



PLANNING COMMITTEE

REPORT 18-013

9:30 a.m.

Tuesday, September 4, 2018

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Mayor F. Eisenberger
 Councillors A. Johnson (Chair), J. Farr (1st Vice-Chair), D. Conley (2nd Vice Chair), C. Collins, T. Anderson, M. Pearson, M. Green, B. Johnson, J. Partridge, and R. Pasuta.

Also present: Councillors L. Ferguson, T. Whitehead and S. Merulla

THE PLANNING COMMITTEE PRESENTS REPORT 18-013 AND RESPECTFULLY RECOMMENDS:

1. Waterdown Community Node Secondary Plan: Background Report (PED18181) (Ward 15) (Item 5.1)

That Report PED18181 respecting Waterdown Community Node Secondary Plan: Background Report, be received.

2. Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 961 and 989 Garner Road East (Ancaster) (PED18189) (Ward 12) (Item 6.1)

(a) That Draft Plan of Condominium Application 25CDM-201706, by A.J. Clarke & Associates Inc., on behalf of Marz Homes (Garner) Inc., owner, to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks and pedestrian pathway, landscaped areas, 56 visitor parking spaces, and centralized mailboxes, on lands located at 961 and 989 Garner Road East (Ancaster), as shown on Appendix "A", attached to Report PED18189, be APPROVED subject to the following conditions:

(i) That the approval for Draft Plan of Condominium (Common Element) Application 25CDM-201706 applies to the plan prepared

by A.J. Clarke & Associates, Ltd., certified by B. J. Clarke, and dated October 13, 2017, consisting of a condominium road network, sidewalks and pedestrian pathway, landscaped areas, 56 visitor parking spaces, and centralized mailboxes, in favour of 38 maisonette and 73 townhouse dwelling units, attached as Appendix “B” to Report PED18189;

(ii) That the conditions of Draft Plan of Condominium Approval 25CDM-201706, attached as Appendix “C” to Report PED18189, be received and endorsed by City Council;

(b) That there were no public submissions received regarding this matter.

3. Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 6593 for Lands Located at 925 Main Street West and 150 Longwood Road South (PED18199) (Ward 1) (Item 6.2)

(a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-16-11 by Plaza Imports Limited (c/o John Lecluse), Owner, to re-designate the southerly portion of “Block 1” from “Open Space” to “Neighbourhoods” in Volume 1; and to re-designate lands shown as “Block 1” from “Local Commercial” and “General Open Space” to “High Density Residential 1” and to add a site specific policy to permit a maximum building height of 62.0 metres (18 storeys) and a maximum density of 250 units per gross hectare in the Ainslie Wood Westdale Secondary Plan to permit a mixed use building consisting of commercial uses at grade with a lodging house above in two tower elements having a maximum building height of 62.0 metres (18 storeys) and 56.0 metres (16 storeys), on lands located at 925 Main Street West and 150 Longwood Road South, Hamilton, as shown on Appendix “A” to Report PED18199, be APPROVED, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18199, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Places to Grow Plan.

(b) That Amended Zoning By-law Amendment Application ZAC-16-029 by Plaza Imports Limited (c/o John Lecluse), Owner, for a change in zoning from the “H/S-1361” (Community Shopping and Commercial, Etc.) District, Modified, “H/S-1331” (Community Shopping and Commercial, Etc.) District, Modified and “C/S-1361” (Urban Protected Residential, Etc.) District, Modified to the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 703, H31) Zone and Conservation / Hazard Land (P5)

Zone to permit a mixed used building consisting of commercial uses at grade and a lodging house above in two tower elements having a maximum height of 62.0 metres (18 storeys) and 56.0 metres (16 storeys) as shown on Appendix "A" to Report PED18199.

- (i) That the draft By-law, attached as Appendix "C" to Report PED18199 which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law, attached as Appendix "C" to Report PED18199, be added to Map No. 949 of the City of Hamilton Zoning By-law No. 05-200;
- (iii) That Schedule "D" – Holding Provisions of Zoning By-law No. 05-200, be amended by adding additional Holding Provisions as follows:

For the lands identified as Transit Oriented Corridor Mixed Use Medium Density (TOC1, 703, H31) Zone on Map No. 949 of Schedule A – Zoning Map, and described as 925 Main Street West, development shall not proceed until:

- (a) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton's current RSC administration fee.
 - (b) The Owner acquires the lands at 150 Longwood Road South required to implement the proposed development and merges the lands on title with 925 Main Street West, to the satisfaction of the Director of Planning and Chief Planner.
 - (iv) That this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (c) That the public submissions received regarding this matter did not affect the decision.

