

The Corporation of the City of Burlington

City of Burlington By-Law 2020.442

A By-law to amend By-law 2020, as amended;  
File No.: 502-02-72 (PL-29-22)

Whereas Section 34(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities; and

Whereas the Council of the Corporation of the City of Burlington approved recommendations of staff report PL-29-22 on May 17, 2022, for city-initiated amendments to Zoning By-law 2020, as amended, to implement the findings of the Cannabis Production Study.

The Council of the Corporation of the City of Burlington hereby enacts as follows:

1. PART 1 of Zoning By-law 2020, as amended, Section 2.21 Uses Permitted in all Zones, subsection (m) Agriculture and Farming is amended by:
  - (i) inserting the words “Outdoor cannabis production facilities are not permitted on a site abutting a school or day care centre, or a residential zone” in a new bullet after the words “Not permitted in MXT zones”
2. PART 3 of Zoning By-law 2020, as amended, Employment Zones, Section 2 – Permitted Uses, Table 3.2.1, Industrial, is amended by:
  - (i) deleting the words “Medical Marihuana Production Facility” and replacing them with “Cannabis Production Facility”
  - (ii) inserting “✓ (j)” for “Cannabis Production Facility” under BC1 column
  - (iii) inserting “✓ (j)” for “Cannabis Production Facility” under BC2 column
3. PART 3 of Zoning By-law 2020, as amended, Employment Zones, Section 2 – Permitted Uses, Footnotes to Table 3.2.1, (j) is amended by:
  - (i) deleting the words “See Section 6.15” and replacing them with

“A cannabis production facility is not permitted within a building where food that is to be sold is produced, packaged, labelled or stored.”

4. Part 3 of Zoning By-law 2020, as amended, Employment Zones, Section 6.15 – Medical Marihuana Production Facilities is amended by:
  - (i) deleting the section in its entirety
  
5. PART 16 of Zoning By-law 2020, as amended, Definitions, Index, “M” is amended by:
  - (i) deleting the words “Medical Marihuana Production Facility”
  
6. PART 16 of Zoning By-law 2020, as amended, Definitions, Index, “C” is amended by:
  - (i) adding the words “Cannabis Production Facility”
  
7. PART 16 of Zoning By-law 2020, as amended, Definitions, “Medical Marihuana Production Facility” is amended by:
  - (ii) deleting the words “Medical Marihuana Production Facility” and adding the words “Cannabis Production Facility”
  
  - (iii) deleting the words “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.” under “Medical Marihuana Production Facility” and adding the words:

“Premises authorized by a license issued by the federal Minister of Health, pursuant to the Cannabis Regulations, SOR/2018-144, under the *Cannabis Act*, SC 2018, as amended, to obtain cannabis by any method or process, including by:

    - (a) manufacturing;
    - (b) synthesis;
    - (c) altering its chemical or physical properties by any means; or
    - (d) cultivating, propagating or harvesting it or any living thing from which it may be extracted or otherwise obtained.” under “Cannabis Production Facility”

When no notice of appeal is filed pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed

If one or more appeals are filed pursuant to the provisions of the *Planning Act*, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Ontario Land Tribunal this By-law shall be deemed to have come into force on the day it was passed.

Enacted and passed this 17<sup>th</sup> day of May, 2022.

Mayor Marianne Meed Ward \_\_\_\_\_

City Clerk Kevin Arjoon \_\_\_\_\_

## **EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.442**

By-law 2020.442 is a by-law that will amend the City's Zoning By-law 2020, as amended, for the purposes of implementing the findings of the City's Cannabis Production Study. Amendments include removing outdated policies based on the former Access to Cannabis for Medical Purposes Regulations and adding new policies to align with the *Cannabis Act, 2018*.

For further information concerning By-law 2020.442, please contact Kelly Cook, Senior Planner, Burlington Community Planning Department at (905) 335-7600, extension 7641.