

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

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting General Text Amendment for Aquaponics Facility and Medical Marihuana Growing and Harvesting Facility

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 City of Stoney Creek" 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

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. 3692-92 (Stoney Creek), 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;

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 **PART 2: DEFINITIONS** of By-law 3692-92 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 to words 'medical marihuana growing and harvesting facility, aquaponics facility,' between the words 'greenhouses' and 'apiaries', so the definition reads as follows:

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

2. That **SECTION 5.2: AGRICULTURAL "A" ZONE** is amended by adding a new Subsection 5.2.3.1 as follows:

5.2.3.1 ADDITIONAL REGULATIONS FOR MEDICAL MARIHUANA GROWING AND HARVESTING FACILITY PERMITTED Under 5.2.2 (a)

(a) Notwithstanding Paragraphs (d), (e) and (f) of Subsection 5.2.2, a medical marihuana growing and harvesting facility shall be setback 20 metres from every lot line:

- (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 5.2.3.1 (d), 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 5.3: AGRICULTURAL SPECIALTY "AS" ZONE** is amended by modifying clause a) of **Subsection 5.3.2 – Permitted Use for Each Lot** of to add the words ‘except a medical marihuana growing and harvesting facility and an aquaponics facility’ to the end of the clause so the clause reads as follows:
- “Agricultural Uses, except a medical marihuana growing and harvesting facility and an aquaponics facility.
4. That **SECTION 7: NEIGHBOURHOOD DEVELOPMENT "ND" ZONE** is amended by modifying **Subsection 7.1.2 (a) - Permitted Uses for Each Lot** to add the words ‘medical marihuana growing and harvesting facility, aquaponics facility’ between the words ‘except’ and ‘poultry farms’, so the clause reads as follows:
- “Agricultural uses except medical marihuana growing and harvesting facility, aquaponics facility, poultry farms, mushroom farms, fur farms, piggeries, hatcheries, kennels and also excluding any residential use not existing at the date of the passing of this By-law.”
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 day of , 2014.

R. Bratina
Mayor

R. Caterini
Clerk

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