4. Applications to Amend the City of Hamilton Rural Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 163 and 167 Highway No. 5 West, Flamborough (PED18161) (Ward 15) (Item 6.3)

(a) That Rural Hamilton Official Plan Amendment Application RHOPA-18-019 by KENEL INC. (Owner), to refine the boundary of the existing Site Specific Area R-4 to reflect the existing use of the lands located at 167 Highway No. 5 West, Flamborough as shown on Appendix "A" to Report PED18161, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED18161 be enacted by City Council;
- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Greenbelt Plan (2017).

(b) That Zoning By-law Amendment Application ZAR-18-019, by KENEL INC. (Owner), for a change in zoning from the Open Space (P4, 80) Zone to the Rural (A2, 104) Zone and from the Rural (A2, 104) Zone to the Open Space (P4, 80) Zone in order to recognize the locations of the existing Garden Centre and Golf Course for a portion of the lands located at 163 and 167 Highway No. 5 West, in accordance with the conditions of consent approval as shown on Appendix "A" to Report PED18161, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "C" to Report PED18161, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That this By-law will comply with the Rural Hamilton Official Plan upon approval of Rural Hamilton Official Plan Amendment No. XX.

(c) That there were no public submissions received regarding this matter.

5. Application to Amend the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 5 Hamilton Street North, Flamborough (PED18179) (Ward 15) (Item 6.5)

(a) That Amended Zoning By-law Amendment Application ZAR-18-015 by Hawk Ridge Homes Inc. c/o Dinesh Mahabir (Owner), for a modification to the Urban Commercial "UC" Zone to permit a six storey, 74 unit mixed use building for lands located at 5 Hamilton Street North (Flamborough), as shown on Appendix "A" to Report PED18179, be APPROVED on the following basis:

- (i) That the Draft By-law, attached as Appendix “B” to Report PED18179, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed modification in zoning is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan and West Waterdown Secondary Plan.
- (b) That approval be given for a modification to the Mixed Use – Medium Density (C5, 582) Zone to permit a six storey, 74 unit mixed use building for lands located at 5 Hamilton Street, as shown on Appendix “A” to Report PED18179 be APPROVED on the following basis:
- (i) That the Draft By-law, attached as Appendix “C” to Report PED18179, be held in abeyance until such time as By-law 17-240 (Commercial and Mixed Use Zones) is in force and effect;
 - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “C” to Report PED18179, for enactment by City Council, once By-law No. 17-240 is in force and effect;
 - (iii) That the proposed modification in zoning is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshow (2017), and complies with the Urban Hamilton Official Plan and West Waterdown Secondary Plan.
- (c) That the public submissions received regarding this matter did not affect the decision.

6. Application for a Zoning By-law Amendment for Lands Located at 256 Parkdale Avenue North and 205 Melvin Avenue, Hamilton (PED18190) (Ward 4) (Item 6.6)

- (a) That the Amended Zoning By-law Amendment Application ZAR-18-027, by Indwell Community Homes, Owner, for a modification to the “H” (Community Shopping and Commercial, Etc.) District to permit a four storey, 50 unit multiple dwelling on the same lot as a three storey 57 unit mixed use building, on lands located at 256 Parkdale Avenue North and 205 Melvin Avenue, Hamilton as shown on Appendix “A” to Report PED18190 be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “B” to Report PED18190 which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (ii) That the amending By-law, attached as Appendix “B” to Report PED18190 be added to District Map E75 of Zoning By-law No. 6593 as “H/S-1764”;
- (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed four storey multiple dwelling.

