

Authority: Item ,
Report (PED18120)
CM:
Wards: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO. 18-____

DRAFT

**To Amend Zoning By-law No. 05-200
Respecting General Text Amendment for Greenhouses, Aquaponics and Medical
Marihuana Growing and Harvesting Facilities**

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to different areas incorporated into the City by virtue of the *City of Hamilton Act, 1999*, S.O. 1999, Chap. 14;

WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

WHEREAS the first stage of the new Zoning By law, being By-law No. 05-200, came into force on the 25th day of May, 2005;

WHEREAS the Council of the City of Hamilton, in adopting Item x of Report PED18120 of the Planning Committee, at its meeting held on the xx day of xx, 2018, recommended that Zoning By-law No. 05-200 be amended as hereinafter provided; and,

WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Official Plan Amendment No. xx.

WHEREAS this By-law is in conformity with the Rural Hamilton Official Plan, upon approval of Official Plan Amendment No. xx.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That SECTION 3: DEFINITIONS of By-law No. 05-200 is hereby amended as follows:
 - 1.1. That the definition of medical marihuana growing and harvesting facility be amended by deleting the word "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 these words with "Access to *Cannabis for Medical Purposes Regulations (ACMPR)*";".

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- 1.2 That the definition of Agricultural Processing - Stand Alone be amended by adding the words "or processing of cannabis products" after the words "Agricultural Brewery/Cidery/Winery".
2. That SECTION 9: INDUSTRIAL ZONES be amended as follows:
 - 2.1 That Subsection 9.2.3 l) be amended by adding the following new clause as iii):

"iii) Any building, structure used for a medical marihuana growing and harvesting facility shall be located a minimum of 150 metres measured from the building or structure in which the use is located to a Residential, Institutional or Commercial and Mixed Use Zone. "
 - 2.2 That Subsection 9.3.3 s) be amended by deleting clause iii) and replacing it with the following new clause as iii):

"iii) Notwithstanding Subsection 9.3.3.e), Any building, structure used for a medical marihuana growing and harvesting facility shall be located a minimum of 150 metres measured from the building or structure in which the use is located to a Residential, Institutional or Commercial and Mixed Use Zone."
 - 2.3 That Subsection 9.5.3 k) be amended by adding the following new clause as iii):

"iii) Any building, structure used for a medical marihuana growing and harvesting facility shall be located a minimum of 150 metres measured from the building or structure in which the use is located to a Residential, Institutional or Commercial and Mixed Use Zone. "
 - 2.4 That Subsection 9.6.3 r) be amended by deleting clause iii) and replacing it with the following new clause as iii):

"iii) Notwithstanding Subsection 9.6.3.f), Any building, structure used for a medical marihuana growing and harvesting facility shall be located a minimum of 150 metres measured from the building or structure in which the use is located to a Residential, Institutional or Commercial and Mixed Use Zone. "
 - 2.5. That Subsection 9.10.1 be amended by adding the following three new uses, as follows:
 - (a) Aquaponics;
 - (b) Greenhouse; and,
 - (c) Medical Marihuana Growing and Harvesting Facility

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- 2.6. That Subsection 9.10.3 be amended by adding the following new provisions as follows and renumbering the subsequent clauses:

l) Additional Regulations for Medical Marihuana Growing and Harvesting Facility	In addition to the regulations of Section 9.10.3, the following additional regulations shall apply:
	i) Notwithstanding Section 9.10.3 g), no outdoor storage or outdoor assembly shall be permitted.
	ii) Notwithstanding Section 9.10.3 k), no retail sales shall be permitted.
	iii) Any building, structure used for a medical marihuana growing and harvesting facility shall be located a minimum of 150 metres measured from the building or structure in which the use is located to a Residential, Institutional or Commercial and Mixed Use Zone.

- 2.7. That Subsection 9.11.1 be amended by adding the following three new uses, as follows:

- (a) Aquaponics;
- (b) Greenhouse; and,
- (c) Medical Marihuana Growing and Harvesting Facility

- 2.8. That Subsection 9.11.3 be amended by adding the following new provisions as follows and renumbering the subsequent clauses:

o) Additional Regulations for Medical Marihuana Growing and Harvesting Facility	In addition to the regulations of Section 9.11.3, the following additional regulations shall apply:
	i) Notwithstanding Section 9.11.3 g), no outdoor storage or outdoor assembly shall be permitted.
	ii) Notwithstanding Section 9.11.3 n), No retail sales shall be permitted.

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	iii) Notwithstanding Subsection 9.11.3.g), Any building, structure used for a medical marihuana growing and harvesting facility shall be located a minimum of 150 metres measured from the building or structure in which the use is located to a Residential, Institutional or Commercial and Mixed Use Zone
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2.9 That Subsection 9.12.3.1 m) be amended by:

(a) deleting clause i) and replacing it with a new clause i) as follows:

“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 shall not exceed the lot coverage in Section 9.12.3.1 d), whichever is the lesser.”

