

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

## CITY OF HAMILTON

### BY-LAW NO. [REDACTED]

#### **To Amend Zoning By-law No. 90-145-Z (Flamborough), 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 Flamborough" 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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. 90-145-Z (Flamborough) was enacted on the 5<sup>th</sup> day of November 1990, and approved by the Ontario Municipal Board on the 21<sup>st</sup> day of December, 1992;

**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. 90-145-Z (Flamborough) 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 90-145-Z is amended:

(a) 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.

(b) by modifying the definition of Agriculture by adding the words 'medical marihuana growing and harvesting facility, aquaponics facility' between the words pasturage and the word greenhouses in the third line so the clause reads as follows:

***Agriculture*** shall mean a use of a *lot, building or structure* for the purpose of keeping livestock, bee-keeping, fallow, field crops, forestry, fruit farming, mushroom farming, horticulture, market gardening, removal of sod, pasturage, medical marihuana growing and harvesting facility, aquaponics facility or greenhouses...

2. That **SECTION 28- CONSERVATION MANAGEMENT CM ZONE** is amended by modifying Section 28.1 PERMITTED USES by adding the words 'except an aquaponics facility and a medical marihuana growing and harvesting facility' after the word agriculture, as follows:

Agriculture, except an aquaponics facility and a medical marihuana growing and harvesting facility, subject to the provisions of Subsection 33.2.

3. That **SECTION 33 – AGRICULTURE A ZONE** is amended by modifying Section 33.2 – ZONE PROVISIONS by adding a new clause (m) as follows:

Medical marihuana growing and harvesting facility

- (i) Notwithstanding Section 33.2 – Zone provisions, any building or structure shall be setback 20 metres from any lot line.
- (ii) No outside storage or retail sales shall be permitted.
- (iii) All buildings or structures shall be not be greater than 2,000 square metres in size.

- (iv) Notwithstanding Section 33.2(m)(iii), buildings existing at the date of the passing of the By-law may be used for a medical marihuana growing and harvesting facility.
4. That **SECTION 34 – COMMERCIAL AGRICULTURE A ZONE** is amended by modifying Section 34.2 – ZONE PROVISIONS to add a new clause (k) as follows:
- Medical marihuana growing and harvesting facility
- (i) Notwithstanding Section 34.2 – Zone provisions, any building or structure shall be setback 20 metres from any lot line.
- (ii) No outside storage or retail sales shall be permitted.
- (iii) All buildings or structures shall not be greater than 2,000 square metres in size.
- (iv) Notwithstanding Section 34.2(k)(iii), buildings existing at the date of the passing of the By-law may be used for a medical marihuana growing and harvesting facility
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.

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R. Bratina  
Mayor

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R. Caterini  
Clerk

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