The Holding Provision “H/S-1764-‘H’” (Community Shopping and Commercial, etc.) District, Holding, Modified, be removed to allow the multiple dwelling on the same lot as a three storey mixed use building, conditional upon:

- (1) The Owner entering into a conditional building permit agreement with respect to completing a Record of Site Condition; or,
 - (2) A signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment , Conservation and Parks (MOECP). The RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton’s current RSC administration fee.
- (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and complies with the Urban Hamilton Official Plan.
- (b) That approval be given for a modification to the Mixed Use – Medium Density (C5) Zone to the Mixed Use – Medium Density (C5, 698, H71), to permit a four storey, 50 unit multiple dwelling on the same lot as a 57 unit mixed use building, on lands located at 256 Parkdale Avenue North and 205 Melvin Avenue, as shown on Appendix “A” to Report PED18190, subject to the following.
 - (i) That the draft By-law, attached as Appendix “C” to Report PED18190, be held in abeyance until such time as By-law No. 17-240 (Commercial and Mixed Use Zones) is in force and effect;
 - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “C” to Report PED18190, for enactment by City Council, once By-law No. 17-240 (Commercial and Mixed Use Zones) is in force and effect;

- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and complies with the Urban Hamilton Official Plan.
- (c) That there were no public submissions received regarding this matter.

7. Application to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands located at 154 Main Street East and 49 Walnut Street South, Hamilton (PED18196) (Ward 2) (Item 6.7)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-18-018, by 1970703 Ontario Inc., Owner, for a re-designation from “Medium Density Residential” to “Central Business District” to facilitate a 25 storey mixed use building comprised of 267 residential dwelling units, ground floor commercial uses and structured parking for 253 vehicles by permitting a commercial parking facility and commercial uses on the ground floor, for lands located at 49 Walnut Street South, as shown on Appendix “A” to Report PED18196, be APPROVED, on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18196, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).
- (b) That Amended Zoning By-law Amendment Application ZAR-17-074 by 1970703 Ontario Inc., Owner, for a change in zoning from the Downtown Mixed Use (D3) Zone and Downtown Multiple Residential (D6) Zone to the Downtown Central Business District (D1, 702, H107) Zone, to permit a mixed use building with a maximum building height of 80.0 m (25 storeys) for lands located at 154 Main Street East, and ground floor commercial and seven storeys of structured parking for 253 vehicles for lands located at 49 Walnut Street South, as shown on Appendix “A” to Report PED18196, be APPROVED on the following basis:
 - (i) That the Draft By-law, attached as Appendix “C” to Report PED18196, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law, attached as Appendix “C” to Report PED18196, be added to Schedules 952 and 953 of Zoning By-law No. 05-200;

- (iii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200, be amended by adding an additional Holding Provision as follows:

For the lands zoned “Downtown Central Business District (D1, 702, H107) Zone, on Maps 952 and 953 of Schedule A – Zoning Maps, and described as 154 Main Street East and 49 Walnut Street South (Hamilton), development shall not proceed until:

- a. The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton’s current RSC administration fee.
 - b. The Owner purchase the alleyway required to implement the proposed development and merge the lands on title with the balance of the lands, to the satisfaction of the Director of Planning and Chief Planner.
- (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and will comply with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. XX.
- (c) That Amended Zoning By-law Amendment Application ZAR-17-074 by 1970703 Ontario Inc., Owner, for a modification to the Downtown Central Business District (D1, H17) Zone, to permit a mixed use building with a maximum building height of 80.0 m (25 storeys) for lands located at 154 Main Street East and ground floor commercial and seven storeys of structured parking for 253 vehicles for lands located at 49 Walnut Street South, as shown on Appendix “A” to Report PED18196, be APPROVED on the following basis:
 - (i) That the REVISED Draft By-law, attached as Appendix “A” to Report 18-013, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law, attached as Appendix “D” to Report PED18196, be added to Schedules 952 and 953 of Zoning By-law No. 05-200;

- (iii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200, be amended by adding an additional Holding Provision as follows:

For the lands zoned “Downtown Central Business District (D1, 702, H107) Zone, on Maps 952 and 953 of Schedule A – Zoning Maps, and described as 154 Main Street East and 49 Walnut Street South (Hamilton), development shall not proceed until:

- a. The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton’s current RSC administration fee.
 - b. The Owner purchase the alleyway required to implement the proposed development and merge the lands on title with the balance of the lands, to the satisfaction of the Director of Planning and Chief Planner.
- (iv) That the REVISED Draft By-law, attached as Appendix “A” to Report 18-016, be brought into force and effect once By-law 18-114 (Downtown Zones) is in force and effect;
 - (v) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and will comply with the Urban Hamilton Official.
- (d) That the public submissions received regarding this matter did not affect the decision.

8. Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 71 Rebecca Street, Hamilton (PED18195) (Ward 2) (Item 6.8)

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-023, by Sonoma Development Group Inc., Owner to create a site specific policy area in the DTSP to permit a gross residential density of 1,010 units per net hectare to allow for a mixed use building with a maximum height of 97 m (30 storeys) and to exempt the development from any road widening requirements for lands located at 71 Rebecca

Street, as shown on Appendix "A" to Report PED18195 be APPROVED, on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED18195, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).
- (b) That Amended Zoning By-law Amendment Application ZAC-17-053 by Sonoma Development Group Inc., Owner for a change in zoning from the Downtown Mixed Use (D3) Zone to the Central Business District (D1, 701, H105) Zone to permit a mixed use building with a maximum building height of 97 m (30 storeys) for lands located at 71 Rebecca Street, as shown on Appendix "A" to Report PED18195, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix "C" to Report PED18195, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law, attached as Appendix "C" to Report PED18195, be added to Schedule 953 of Zoning By-law No. 05-200;
 - (iii) That Schedule "D" – Holding Provisions, of Zoning By-law No. 05-200, be amended by adding an additional Holding Provision as follows:

For the lands zoned Downtown Central Business District (D1, 701, H105) Zone, on Map 953 of Schedule "A" – Zoning Maps and described as 71 Rebecca Street, development shall not proceed until:

- (a) The owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee.
- (iv) That this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. XX and that the proposed change in zoning is consistent with

the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

- (c) That Amended Zoning By-law Amendment Application ZAC-17-053 by Sonoma Development Group Inc., Owner, for a change in zoning from the Central Business District (D1, H17, H19, H20) Zone to the Central Business District (D1, 701, H17, H105) Zone to permit a mixed use building with a maximum building height of 97 m (30 storeys) for lands located at 71 Rebecca Street, as shown on Appendix "A" to Report PED18195, be APPROVED on the following basis:
- (i) That the Draft By-law, attached as Appendix "D" to Report PED18195, be held in abeyance until such time as By-law 18-114 (Downtown Zones) is in force and effect;
 - (ii) That the amending By-law, attached as Appendix "D" to Report PED18195, be added to Schedule 953 of Zoning By-law No. 05-200;
 - (iii) That Schedule "D" – Holding Provisions, of Zoning By-law No. 05-200, be amended by adding an additional Holding Provision as follows:

For the lands zoned Downtown Central Business District (D1, 701, H17, H105) Zone, on Map 953 of Schedule "A" – Zoning Maps and described as 71 Rebecca Street, development shall not proceed until:

- (a) The owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee.
- (iv) That the Draft By-law, attached as Appendix "D" to Report PED18195, be held in abeyance until such time as By-law 18-114 (Downtown Zones) is in force and effect;
- (v) That staff be directed to bring forward the draft By-law, attached as Appendix "D" to Report PED18195, for enactment by City Council, once By-law No. 18-114 is in full force and effect;
- (vi) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for

the Greater Golden Horseshoe (2017) and will comply with the Urban Hamilton Official Plan.

- (d) That staff be directed to waive the requirement for the road widenings for 71 Rebecca Street, Hamilton subject to the following:
 - (i) That the owner enters into a cost sharing agreement with the City of Hamilton for the construction of Rebecca Street from John Street to Catherine Street as a Woonerf;
 - (ii) That the owner be responsible for 50% of the costs for designing the Woonerf to the satisfaction of the Director of Growth Management;
 - (iii) That the owner be responsible for all costs associated with constructing the Woonerf from the building face to the centreline of Rebecca Street, with the exception of any underground utilities or services under the City's sidewalk or roadway that are not associated with the owner's development, which shall be the sole responsibility of the City;
 - (iv) That in the event that Planning and Economic Development Department staff are unable to reach a satisfactory cost sharing agreement with the owner that achieves (i) through (iii) above, the owner of the subject lands will be required to equitably dedicate the necessary lands to establish Rebecca Street to a minimum right-of-way width of 15.24 m and 26.22 m for John Street North. All required building setbacks will be required to be met from the new property line and no element of the building shall be permitted to overhang or encroach upon the City right-of-way.
- (e) That the public submissions received regarding this matter did not affect the decision.

