

The Corporation of the Township of Southgate

By-law Number 2021-109

Being an Interim Control By-law to prohibit the use of land, buildings, and structures for a cannabis facility, pursuant to Section 38 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, on any and all lands located within the Township of Southgate;

Whereas, pursuant to Section 38(1) of the Planning Act, R.S.O., 1990, C.P.13, as amended, where the Council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the Municipality or in any defined area or areas thereof, the Council of the Municipality may pass a by-law to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law; and

Whereas, Council has by accepting planning report PL2021-066, and directed that staff conduct a study regarding land use planning policies relating to cannabis facilities, as more particularly defined herein, within the Township with respect to Zoning By-law 19-2002, being the Comprehensive Zoning By-law for the Township of Southgate; and

Whereas, Council has determined that it is in the public interest to prohibit the use of lands within the Township for cannabis facilities, as more particularly defined herein, so as to allow the Township to review and, if considered appropriate, implement the findings of the review and study referred to herein; and

Whereas, Council has directed that an Interim Control By-law regarding cannabis facilities be enacted in accordance with the provisions of section 38(1) of the Planning Act, R.S.O., 1990, c. P. 13, as amended.

Now Therefore the Council of the Township of Southgate hereby enacts as follows:

1. For the purposes of this By-law, a cannabis facility is defined as follows: "Cannabis facility" means lands, buildings or structures used for growing, producing, drying, processing, harvesting, treating, testing, destroying, storing, packaging and/or shipping of cannabis or dried cannabis, as defined by the Cannabis Act, 2018, S.C. 2018, c. 16, as amended. A Cannabis facility does not include the growth, production, or processing of up to four (4) or fewer cannabis plants on a property for personal use.
2. Notwithstanding the permitted uses and regulations of Zoning By-law 19-2002, being the Comprehensive Zoning By-law for the Township of Southgate, as amended, no person shall within the Township of Southgate use any lands, buildings or structures for a cannabis facility, or any purpose related to such use, except where such land, building or structure was lawfully used for such purpose on the day of passing of the by-law, so long as it continues to be used for that purpose.

3. If any provision or requirement of this By-law, or the application thereof to any land, shall to any extent be held to be invalid or unenforceable, the remainder of this By-law, or the application of such provision or requirement to all lands other than those to which it is held to be invalid or unenforceable, shall not be affected thereby, and each provision and requirement of this Bylaw shall be separately valid and enforceable to the fullest extent permitted by law.
4. This By-law shall come into force and take effect immediately upon its passing by Council subject to any approval necessary pursuant to the Planning Act, R.S.O. 1990, as amended, and shall be in effect until 11:59 p.m. local time on March 31, 2022, unless otherwise extended in accordance with the provisions of the Planning Act, R.S.O, 1990 c.P.13.

Read a first, second and third time, and finally passed on July 21, 2021.

Original Signed By

John Woodbury, Mayor

Original Signed By

Lindsey Green, Clerk