(b) deleting the words ”Notwithstanding Section 9.12.3.1. m)i) at the beginning of clause ii);

(c) deleting “20” and replacing it with “30” in clause iii);

(d) adding the following two new clauses as iii) and iv) and renumbering the subsequent clauses:

“iii) The maximum gross floor area for all accessory uses shall not exceed 25% of the gross floor area of the principal use or 1,000 square metres gross floor area, whichever is the lesser.”

“iv) “Any building used for a medical marihuana growing and harvesting facility shall have a minimum separation distance of 150 metres measured from the building or structure in which the use is located to a S1, S2 or S3 Zone and any existing residential dwelling unit, farm labour residence, mobile home, park, educational establishment, residential care facility, place of worship, and day care;

(e) adding the following two clauses as viii) and ix):

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"viii) All unenclosed parking areas associated with the medical marihuana growing and harvesting facility shall be screened by a visual barrier in accordance with Section 4.19 of this by-law."

ix) For the purposes of Section 12.1.3.1 m) and notwithstanding the definition of lot coverage:

"Lot coverage shall mean the percentage of the lot, excluding lands zoned Conservation/Hazard Land (P7) Zone, and Conservation/Hazard Land (P8) Zone, covered by all buildings structures, driveways, parking areas, access and other lands associated with the use, but shall not include swimming pools and decks."

3. That SECTION 12: RURAL ZONES be amended as follows:

3.1 That Subsection 12.1.3.1 m) be amended by:

(a) deleting clause i) and replacing it with a new clause i) as follows:

"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 shall not exceed the lot coverage in Section 12.1.3.1 e), whichever is the lesser."

(b) deleting the words "Notwithstanding Section 12.1.3.1. m)i) at the beginning of clause ii);

(c) deleting "20" and replacing it with "30" in clause iii);

(d) adding the following two new clauses as iii) and iv) and renumbering the subsequent clauses:

"iii) The maximum gross floor area for all accessory uses shall not exceed 25% of the gross floor area of the principal use or 1,000 square metres gross floor area, whichever is the lesser."

"iv) "Any building used for a medical marihuana growing and harvesting facility shall have a minimum separation distance of 150 metres measured from the building or structure in which the use is located to a S1, S2 or S3 Zone and any existing residential dwelling unit, farm labour residence, mobile home, park, educational establishment, residential care facility, place of worship, and day care;

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(e) adding the following two new clauses as viii) and ix):

“viii) All unenclosed parking areas associated with the medical marihuana growing and harvesting facility shall be screened by a visual barrier in accordance with Section 4.19 of this by-law.”

ix) For the purposes of Section 12.1.3.1 m) and notwithstanding the definition of lot coverage:

“Lot coverage shall mean the percentage of the lot, excluding lands zoned Conservation/Hazard Land (P7) Zone, and Conservation/Hazard Land (P8) Zone, covered by all buildings structures, driveways, parking areas, access and other lands associated with the use, but shall not include swimming pools and decks.”

3.2 That Subsection 12.2.3.1 m) be amended by:

(a) deleting clause i) and replacing it with a new clause i) as follows:

“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 shall not exceed the lot coverage in Section 12.2.3.1 e), whichever is the lesser.”

(b) deleting the words "Notwithstanding Section 12.2.3.1. m)i) at the beginning of clause ii);

(c) deleting "20" and replacing it with "30" in clause iii);

(d) adding the following two new clauses as iii) and iv) and renumbering the subsequent clauses:

“iii) The maximum gross floor area for all accessory uses shall not exceed 25% of the gross floor area of the principal use or 1,000 square metres gross floor area, whichever is the lesser.”

“iv) “Any building used for a medical marihuana growing and harvesting facility shall have a minimum separation distance of 150 metres measured from the building or structure in which the use is located to a S1, S2 or S3 Zone and any existing residential dwelling unit, farm labour residence, mobile home, park, educational establishment, residential care facility, place of worship, and day care;

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(e) adding the following two new clauses as viii) and ix):

“viii) All unenclosed parking areas associated with the medical marihuana growing and harvesting facility shall be screened by a visual barrier in accordance with Section 4.19 of this by-law.

ix) For the purposes of Section 9.12.3.1 m) and notwithstanding the definition of lot coverage:

“Lot coverage shall mean the percentage of the lot, excluding lands zoned Conservation/Hazard Land (P7) Zone, and Conservation/Hazard Land (P8) Zone, covered by all buildings structures, driveways, parking areas, access and other lands associated with the use, but shall not include swimming pools and decks.”

2. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law in accordance with the *Planning Act*.
3. That for the purposes of the Building Code, this By-law or any part of it is not made until it has actually come into force as provided by Section 34 of the *Planning Act*.
4. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

PASSED this _ day of _____, 2018

F. Eisenberger
Mayor

City Clerk

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*For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the
Authority Section of the by-law*

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Chair and Members Report No.: PED18120 Date: 06/19/2018

Ward(s) or City Wide: City Wide (MM/DD/YYYY)

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