

Authority: Item 9, Planning Committee
Report: 14-010 (PED14037(b))
CM: June 25, 2014

Bill No. 163

CITY OF HAMILTON

BY-LAW NO. 14-163

**To Amend Zoning By-law No. 05-200
Respecting General Text Amendments for Aquaponics, Greenhouses, and
Medical Marihuana Growing and Harvesting Facilities**

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

AND WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 9 of Report 14-010 of the Planning Committee, at its meeting held on the 25th day of June, 2014, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan of the City of Hamilton upon approval of Official Plan Amendment No. 23.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That **SECTION 3: DEFINITIONS** of By-law 05-200 is amended by adding the following new definition:

Medical Marihuana Growing and Harvesting Facility Shall mean a wholly enclosed building or structure used for growing, harvesting, testing, destroying, packaging, and shipping of marihuana for medical purposes as permitted under the Marihuana for Medical Purposes Regulations (MMPR) SOR/2013-119 made under the Controlled Substances Act as the MMPR read on March 31, 2014.

2. That **SECTION 5: PARKING** By-law No. 05-200 is amended by adding the following new Subsection iv) to Subsection 5.6c) - **PARKING SCHEDULES** as follows:

Column 1	Column 2
vi) Agricultural Uses (applies to Urban Area only)	
acquaponics	1 for each 30.0 square metres of gross floor area which accommodates the Office component of the use, plus 1 for each 200.0 square metres of gross floor area, which accommodates the remainder of the use
Medical marihuana growing and harvesting facility	1 for each 30.0 square metres of gross floor area which accommodates the Office component of the use, plus 1 for each 200.0 square metres of gross floor area, which accommodates the remainder of the use
greenhouses	1 for each 30.0 square metres of gross floor area which accommodates the Office component of the use, plus 1 for each 200.0 square metres of gross floor area, which accommodates the remainder of the use

3. That **SUBSECTION 9.2.1 – PERMITTED USES** of **SECTION 9.2 – GENERAL BUSINESS PARK (M2) ZONE** of By-law No. 05-200, is amended by adding the following three new uses, as follows:

- (a) acquaponics;
- (b) greenhouse; and,
- (c) Medical Marihuana Growing and Harvesting Facility

4. That **SUBSECTION 9.2.3 – REGULATIONS** of **SECTION 9.2 – GENERAL BUSINESS PARK (M2) ZONE** of By-law No. 05-200, is amended by adding the following new provisions, as follows:

l) Additional Regulations for Medical Marihuana Growing and Harvesting Facility	In addition to the regulations of Section 9.2.3, the following additional regulations shall apply:
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	i) Notwithstanding Section 9.2.3 d), no outdoor storage or outdoor assembly shall be permitted.
	ii) Notwithstanding Section 9.2.3 h), no retail sales shall be permitted.

5. That **SUBSECTION 9.3.1 – PERMITTED USES** of **SECTION 9.3 – PRESTIGE BUSINESS PARK (M3) ZONE** of By-law No. 05-200, is amended by adding the following three new uses as follows:

- (a) aquaponics;
- (b) greenhouse; and,
- (c) Medical Marihuana Growing and Harvesting Facility

6. That **SUBSECTION 9.3.3 – REGULATIONS** of **SECTION 9.3 – PRESTIGE BUSINESS PARK (M3) ZONE** of By-law No. 05-200, is amended by adding the following new provisions, as follows:

s) Additional Regulations for Medical Marihuana Growing and Harvesting Facility	In addition to the regulations of Section 9.3.3, the following additional regulations shall apply:
	i) Notwithstanding Section 9.3.3 k), no outdoor storage or outdoor assembly shall be permitted.
	ii) Notwithstanding Section 9.2.3 m), no retail sales shall be permitted.
	iii) any building or structure used for a Medical Marihuana Growing and Harvesting Facility shall be setback a minimum 20.0 metres from any portion of a property lot line abutting a property lot line within a Residential Zone, Commercial or an Institutional Zone.

7. That **SUBSECTION 9.2.1 – PERMITTED USES** of **SECTION 9.5 - GENERAL INDUSTRIAL PARK (M5) ZONE** of By-law No. 05-200, is amended by adding the following three new uses, as follows:

- (a) aquaponics;
- (b) greenhouse; and,
- (c) Medical Marihuana Growing and Harvesting Facility

8. That **SUBSECTION 9.5.3 – REGULATIONS** of **SECTION 9.5 - GENERAL INDUSTRIAL PARK (M5) ZONE** of By-law No. 05-200, is amended by adding the following new provisions, as follows:

K) Additional Regulations for Medical Marihuana Growing and Harvesting Facility	In addition to the regulations of Section 9.5.3, the following additional regulations shall apply:
	i) Notwithstanding Section 9.5.3 d), no outdoor storage or outdoor assembly shall be permitted.
	ii) Notwithstanding Section 9.5.3 h), no retail sales shall be permitted.

9. That **SUBSECTION 9.6.1 – PERMITTED USES** of **SECTION 9.6 - LIGHT INDUSTRIAL (M6) ZONE** of By-law No. 05-200, is amended by adding the following three new uses as follows:

- (a) aquaponics;
- (b) greenhouse; and,
- (c) Medical Marihuana Growing and Harvesting Facility

10. That **SUBSECTION 9.6.3 – REGULATIONS** of **SECTION 9.6 – LIGHT INDUSTRIAL (M6) ZONE** of By-law No. 05-200, is amended by adding the following new provisions, as follows:

r) Additional Regulations for Medical Marihuana Growing and Harvesting Facility	In addition to the regulations of Section 9.3.3, the following additional regulations shall apply:
	i) Notwithstanding Section 9.3.3 m) and n), no outdoor storage, outdoor assembly, or outside displays shall be permitted.
	ii) Notwithstanding Section 9.2.3 o), no retail sales shall be permitted.
	iii) any building or structure used for a Medical Marihuana Growing and Harvesting Facility shall be setback a minimum 20.0 metres from any portion of a property lot line abutting a property lot line within a Residential Zone, Commercial or an Institutional Zone.

12. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.
13. That this By-law No. 14-163 shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

PASSED this 25th day of June, 2014.

R. Bratina
Mayor

R. Caterini
City Clerk

CI 14-B