of Zoning By-law No. 2021-057 as shown in Appendix A. Zoning By-law No. 2021-057, specifically as it relates to Section 5.37.3 of Zoning By-law 2000-75, would continue to function as originally intended. Due to the administrative nature of the proposed amendment, it continues to be the opinion of staff that the amendment is consistent with the PPS, and conforms to A Place to Grow and the Official Plan.

Zoning By-law Review:

The proposed administrative amendment proposes to correct an error in the Town of Lindsay Zoning By-law 2000-75 which makes an incorrect zone reference. Staff are of the opinion that this correction is administrative in nature and otherwise meets the intent of Zoning By-law No. 2021-057, as previously discussed in this Report.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Alignment to Strategic Priorities:

For reference the four strategic priorities within the 2020-2023 Kawartha Lakes Strategic Plan are:

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

This amendment would align with a vibrant and growing economy and good government as it corrects an administrative oversight and, subject to criteria, would permit cannabis production and processing facilities in Lindsay's industrial areas.

Financial/Operation Impacts:

There are no financial considerations to Council's decision.

Consultations:

Given that this is an administrative amendment, a statutory public meeting pursuant to the Planning Act is not required, and therefore a public notice was not issued.

Development Services – Planning Division Comments:

The proposed administrative amendment is consistent with the Provincial Policy Statement, and conforms to A Place to Grow and the Official Plan. The administrative amendment, if approved by Council, will enable Zoning By-law 2000-75 (as amended by

Zoning By-law No. 2021-057) to be implemented as intended regarding the regulation of cannabis production and processing in the GE Zone.

Conclusion:

The application consistent with the PPS and conforms to the Growth Plan. The application also conforms to the City's Official Plan. Staff support the administrative amendment as presented in this Report which seeks to correct an erroneous zone reference in Section 5.37.3 under Zoning By-law 2000-75. Staff respectfully recommend the proposed amendment approved by Council.

Attachments:

Appendix A – Report Number PLAN2021-019



Appendix A.pdf

Appendix B – Zoning By-law Amendment



Appendix B.pdf

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Department Head: Richard Holy, Director of Development Services

Department File: D06-2020-027