

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

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

**To Amend Zoning By-law No. 464 (Glanbrook)
Respecting General Text Amendment for Aquaponics Facility 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 1, 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 Township of Glanbrook" 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

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. 464 (Glanbrook), 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 4: DEFINITIONS** of By-law No.464 is amended:

(a) by adding the following new definition:

"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 the definition of "**AGRICULTURAL**" to add 'aquaponics facility and medical marihuana growing and harvesting facility,' between the words 'greenhouses and apiaries' in the third line so the clause reads as follows:

"AGRICULTURAL" means the use of land, buildings or structures for the purpose of field crops, market gardening crops, orchards, vineyards, livestock (excluding dogs), poultry production, nurseries, greenhouses, aquaponics facility, medical marihuana growing and harvesting facility, apiaries, mushrooms, aquacultural, horticultural, silvicultural or other farming use...

2. That clause (f) of **Subsection 7.7 – USES IN PERMITTED IN ALL ZONES** of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES** be modified by adding the words 'excluding an aquaponics facility and a medical marihuana growing and harvesting facility,' after the word uses so the clause reads as follows:

For agricultural uses in accordance with the permitted uses ,excluding an aquaponics facility and a medical marihuana growing and harvesting facility, of the Restricted Agricultural "A2" Zone, except buildings or structures;

3. That **SECTION 8: GENERAL AGRICULTURE "A-1" ZONE** is amended by adding a new Subsection 8.13 as follows:

8.13 ADDITIONAL REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 8.1 (MEDICAL MARIHUANA GROWING AND HARVESTING FACILITY)

(a) Notwithstanding Paragraphs (d), (e) and (f) of Subsection 8, medical marihuana growing and harvesting facilities shall not be constructed or altered except in accordance with the following provisions:

- (i) Minimum Setback Distance from all Lot Lines 20 metres (66 feet), subject to Subsection 7.27 of this By-Law
- (b) Retail sales shall not be permitted.
- (c) Outdoor storage shall not be permitted.
- (d) All buildings or structures shall be not be greater than 2,000 square metres in size.
- (e) Notwithstanding Subsection 8.13 (d), 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 10- DEFERRED DEVELOPMENT "DD" ZONE** is amended by modifying Subsection 10.1 PERMITTED USES by adding the words 'aquaponics facilities and medical marihuana growing and harvesting facilities,' between the words 'manure storage facilities' and 'greenhouses' in the second line, so the clause reads as follows:
- Agricultural uses, excluding livestock operations, poultry operations, mushroom farms, fur bearing animal farms, manure storage facilities, aquaponics facilities, medical marihuana growing and harvesting facilities, greenhouses, kennels, home industries, erection of new buildings and enlargement of existing non-residential buildings.
5. That **SECTION 35: RURAL INDUSTRIAL-BUSINESS PARK "M6" ZONE** is amended:
- (a) by modifying Subsection 35.1 – PERMITTED USES by adding clause ia) as follows:
- medical marihuana growing and harvesting facility, greenhouse and aquaponics facility.
- (b) by adding a new Subsection 35.6 – **ADDITIONAL REGULATIONS FOR MEDICAL MARIHUANA GROWING AND HARVESTING FACILITY** as follows:

35.6 ADDITIONAL REGULATIONS FOR MEDICAL MARIHUANA GROWING AND HARVESTING FACILITY

- (a) Notwithstanding Subsection 35.1 (h), retail sales shall be prohibited.
 - (b) Notwithstanding Subsections 35.3 and 35.4, outdoor storage, outdoor displays and outdoor assembly of goods and materials shall be prohibited.
 - (c) Notwithstanding Subsections 35.5 (g) and (h), any building or structure used for a Medical Marihuana Growing and Harvesting Facility shall be setback a minimum 20.0 metres from any property lot line.
 - (d) All buildings or structures shall be not be greater than 2,000 square metres in size.
 - (e) Notwithstanding Subsection 35.6 (d), buildings existing at the date of the passing of the by-law may be used for a medical marihuana growing and harvesting facility.
6. That **SECTION 37: PUBLIC INDUSTRIAL "M8" ZONE** is amended by modifying Subsection 37.1 (b) **PERMITTED USES** by adding the words 'aquaponics facilities and medical marihuana growing and harvesting facilities,' between the words 'manure storage facilities' and 'mushroom farms' in the second line, so the clause reads as follows:

Agricultural uses, except poultry farms, fur bearing animals farms, livestock operations, manure storage facilities, aquaponics facilities, medical marihuana growing and harvesting facilities, mushroom farms, greenhouses, kennels and new residential uses

7. That **SECTION 41: PRIVATE OPEN SPACE "OS1" ZONE** is amended by modifying Subsection 41.1 (f) **PERMITTED USES** by adding the words 'aquaponics facilities and medical marihuana growing and harvesting facilities,' between the words 'manure storage facilities' and 'mushroom farms' in the second line, so the clause reads as follows:

Agricultural uses, and buildings, structures and uses accessory thereto, excluding livestock or poultry operations, mushroom farms, fur bearing animal farms, manure storage facilities, aquaponics facilities, medical marihuana growing and harvesting facilities, greenhouses and kennels.

8. That **SECTION 43: OPEN SPACE-CONSERVATION "OS3" ZONE** is amended by modifying Subsection 43.1 (d) PERMITTED USES by adding the words 'aquaponics facilities and medical marihuana growing and harvesting facilities;' after the words 'new buildings' in the first line so the clause reads as follows:

Agricultural Uses, excluding new buildings, aquaponics facilities and medical marihuana growing and harvesting facilities;

9. 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.

R. Bratina
Mayor

R. Caterini
Clerk

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