9. Proposed Changes to the Official Plans and Zoning By-law No. 05-200 Relating to Cannabis Growing and Harvesting Facilities, Aquaponics and Greenhouses (CI-18-H) (PED18194) (City Wide) (Item 6.9)

- (a) That approval be given to Official Plan Amendment No. XX to the Rural Hamilton Official Plan (RHOP-Volume 1) to amend the definition and associated regulations for a marijuana growing and harvesting facility to incorporate non-medical cannabis (recreational marijuana) production facilities, on the following basis:
 - (i) That the Draft Rural Hamilton Official Plan Amendment, attached as Appendix "A" to Report PED18194 be adopted by Council;

- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) 2014 and conforms to the Greenbelt Plan and the Growth Plan for the Greater Golden Horseshoe, 2017 (P2G).

- (b) That approval be given to Official Plan Amendment No. XX to the Urban Hamilton Official Plan (UHOP-Volume 1) to amend the definition and regulations for medical marihuana growing and harvesting facility to incorporate non-medical cannabis (recreational marihuana) production facilities, on the following basis:
 - (i) That the Draft Urban Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED18194, be adopted by Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017 (P2G).

- (c) That approval be given to City Initiative CI-18-H to amend the definition and associated regulations for a medical marihuana growing and harvesting facility in Zoning By-law No. 05-200 to incorporate non-medical cannabis (recreational marihuana) production facilities, on the following basis:
 - (i) That the REVISED Draft By-law, attached as Appendix “B” to Report 18-013, which have been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning will be in conformity with the Rural Hamilton Official Plan (RHOP) upon approval of Official Plan Amendment (OPA) No.____;
 - (iii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan (UHOP) upon approval of Official Plan Amendment (OPA) No.____; and,
 - (iv) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS) 2014 and conforms to the Greenbelt Plan and the Growth Plan for the Greater Golden Horseshoe, 2017 (P2G).

- (d) That the public submissions received regarding this matter did not affect the decision.

10. To Repeal Official Plan Amendment By-law No. 107 and Approve Urban Official Plan Amendment; to Amend Zoning By-law No. 05-200; and to update all materials related to Draft Plan of Subdivision 25T-201507 to Correct Inadvertant Address Numbering Errors for Lands Located at 56, 74, 78, 90, 96, Parkside Drive and 546 Highway No. 6, Flamborough (PED18133(a)) (Ward 15) (Item 6.10)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-18-012 by Flamborough Power Centre Inc., Flamborough Capital Corp. Inc., and Ankara Realty Ltd. (Owners), to remove existing Core Areas (Significant Woodlands and Streams) and Linkages and add new Core Areas (Significant Woodlands) and Linkages on Schedules B, B-2 and B-8; designate Clappison Avenue as a Minor Arterial on Schedule C and establish a Site Specific Policy Area to protect the existing Natural Heritage features, as shown on Appendix "B" to Report PED18133, be APPROVED on the following basis:
- (i) That By-law No. 18-194, respecting 56, 74, 78, 90, 96, 100 and 566 Parkside Drive, Flamborough, relating to approved and final and binding UHOPA No. 107 be repealed in its entirety;
 - (ii) That Draft Official Plan Amendment, respecting 56, 74, 78, 90, 96 Parkside Drive and 546 Highway No. 6 attached as Appendix "B" to Report PED18133(a) be enacted by City Council; and,
 - (iii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).
- (b) That Amended Zoning By-law Amendment Application ZAC-15-039 by Flamborough Power Centre Inc., Flamborough Capital Corp. Inc., and Ankara Realty Ltd. (Owners), for changes in zoning from the Prestige Business Park (M3, 437) Zone, General Business Park (M2) Zone, and Prestige Business Park (M3, 388) Zone to Conservation / Hazard Land (P5) Zone (Blocks 1, 2, and 3) to protect natural features and from Prestige Business Park (M3) Zone to Prestige Business Park (M3, 437) Zone (Block 5) to permit a Fitness Club and Medical Clinic for lands located at 56, 74, 78, 90, 96, Parkside Drive and 546 Highway No. 6 Flamborough, as shown on Appendix "A" to Report PED18133, be APPROVED on the following basis:
- (i) That By-law No. 18-195, respecting 56, 74, 78, 90, 96, 100 and 566 Parkside Drive, Flamborough be amended to cite the correct property addresses of the subject lands;
 - (ii) That Amended Draft By-law attached as Appendix "C" to Report PED18133 (a), which cites corrected 56, 74, 78, 90, 96 Parkside

Drive and 546 Highway No. 6 and which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (iii) That the amending By-law be added to Schedule C – Special Exceptions of Zoning By-law No. 05-200;
 - (iv) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.
- (c) That staff be authorized to update the Notices of Intent and associated Draft Plan Conditions of Approval for Draft Plan of Subdivision Application 25T-201507 by Flamborough Power Centre Inc., Flamborough Capital Corporation Inc., and Ankara Realty Ltd., (Owners) with the correct municipal addresses, that, being the following correct addresses: 56, 74, 78, 90, 96 Parkside Drive and 546 Highway No. 6.
- (d) That the public submissions received regarding this matter did not affect the decision.

