

Authority: Item [REDACTED], Planning Committee
Report: 14-[REDACTED] (PED14037(c))
CM:

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

To Amend Zoning By-law No. 87-57 (Ancaster) Respecting General Text Amendment for Aquaponics and Medical Marihuana Growing and Harvesting Facilities

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Town of Ancaster" and is the successor to the former regional municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 87-57 (Ancaster) was enacted on the 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 14-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2014, recommended that Zoning By-law No. 87-57 (Ancaster) be amended as hereinafter provided;

AND WHEREAS the Rural Hamilton Official Plan was declared in force and effect on March 7, 2012 and is the Official Plan in effect for lands within the Rural Area of the City of Hamilton;

AND WHEREAS the Urban Hamilton Official Plan was declared in force and effect on August 16, 2013 and is the Official Plan in effect for lands within the Urban Area of the City of Hamilton;

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

1. That **SECTION 3: DEFINITIONS:** of By-law 87-57 is amended:

(a) by adding the following new definition as 3.86.1:

3.86.1 “Medical Marihuana Growing and Harvesting Facility”

means 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.

(b) by modifying **Section 3.4 – “Agricultural”** to delete the period at the end of clause (d), and add two new clauses (e) and (f) to the end of the definition so the definition reads as follows:

- “(d) the sorting, treating, packaging, packing, storing and selling only of products grown or raised on the premises, but excluding commercial greenhouses;
- (e) Medical Marihuana Growing and Harvesting Facility; and,
- (f) Aquaponics Facility.”

2. That **SECTION 8: AGRICULTURAL “A” ZONE OF** By-law 87-57 is amended by modifying Section 8.2 (e) **Regulations for Uses Permitted in Clause (a)** to add the following new regulations as follows:

(j)	Medical marihuana growing and harvesting facility	(i)	Notwithstanding clause 8.2.(d), (e) and (f), a building shall be setback 20 metres from any lot line.
		(ii)	No outside storage or retail sales shall be permitted.
		(iii)	All new buildings or structures shall be not be greater than 2,000 square metres in size.
		(iv)	Notwithstanding subsection j) ii), buildings existing at the date of the passing of the by-law may be used for a medical marihuana growing and harvesting facility.

3. That **SECTION 21: DEVELOPMENT DEFERRED "D" ZONE** is amended by modifying **SECTION 21.1 – Permitted Uses** to add a new clause (c) as follows:
 - (c) Notwithstanding clause (a), a medical marihuana growing and harvesting facility and an aquaponics facility shall not be permitted.

4. That **SECTION 32: PRIVATE OPEN SPACE "O1" ZONE** is amended by modifying **SECTION 32.1 (g) – Permitted Uses** to add the words 'aquaponics facility, medical marihuana growing and harvesting facility,' between the words, mushrooms and commercial greenhouse, so the clause reads as follows:
 - (g) Agricultural uses, and buildings and structures accessory thereto, excluding livestock operations, fur farms, commercial growing of mushrooms, aquaponics facility, medical marihuana growing and harvesting facility, commercial greenhouses and kennels

5. 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.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2014.

Bob Bratina
Mayor

Rose Caterini
Clerk

CI 14-B