

DRAFT Urban Hamilton Official Plan Amendment No. XX

The following text constitutes Official Plan Amendment No. XX to the Urban 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 framework concerning said agricultural uses; and,
- to revise policies concerning the Airport Employment Growth District to permit three agricultural uses – medical marihuana growing and harvesting facility, greenhouse, and aquaponics facility within specific Employment Area designations.

2.0 Location:

The lands affected by this Amendment are located within the Employment Area, specifically, the Industrial Land and Business Park Designations on Volume 1, Schedule E-1 – Urban Land Use Designations, as well as lands designated Airport Prestige Business and Airport Light Industrial Designations on Volume 2, Map B.8-1 – Airport Employment Growth District Secondary Plan, Land Use Plan.

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.
- The proposed Amendment extends the same policy framework that permits

limited agricultural uses, specifically greenhouses, aquaponics and medical marihuana growing and harvesting facilities, within Employment Areas to the Airport Employment Growth District Secondary Plan Area.

- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Text

4.1.1 Chapter E – Urban Systems/Designations

- a. That Section E.5.3 – Employment Area – Industrial Land Designation, Policy E.5.3.9 b) be deleted in its entirety and replaced with the following new policy:

“E.5.3.9 b) an appropriate setback between a medical marihuana growing and harvesting facility and a sensitive land use shall be established in the Zoning By-law;”.

- b. That Section E.5.4 – Employment Area – Business Park Designation, Policy E.5.4.9 b) be deleted in its entirety and replaced with the following new policy:

“E.5.4.9 b) an appropriate setback between a medical marihuana growing and harvesting facility and a sensitive land use shall be established in the Zoning By-law;”.

- c. That Section E.5.5 – Employment Area – Airport Employment Growth District Designation, Policy E.5.5.1 be amended by adding a new clause h), as follows:

“h) Limited agricultural uses, including only a *medical marihuana growing and harvesting facility*, a greenhouse and an aquaponics facility.”

- d. That Section E.5.5 – Employment Area – Airport Employment Growth District Designation be amended by adding the following new policies as Policy E.5.5.10:

“Medical marihuana growing and harvesting facility

E.5.5.10 In addition to the requirements of Section E.5 – Employment Area Designations, the following conditions shall apply to a *medical marihuana growing and harvesting facility*:

- a) the appropriate locations within the Employment Area – Business Park Designation and regulations for *medical marihuana growing and harvesting facility* shall be determined in accordance with the Zoning By-law;
- b) an appropriate setback between a medical marihuana growing and harvesting facility and a sensitive land use shall be established in the Zoning By-law;
- c) notwithstanding E.5.5.1, retail sales shall not be permitted; and,
- c) no outside storage shall be permitted.”

4.1.2 Chapter G – Glossary

- a. That the definition of Medical Marihuana Growing and Harvesting Facility be amended by deleting the phrase “federal government’s Marihuana for Medical Purposes regulations (MMPR) SOR/2013-119” and replacing it with the phrase “the Federal government’s *Access to Cannabis for Medical Purposes Regulations (ACMPR)*”, so that the definition reads, as follows:

“Medical Marihuana Growing and Harvesting Facility: means a wholly enclosed building or structure used for growing, harvesting, testing, destroying, packaging and shipping of marihuana used for medical purposes as permitted under the Federal government’s *Access to Cannabis for Medical Purposes Regulations (ACMPR)*.”

4.2 Volume 2 – Secondary Plans

Text

4.2.1 Chapter B.8.0 – Airport Employment Growth District Secondary Plan

- a. That Policy B.8.2.13 – Agricultural Principles be amended by adding the words “agricultural and” between the words “complements” and “food” so that portion of the policy reads, as follows:

“B.8.2.13 The employment lands shall develop in a manner which complements agricultural and food production operations and minimizes conflict between land uses.”

- b. That Policy B.8.4 – Employment Area Policies be amended by adding the words “, as well as limited agricultural uses” after the words “Airport Related Business”, so that portion of the policy reads, as follows:

“B.8.4 Employment Area Policies

The Airport Employment Growth District Secondary Plan provides for a wide range of employment and airport-related employment, consisting of Airport Prestige Business, Airport Light Industrial, Airside Industrial, and Airport Related Business, as well as limited agricultural uses.”

- c. That Section B.8.4.5 – Airport Prestige Business be amended by:

- i) adding a new clause as Policy B.8.4.5.2, as follows:

“B.8.4.5.2 Limited agricultural uses including only a *medical marijuana growing and harvesting facility*, a greenhouse and an aquaponics facility may be permitted in accordance with Policy E.5.5.10 of Volume 1.”; and,

- ii) renumbering the subsequent policies.

- d. That Section B.8.4.6 – Airport Prestige Business, be amended by:

- i) adding a new clause as Policy B.8.4.6.2, as follows:

“B.8.4.6.2 Limited agricultural uses including only a *medical marijuana growing and harvesting facility*, a greenhouse and an aquaponics facility may be permitted in accordance with Policy E.5.5.10 of Volume 1.”; and,

- ii) renumbering the subsequent policies.

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