11. Hamilton Municipal Heritage Committee Report 18-008 (Item 8.1)

(a) Inventory & Research Working Group Meeting Notes – June 25, 2018 (Item 8.1)

(i) 1320 Woodburn Road, Glanbrook

That the property at 1320 Woodburn Road, Glanbrook be included in the City of Hamilton's Register of Property of Cultural Heritage Value or Interest and be added to the staff work plan.

(b) Hamilton Municipal Heritage Committee Terms of Reference Review (Item 8.2)

WHEREAS, in order to achieve their Council approved mandate, the volunteer work of the Hamilton Municipal Heritage Committee, its Working Groups and Sub-Committees may be more demanding than other municipal committees and boards; and

WHEREAS, it is important to offer transparency during the application process, to provide potential applicants with a better understanding of the scope of work, roles and responsibilities, and to facilitate a more informed decision;

THEREFORE, BE IT RESOLVED:

- (i) That Hamilton Municipal Heritage Committee Terms of Reference, be amended by adding the following sub-sections to read as follows:
- (1) To advise and assist City staff and Council on all matters relating to the designation of property, the review of heritage permit applications and other cultural heritage conservation measures under Parts IV and V of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18.
 - (2) To advise and assist City staff and Council in the preparation, evaluation and maintenance of a list of properties and areas worthy of conservation.
 - (3) To advise and assist City staff and Council on any other matters relating to the conservation of listed properties or areas of cultural heritage value or interest.
 - (4) To advise City staff and Council on programs and activities to increase public awareness and knowledge of heritage conservation issues.
 - (5) To prepare, by the 31st day of January each year, an annual report of the previous year's activities.
 - (6) To participate, where possible, on at least one of the following Working Groups of the Hamilton Municipal Heritage Committee:
 - Inventory and Research (Meets monthly for a minimum of 2 hours)
 - Policy and Design (Meets monthly, or as needed, for a minimum of 2 hours)
 - Education and Communication (Meets monthly or as needed, for a minimum of 2 hours)
 - Heritage Permit Review Sub-Committee (Meets monthly – membership includes selected members of HMHC, but is completed through a separate application process, for a minimum of 2 hours)
 - (7) To participate, where possible in other external groups and/or stakeholder committees.

- (8) To participate, where possible in heritage events and activities, such as the Annual Hamilton Municipal Heritage Recognition Awards.
 - (ii) That staff be directed to review the standard meeting times, format and locations of the Hamilton Municipal Heritage Committee to make them inclusive and accessible; and,
 - (iii) That staff be directed to forward a copy of the Code of Conduct, for signature by each volunteer member of the Hamilton Municipal Heritage Committee's Working Groups.
- (c) Proposed Amendments to the Hamilton Municipal Terms of Reference and Recruitment Process (Item 8.2(a))**
- (i) That the Proposed Amendments to the Hamilton Municipal Heritage Committee Terms of Reference and Recruitment Process, attached hereto as Appendix "A", be approved; and
 - (ii) That the information found in the Proposed Amendments to the Hamilton Municipal Terms of Reference and Recruitment Process be included in the call for volunteer members of the Hamilton Municipal Heritage Committee; effective for the 2018 application process and future terms.
- (d) Hamilton Municipal Heritage Committee Masonry Guidelines (Item 8.3)**

WHEREAS, the City of Hamilton is home to many historic buildings and structures constructed of masonry;

WHEREAS, the exposure to harsh weather conditions and building construction failure makes masonry susceptible to deterioration, requiring regular maintenance and often the need for alteration and restoration;

WHEREAS, heritage guidelines are useful reference tools for heritage planning staff, the Heritage Permit Review Subcommittee and Hamilton Municipal Heritage Committee (HMHC) for their processes of reviewing applications for alteration under the Ontario Heritage Act;

WHEREAS, these guidelines are an educational resource for heritage property owners, architects and contractors to carry out a successful masonry restoration; fulfilling the HMHC's mandate for public education and community outreach; and

WHEREAS, these guidelines follow the format of a preceding document entitled Heritage Window Guidelines; as approved by Hamilton City Council, on December 17, 2014;

THEREFORE, BE IT RESOLVED:

That the Heritage Masonry Guidelines, produced by the Policy and Design Working Group of the HMHC and attached hereto as Appendix "B", be approved.

