



WELCOME TO THE CITY OF HAMILTON

# Medical Marihuana Growing and Harvesting Facilities Options for Change - Official Plans and Zoning By-law 05-200

June 19, 2018 – Planning Committee Meeting

# Presentation Overview

- Planning Process – 2 stage
  - Public meeting to receive input on potential changes
  - Report back on changes at a future Planning Committee meeting
- Background and Context
  - Federal regulations
  - Provincial planning policies
  - Existing official plan policies and zoning regulations
- Potential planning options to address medical marihuana growing and harvesting facilities

## 2014 / 2015

- Growing and harvesting of medical marihuana defined in the Official Plans and Zoning By-law with conditions
- Existing farm building could be adaptively reused for this crop – regardless of building type
  - structures were primarily concrete or cinder block construction with no windows
  - Some proposed facilities were large [10,000+ sq. m.)
  - The size and building type necessitated a maximum gross floor area of 2,000 square metres for the rural area because of their potential impact on the rural landscape

- No building size restriction for the urban area

## 2017 / 2018

- Staff directed to consult with Federal and Provincial governments on current regulations and policies
- Report back on potential changes to the Official Plans and Zoning By-law

# Existing Federal Requirements

- *Access to Cannabis for Medical Purposes Regulations (ACMPR)*
  - No retail sales permitted
  - No outside storage permitted
  - Defines what a licensee can produce
- Licence Requirements under *ACMPR*
  - 150 metres from the facility to a sensitive land use

No changes are proposed for recreational marihuana, since Federal regulations are not yet in effect

# Provincial Planning Policies

- Greenbelt Plan, Provincial Policy Statement, 2014 (PPS) and OMAFRA Guidelines:
  - Agriculture includes the growing of crops, which should generally produce a harvestable product (e.g. fruit, vegetables, field crops, biomass, nursery crops, medicinal herbs and seeds)
  - Crops may be used for a variety of purposes beyond food production
  - On-farm buildings and structures used for the growing of crops are considered agricultural uses, and include greenhouses and other structures used for growing plants

# Existing RHOP, UHOP, Zoning By-law No. 05-200

2014 / 2015

- Growing and harvesting of medical marihuana defined in the Official Plans and Zoning By-law with conditions
- Urban Area
  - Permitted in certain Industrial Zones, along with aquaponics and greenhouses
  - 20 metre setback
  - No retail sales or outside storage permitted
- Rural Area
  - Permitted in Agriculture, Rural and Mineral Aggregate Extraction (A1, A2 and M12) Zones, subject to conditions

# Existing RHOP, UHOP, Zoning By-law No. 05-200 (Cont'd)

- Rural Area - Conditions
  - Permitted in existing agricultural buildings
  - New buildings are restricted to a maximum gross floor area of 2,000 square metres
  - Setback of 20 metres from all lot lines
  - No retail sales or outside storage permitted



# Existing Official Plan and Zoning By-law Definitions

- Agriculture – growing and harvesting medical marihuana
- Agricultural-related/Secondary Processing – packaging, production of cannabis oil
- Agricultural research operation – labs and testing
- Accessory – shipping, office

## Option 1 – Leave the planning regulations as is

- What does “No change” mean?
  - Applicants will have to apply for Official Plan and Zoning By-law Amendments if they seek a larger facility
  - The use would not be permitted in the Airport Employment Growth District

## Option 2 – Delete the existing medical marihuana growing and harvesting facility planning regulations

- What does “delete existing regulations” mean?
  - The definitions and regulations for agriculture, agriculture related/secondary processing and agricultural research operation would apply for the rural area
  - The use would not be permitted in the Airport Employment Growth District

## Option 3 - Potential Changes – Key Highlights Rural Hamilton Official Plan (RHOP)

- Update definition of medical marihuana growing and harvesting facility to include reference to *ACMPR*
- Add minimum 150 metre setback from a medical marihuana growing and harvesting facility to an existing sensitive land use or a specific zone boundary
- Remove maximum gross floor area of 2,000 square metre for new buildings
- Add maximum gross floor area of 90,000 square metres for all buildings on the site

## Option 3 - Potential Changes – Key Highlights Urban Hamilton Official Plan (UHOP)

- Update definition of medical marihuana growing and harvesting facility to include reference to *ACMPR*
- Permit medical marihuana growing and harvesting facilities, aquaponics and greenhouses in the Airport Business Park, the Airport Prestige Industrial and Airport Light Industrial Designations
- Add minimum 150 metre setback from a medical marihuana growing and harvesting facility to an existing sensitive land use or a specific zone boundary

# Option 3 - Potential Changes – Key Highlights

## Zoning By-law No. 05-200 (Rural Zones)

- Update definition of medical marihuana growing and harvesting facility to include reference to *ACMPR*
- Add minimum 150 metre setback from a medical marihuana growing and harvesting facility to an existing sensitive land use or a specific zone boundary
- Remove maximum gross floor area of 2,000 square metres for new buildings and replace with maximum gross floor area of 90,000 square metres for all buildings on site
- Add maximum size of accessory uses
- Add screening of parking areas

# Potential Changes – Key Highlights

## Zoning By-law No. 05-200 (Rural Zones) (cont'd)

- Amend definition of Lot Coverage

Current	Proposed
<ul style="list-style-type: none"><li>• The amount of land that can be covered by all buildings and structures on the site, regardless of zoning</li></ul>	<ul style="list-style-type: none"><li>• Remove lands that are zoned Conservation / Hazard Lands (P7 and P8) from the area calculation</li><li>• In addition to all buildings and structures, include parking, access driveways, and areas used for the operation</li></ul>

# Potential Changes – Key Highlights

## Zoning By-law No. 05-200 (Rural Zones) (cont'd)

- Lot coverage requirements remain unchanged
  - 20% of site for all agricultural buildings / structures
  - 70% of site for greenhouses
- Lot coverage works in conjunction with maximum gross floor area
  - All buildings on the site must not exceed the maximum lot coverage requirement or 90,000 square metres of gross floor area – whichever is less



## Option 3 - Potential Changes – Key Highlights Zoning By-law No. 05-200 (Urban Zones)

- Update definition of medical marihuana growing and harvesting facility to include reference to *ACMPR*
- Add medical marihuana growing and harvesting facility, aquaponics and greenhouses as permitted uses within the Airport Light Industrial (M10) and Airport Prestige Business Park (M11) Zones
- Add a 150 m setback from the medical marihuana growing and harvesting facility to an existing sensitive land use / zone boundary

## Next Steps

- Receive public input
- Present findings to the Agricultural and Rural Affairs Committee
- Prepare and present a report for Planning Committee with a summary of the public input and recommended changes to the Official Plans and Zoning By-law