Medical Marihuana Production Facilities – Municipal Zoning & By-Law

Mississauga

Definitions

• **Medicinal Product Manufacturing Facility**
  - a building, structure or part thereof, used for altering, assembling, fabricating, finishing, inspecting, making, processing, or producing medical products, including medical marihuana or herbal and natural medicines, that may use living organisms or parts of living organisms used in the manufacturing process, either by hand or through the use of machinery and may include the temporary on-site storage of commercial motor vehicles (i.e. Trucks, tractors, and/or trailers) for freight handling including the pick-up, delivery and transitory storage of goods incidental to motor freight shipment directly related to the permitted use(s).

• **Medical Marihuana**
  - Marihuana, cannabis or its constituent or derivative forms, produced, tested, stored, distributed and/or sold pursuant to the Marihuana for Medical Purposes regulations, SOR/2013-119, as amended from time to time.

Permitted Uses

• Permitted as-of-right as a manufacturing use in all **Employment Zones** (diverse industrial and business employment operations – most appropriate) and in **Employment and Corporate Centre Character Areas** (high density employment uses with many prestigious research and manufacturing operations – less suitable).

Conditions

• Limit the variance to a temporary in effect period for up to five years
• Limit the medical marijuana growing area (agricultural) to 20% of total Gross Floor Area of the unit/building
• The building shall only be tenanted by the proposed medical marijuana production facility
• Require the applicant to obtain and maintain a valid Health Canada license for all uses associated with the operation
• Require the applicant to certify that notice has been provided to the Peel Regional Police and Mississauga Fire Services
• No signage be permitted

Setbacks

• No separation distance from sensitive land uses is recommended specific to a medical marijuana production facility
• Use existing setbacks for Employment Zones
  - 30 m front yard and 15 m side and rear yard setbacks from Residential Zones
  - Rationale being that the production activities are wholly enclosed in the building and do not involve loud noise, large scale machinery, heavy vehicle traffic, odors and emissions.

Links

• [http://www7.mississauga.ca/documents/agendas/committees/general/2015/03_04_15_GC_Agenda.pdf#page=12](http://www7.mississauga.ca/documents/agendas/committees/general/2015/03_04_15_GC_Agenda.pdf#page=12)
Burlington

Definition
- **Medical Marihuana Production Facility**
  - Refers to premises used for the growing, producing, testing, destroying, storing, or distribution of medical marihuana or cannabis authorized by a license issued by the federal Minister of Health, pursuant to Section 25 of the Marihuana for Medical Purposes Regulations, SOR/2013-119, under the Controlled Drugs and Substances Act, SC 1996, as amended.

Permitted Uses
- Medical marihuana production facilities are permitted in **General Employment Zones**, which include service commercial, retail, automotive, hospitality, office, and several industrial uses.

Conditions
- Must be in a wholly enclosed building, including loading spaces
- Outdoor storage is not permitted
- A building or structure used for security purposes does not have to comply to required setbacks
- Must comply with zoning regulations for General Employment Zone

Setbacks
- A medical marihuana production facility must be **70 m** from zones that permit residential and institutional uses or that contain places of worship or day nurseries.

Links
- [http://cms.burlington.ca/zoning/Part3/part_3_2_permitted_uses.htm](http://cms.burlington.ca/zoning/Part3/part_3_2_permitted_uses.htm)
- [http://cms.burlington.ca/zoning/Part3/part_3_6_ge_zone_regulations.htm](http://cms.burlington.ca/zoning/Part3/part_3_6_ge_zone_regulations.htm)

Caledon

Definitions
- **Medical Marihuana Production Facility**
  - Means a building used for growing, producing, testing, destroying, storing or distribution of medical marihuana or cannabis authorized by a license issued by the Federal Minister of Health, pursuant to Section 25 of the Marihuana for Medical Purposes Regulations, SOR/2013-119, under the controlled Drugs and Substances Act, SC 1996, c19, as amended. For purposes of clarification, no part of this operation, whether accessory or not, may be located outside.

- **Marihuana**
  - Means the substance referred to as “Cannabis” in sub item I (2) of Schedule II to the controlled Drugs and Substances Act, SC 1996, c19, as amended.
Caledon (cont’d)

Permitted Uses
- A Medical Marihuana Production Facility is permitted on a lot zoned **Prestige Industrial** or **Serviced Industrial**
  - Prestige Industrial constitutes lands with full municipal services which provide for clean industry as well as office use on landscaped lots in a park like surrounding.
  - Serviced Industrial is intended to accommodate bulk storage facilities, contractor’s facilities, factory outlet, industrial uses, accessory open storage, outside display or sales, and public self-storage warehouse, among others.

Conditions
- The owner of the property shall provide written authorization to the Town of Caledon of the use of the property as a Medical Marihuana Production Facility by the operator.
- Upon closure of the facility, the owner must return the property and any affected adjacent properties to a condition where the property and adjacent properties may be used for an alternate lawful use; and any further and other acts and obligations that the Town of Caledon may require.
- A medical marihuana production facility shall comply with all applicable zone standards.
- In accordance with the Town of Caledon’s notification requirements, the licensed producer shall provide to the Town of Caledon:
  i) a copy of a current and valid production license issued by Health Canada;
  ii) a current and valid letter of authorization allowing a municipally appointed officer or an officer of the law to enter the premises for the purpose of: inspection of documents and things relevant to an inspection; obtaining information from any person concerning a matter related to the inspection; and making examinations and taking tests, samples and photographs necessary for the purposes of the inspection during which time no person on the premises shall hinder or obstruct, or attempt to hinder or obstruct, an officer in the discharge of his or her duties.
- No outdoor signage or advertising permitted.
- Where a medical marihuana production facility use is located on a lot, no other use shall be permitted on the lot or within the building as a whole.
- Site Plan approval

Setbacks
- **At least 150 m from a lot in an institutional or residential zone category** or from any day nursery, school, community centre or training facility aimed primarily at children less than 16 years of age.
- The minimum separation distance between medical marihuana production facilities shall be at least 90m.