12. Fruitland Winona Secondary Plan – Block Servicing Strategy Completion (Block 2) (PED18203) (Ward 11) (Item 8.2)

That Report PED18203 respecting Fruitland Winona Secondary Plan – Block Servicing Strategy Completion (Block 2), be received.

13. Residential Drainage Assistance Program (Item 9.1)

WHEREAS, in October 2011, Council approved staff report PED10091(d) creating Residential Drainage Assistance Program to help facilitate and advance solutions for drainage problems throughout the City;

WHEREAS, the main criteria of the program includes addressing properties that are located in the older areas of the City of Hamilton, where multiple properties are affected, and multiple flood events have occurred with significant drainage issues;

WHEREAS, most of the homes in the Rosedale Neighbourhood were originally constructed in the 1950s, prior to the existence of any formal grading policies;

WHEREAS, there is a history of chronic surface flooding on the properties bordering the homes on Charlotte Street and Erin Avenue during heavy rainfall events;

WHEREAS, staff have visited the aforementioned properties to verify the associate flooding problems and conclude the homes meet the council adopted criteria of the Residential Drainage Assistance Program;

WHEREAS, the Planning Committee approved a motion on May 16, 2017 directing staff to retain the services of a private engineering firm to conduct a phase 1 assessment of the drainage patterns between the properties of Charlotte Street and Erin Avenue; and

WHEREAS, the study has been completed and recommends the installation of a "below ground runoff storage pit" between the properties of 115 Charlotte Street,

125 Charlotte Street, 114 Erin Avenue, 120 Erin Avenue, and 126 Erin Avenue at an estimated cost of \$35,000;

THEREFORE, BE IT RESOLVED:

- (a) That in accordance with the Residential Drainage Assistance Program, Planning and Economic Development – Growth Management staff be directed to obtain 3 quotes for the installation of a “below ground runoff storage pit” between the properties of 115 Charlotte Street, 125 Charlotte Street, 114 Erin Avenue, 120 Erin Avenue, and 126 Erin Avenue at an estimated cost of \$35,000, coordinate the work with the affected homeowners, and implement the plan as recommended in the drainage assessment;
- (b) That the works be funded from the Ward 5 Area Rating Reserve (Account #108055);
- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such term and conditions in a form satisfactory to the City Solicitor with respect to the improvements outlined in subsection (a).

14. Private Retail Cannabis Stores (Item 9.2)

(Partridge/B. Johnson)

WHEREAS, recreational cannabis will be legalized in Canada as of October 17, 2018;

WHEREAS, the Province of Ontario has indicated that the Ontario Cannabis Store website will be the only legal option for purchasing recreational cannabis once it becomes legalized on October 17, 2018;

WHEREAS, the Province of Ontario has indicated that it will be introducing legislation that would open up a regulated private retail model for cannabis that would launch by April 1, 2019;

WHEREAS, the Province of Ontario is currently consulting on the scope of its proposed legislation for a regulated private retail model for cannabis;

WHEREAS, the Province has indicated that the new legislation will include some form of “opt out clause” that municipalities may exercise within a very limited time window;

WHEREAS, it is not yet determined what regulatory authorities municipalities will have for the regulation of private retail cannabis stores other than their existing zoning powers which in Hamilton generally would permit this use in any commercially zoned property; and

