

DRAFT Rural Hamilton Official Plan Amendment No. XX

The following text constitutes Official Plan Amendment No. XX to the Rural Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to revise medical marihuana growing and harvesting facility policies and the definition of Medical Marihuana Growing and Harvesting Facility to reflect the current Federal regulatory framework concerning said agricultural uses.

2.0 Location:

Lands affected by this Amendment are located within the Agricultural, Rural and Specialty Crop Land Use Designations, as identified on Volume 1, Schedule D of the RHOP.

3.0 Basis:

The basis for permitting this Amendment is:

- The Federal regulatory framework regarding medical marihuana has changed since the introduction of Official Plan policies concerning medical marihuana in 2014.
- The Federal government has established a best practice to limit sensitive lands uses, in particular, residential uses within 150 metres of a medical marihuana growing and harvesting facility.
- There has been a change in the building types used for medical marihuana growing and harvesting facility from a concrete / cinder block construction to more greenhouses.
- The proposed amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Greenbelt Plan, 2017.

4.0 **Actual Changes:**

4.1 **Volume 1 – Parent Plan**

Text

4.1.1 Chapter D – Rural Systems/Designations

- a. That Section D.2.1 – Permitted Uses, Policy D.2.1.1.4 b) be amended by deleting the policy in its entirety and replacing it with the following new policy:

“b) The total gross floor area for all buildings and structures on the site where a medical marihuana growing and harvesting facility exists shall not exceed 90,000 square metres or the lot coverage of the Zoning By-law, whichever is the lesser.”

- b. That Section D.2.1 – Permitted Uses, Policy D.2.1.1.4 be amended by adding a new policy, as follows:

“c) An appropriate setback between a medical marihuana growing and harvesting facility and a sensitive land use shall be established in the Zoning By-law;”

and renumbering the subsequent policies.

- c. That Section D.2.1 – Permitted Uses, Policy D.2.1.1.4 e) be amended by:

- i) deleting the words “size and” between the words “building” and “location”;
- ii) replacing the word “set-backs” with the word “setbacks”; and,
- iii) adding the words “, sustainable private services” between the words “drainage” and “and”,

so that the policy reads, as follows:

“D.2.1.1.4 e) The establishment of a new *medical marihuana growing and harvesting facility* or the expansion of an existing facility shall be subject to Site Plan approval to address the appropriate building location, setbacks, drainage, sustainable private services and any other matters.”

- d. That Section D.6.6 – Permitted uses be amended by adding a new clause c as follows:
- c) a medical marihuana growing and harvesting facility, in accordance with the regulations in Policy D.2.1.1.4.
- and renumbering the subsequent policies.

4.1.2 Chapter G – Glossary

- a. That the definition of Medical Marihuana Growing and Harvesting Facility be amended by deleting the phrase "Marihuana for Medical Purposes Regulations (MMPR) SOR/2013-119 made under the Controlled Substances Act as the MMPR read on March 31, 2014" and replacing it with the phrase "Access to Cannabis for Medical Purposes Regulations (ACMPR)", so that the definition reads, as follows:

"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 *Access to Cannabis for Medical Purposes Regulations (ACMPR)*; The testing, packaging, and shipping shall be accessory to the growing and harvesting of the marihuana for medical purposes."

5.0 Implementation:

An implementing Zoning By-Law Amendment will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the day of month, 2018.

The City of Hamilton

Fred Eisenberger
MAYOR

CITY CLERK