Links
Milton

Definitions

- **Medical Marijuana Production Facility**
  - Means a premise used for growing, producing, testing, destroying, storing or distribution of medical marijuana or cannabis authorized by a license issued by the federal Minister of Health, pursuant to Section 25 of the Marijuana for Medical Purposes Regulations, SOR/2013-119, under the Controlled Drugs and Substances Act, SC 1996, c19, as amended.

Permitted Uses

- A Medical Marijuana Production Facility is permitted to operate on a lot zoned **General Industrial**

Conditions

- The facility is the principal use on the lot on which it is located
- All operations must be located within a wholly enclosed building
- No outdoor storage is permitted
- A building or structure used for security purposes for a medical marijuana production facility may be located in the front yard and does not have to comply with the required minimum front yard, side yard and rear yard building setbacks.

Setbacks

- **70 m** from a lot in a residential, commercial, institutional, or open space zone
- **70 m** from a lot with a school, hospital, place of worship, or day nursery use

Links

Ottawa

Definitions

- **Medical Marihuana Production Facility**
  - Refers to a facility used for the cultivation, processing, testing, destruction, packaging and shipping of marihuana used for medical purposes as permitted under the federal government’s Marihuana for Medical Purposes Regulations (MMPR) or any subsequent legislation which may be enacted in substitution thereof.

Permitted Uses

- Medical Marihuana Production Facilities are permitted to operate in **General Industrial, Heavy Industrial, Rural General Industrial, and Rural Heavy Industrial Zones**.

Conditions

- The medical marihuana production facility must comply with the zoning provisions of the zone it is located in
- Must be located completely within a building
- Outdoor storage is prohibited on the property
- Not permitted in a dwelling

Setbacks

- Medical Marihuana Production Facilities are prohibited from locating within **150 m** of a residential or institutional zone but may be located within 150 meters of a Rural Institutional Zone or Institutional Zone if the only permitted uses in these zones are an environmental preserve and educational area, emergency service, municipal service centre, office, storage yard or warehouse.

Links

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<tr>
<th>City</th>
<th>Zones Permitted</th>
<th>Setback</th>
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<tbody>
<tr>
<td>Clearview Township, ON</td>
<td>Permitted as-of-right as a &quot;greenhouse&quot; primary use in agricultural and rural zones</td>
<td>No setback specific to Medical Marihuana Production Facilities</td>
</tr>
<tr>
<td>Markham, ON</td>
<td>Permitted as-of-right in Employment Zones as an industrial use that allows for the manufacturing of goods, with plant growing considered incidental to the principal use</td>
<td>No setback specific to Medical Marihuana Production Facilities</td>
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<tr>
<td>Smith Falls, ON</td>
<td>Permitted as-of-right in industrial zones (processing plant use)</td>
<td>No setback specific to Medical Marihuana Production Facilities</td>
</tr>
<tr>
<td>Windsor, ON</td>
<td>Permitted in industrial zones</td>
<td>No setback specific to Medical Marihuana Production Facilities</td>
</tr>
<tr>
<td>Fort Erie, ON</td>
<td>Permitted in agricultural, industrial, rural and existing open spaces</td>
<td>70m setback from residential zones and sensitive uses</td>
</tr>
<tr>
<td>Milton, ON</td>
<td>Permitted in general industrial zone</td>
<td>70m setback from various zones and sensitive uses</td>
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<tr>
<td>Toronto, ON</td>
<td>Permitted in industrial zones</td>
<td>70m setback from sensitive land uses including residential, public/private schools, place of worship, day nursery</td>
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<td>Ottawa, ON</td>
<td>Permitted in industrial zones</td>
<td>150 m setback from residential and institutional zones</td>
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<td>Mississauga, ON</td>
<td>Permitted as-of-right as a manufacturing use in all Employment Zones and in Employment and Corporate Centre Character Areas</td>
<td>No setback specific to Medical Marihuana Production Facilities</td>
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<td>Burlington, ON</td>
<td>General Employment zones</td>
<td>70 m from sensitive land uses</td>
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<td>Caledon, ON</td>
<td>Prestige Industrial or Serviced Industrial</td>
<td>150 m setback from residential and institutional zones</td>
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<td>Chatham-Kent, ON</td>
<td>Permitted in Employment Area, Agricultural Area, and Rural Industrial zones</td>
<td>75 m (urban areas) and 100 m (rural areas) from residential, institutional, and open space</td>
</tr>
<tr>
<td>Orillia, ON</td>
<td>Permitted in Light Industrial zones</td>
<td>20 m from sensitive land uses</td>
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<tr>
<td>Port Colborne, ON</td>
<td>Permitted in Agricultural and Rural Zones</td>
<td>150 m from agricultural and sensitive rural land uses</td>
</tr>
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<td>Windsor, ON</td>
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