

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 046-2020

BEING A BY-LAW TO AMEND THE TOWN OF MILTON COMPREHENSIVE ZONING BY-LAW 144-2003, AS AMENDED, PURSUANT TO SECTION 34 OF THE *PLANNING ACT* IN RESPECT TO CANNABIS PRODUCTION AND PROCESSING FACILITIES IN ALL LANDS WITHIN THE TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON (TOWN FILE: Z-04/19)

WHEREAS the Council of the Corporation of the Town of Milton deems it appropriate to amend Comprehensive Zoning By-law 144-2003, as amended;

AND WHEREAS the Town of Milton Official Plan will provide for the lands affected by this by-law to be zoned as set forth in this by-law upon the approval of Official Plan Amendment No. 59;

NOW THEREFORE the Council of the Corporation of the Town of Milton hereby enacts as follows:

- 1.0 THAT** Section 3 of Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by adding the new defined term 'Cannabis Production and Processing Facility' as follows:

“Cannabis Production and Processing Facility

Means a premises used for the production, processing, testing, destroying, packaging and/ or shipping of cannabis where a license, permit or authorization has been issued under applicable federal applicable law. For the purposes of this definition, production shall include the growing and harvesting of cannabis and processing shall include the extraction of cannabis oil and the manufacturing of products containing cannabis”

- 2.0 THAT** Section 4 of Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by adding a new section, “Section 4.1.2.9”, as follows:

“4.1.2.9 Cannabis Production and Processing Facility Uses

The following provisions apply to *Cannabis Production and Processing Facility Uses*

- i) The facility operations, with the exception of growing and harvesting, shall be located within a wholly enclosed building;
- ii) Outdoor storage is not permitted;
- iii) The minimum setbacks for a *Cannabis Production and Processing Facility* from the zones or uses listed below, where located within an Industrial (M1, M2, MX) Zone, shall be in accordance with the following:

- a. From a Residential, Institutional or Open Space Zone: 70 metres;
 - b. From a Residential or Institutional use: 70 metres
- iv) The minimum setbacks for a *Cannabis Production and Processing Facility* located within a Rural (A1, A2) Zone shall be in accordance with the following:
 - a. From a Residential, Institutional or Open Space Zone: 150 metres;
 - b. From a Residential use on a separate lot or an institutional use: 150 metres;
- v) Notwithstanding the provisions of Section 4.1.2.1 to the contrary, a building or structure used for security purposes for a *Cannabis Production and Processing Facility* is permitted in any yard and shall not be subject to required setbacks.”

3.0 THAT Section 5.13.2 i) Table 5E of Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended as follows:

- By adding ‘Cannabis Production and Processing Facility’ after ‘Industrial’ under the Type or Nature of Use column; and,
- By adding ‘or Cannabis Production and Processing Facility’ after the word ‘Industrial’ and before the word ‘building’ under the Minimum Off-Street Parking Requirements column in the row for Industrial.

4.0 **THAT** Section 8 of Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by modifying Table 8A as follows:

- *Cannabis Production and Processing Facility* is added to the table under the Other Non-Residential Uses Column;
- A bullet point (•) and asterisk (*9) is added to the table under the columns ‘M1’, ‘M2’, and ‘MX’ in the row containing *Cannabis Production and Processing Facility*;
- An asterisk (*10) is added to the table under the column ‘MX’ in the row containing *Cannabis Production and Processing Facility*;
- The following footnote (*9) is added to the Footnote(s) for Table 8A:
A *Cannabis Production and Processing Facility* must comply with the regulations set out in Section 4.1.2.9.
- The following footnote (*10) is added to the Footnote(s) for Table 8A:
Zone standards for a *Cannabis Production and Processing Facility* shall be in accordance with the M2 Standards contained in Table 8B

5.0 **THAT** Section 10 of Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by modifying Table 10A as follows:

- *Cannabis Production and Processing Facility* is added to the table under the Permitted Uses Column;

- A bullet point (•) and asterisk (*3) is added to the table under the columns 'A1', and 'A2' in the row containing *Cannabis Production and Processing Facility*;
- The following footnote (*3) is added to the Footnote(s) for Table 10A:

A Cannabis Production and Processing Facility must comply with the regulations set out in Section 4.1.2.9. Notwithstanding any provisions of the by-law to the contrary, cannabis processing shall only be permitted as an accessory use to cannabis production

6.0 THAT Section 10 of Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by modifying Table 10B as follows:

- By adding 'Cannabis Production and Processing Facility' to the 'Lot Area (Minimum)' row under the 'Provisions' column; and,
- By adding 2.0 hectare in the row for 'Cannabis Production and Processing Facility' under the columns for Agricultural and Rural.

7.0 THAT the Table of Contents of Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by adding '4.1.2.9 Cannabis Production and Processing Facilities'.

8.0 THAT if no appeal is filed pursuant to Section 34 (19) of the Planning Act, RSO 1990, c. P13, as amended, or if an appeal is filed and the Land Use Planning Appeal Tribunal dismisses the appeal, this By-law shall come into force upon the day which Official Plan Amendment 59 comes into effect. If the Land Use Planning Appeal Tribunal amends the By-law pursuant to Section 34 (26) of the Planning Act, as amended, the part or parts so amended come into force upon the day of the Tribunal's Order is issued directing the amendment or amendments.

PASSED IN OPEN COUNCIL ON JUNE 22, 2020

Gordon A. Krantz Mayor

Meaghen Reid Deputy Clerk