WHEREAS, there will be a very limited amount of time for the City of Hamilton to put in place any local regulations with respect to private retail cannabis stores, including the potential use of the “opt-out clause”, prior to the opening of retail stores on April 1, 2019;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to prepare a report with recommendations with respect to the regulation of private retail cannabis stores in the City of Hamilton for the first Planning Committee meeting of the new term of Council;
- (b) That the report outline options for Council’s consideration for the potential application of the Province’s proposed “opt-out” clause;
- (c) That staff be directed to meet with the local interested proprietors to discuss the potential impacts on the private retail cannabis industry and that the input be used as a market sounding for inclusion in the report;
- (d) That the Mayor write to the Premier, appropriate Ministers and Ministries, and to the Association of Municipalities of Ontario, to communicate to them that it is the City’s position that the Province’s approach to the regulation of private cannabis retail stores in Ontario must ensure that municipalities have the ability to regulate the following in a manner that is appropriate to the municipality:
 - (i) separation distances from sensitive land uses such as parks, schools, daycares and healthcare facilities
 - (ii) over-concentration of dispensaries in one area of the city
 - (iii) the total number of dispensaries city-wide and within particular areas of the city
 - (iv) general issues of urban design such as location of entrances and transparency of facades
 - (v) on-site advertising and signage
 - (vi) hours of operation
 - (vii) property standards compliance
 - (viii) ability to restrict or prohibit operations by operators that routinely violate municipal standards such as noise, nuisance or property standards.

15. Appeal to the Local Planning Appeal Tribunal (LPAT) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Town of Ancaster Zoning By-law No. 87-57, for Lands Located at 941 Old Mohawk Road (Ancaster) (Ward 12) (LS18004/PED18052) (Item 12.1)

That the recommendations of Report LS18004/PED18052 respecting Appeal to the Local Planning Appeal Tribunal (LPAT) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Town of Ancaster Zoning By-law No. 87-57, for Lands Located at 941 Old Mohawk Road (Ancaster) be approved and remain confidential pending Council's approval.

FOR INFORMATION:

(a) APPROVAL OF THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

1. ADDED DELEGATION REQUESTS

- 4.1 Alan Wilson, to oppose the planned throughfare of Cartier Crescent (For next meeting.)

2. ITEM REMOVED

- 6.4 Applications to Amend the Urban Hamilton Official Plan, the Township of Glanbrook Zoning By-law No. 464 and the City of Hamilton Zoning By-law No. 05-200, for Lands Located at 3331 Homestead Drive, Glanbrook (PED18197) (Ward 11) – **Will be on September 18, 2018 agenda.**

3. ITEM 6.7

- 6.7 Application to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands located at 154 Main Street East and 49 Walnut Street South, Hamilton (PED18196) (Ward 2)

- Staff have advised that Appendix "D" is REVISED.
- Added written comments:

6.7(a) Mary Margaret Kachurovsk, 175 Hunter Street East

6.7(b) Jessica Merolli, 166 Walnut St South

4. ITEM 6.9

6.9 Proposed Changes to the Official Plans and Zoning By-law No. 05-200 Relating to Cannabis Growing and Harvesting Facilities, Aquaponics and Greenhouses (CI-18-H) (PED18194) (City Wide)

- Staff have advised that Appendix “C” is REVISED.
- Added written comments:

6.9(a) Signe Leisk, Cassels Brock Lawyers on behalf of The Green Organic Dutchman Ltd.

5. ADDED WRITTEN COMMENTS

6.10(a) Vince Farraiuolo, owner of 32 Parkside Drive, resubmitting the comments prepared by his agent, Terrance Glover of Urban in Mind respecting Item 6.10 To Repeal Official Plan Amendment By-law No. 107 and Approve Urban Official Plan Amendment; to Amend Zoning By-law No. 05-200; and to update all materials related to Draft Plan of Subdivision 25T-201507 to Correct Inadvertant Address Numbering Errors for Lands Located at 56, 74, 78, 90, 96, Parkside Drive and 546 Highway No. 6, Flamborough (PED18133(a)) (Ward 15)

6. ADDED NOTICE OF MOTION

10.1 Private Retail Cannabis Stores

7. CHANGE TO THE OUTSTANDING BUSINESS LIST:

11.1 Outstanding Business List

(a) Item requiring new due date:

Item "I" - That staff report back on any past resolutions or ongoing engagement between the HMHC and the property owners' surrounding the Gore and how these resolutions or ongoing dialogues may be affected as a result of proceeding with a Heritage Conservation District and the merits of a Heritage Conservation District.

Due Date: September 4, 2018

New due date: February 5, 2019

8. ADDED WRITTEN COMMENTS

6.2(a) Pitman Patterson, Borden Ladner Gervais on behalf of Wilstar

Management Limited respecting Item 6.2 Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 6593 for Lands Located at 925 Main Street West and 150 Longwood Road South (PED18199) (Ward 1)

The agenda for the September 4, 2018 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Mayor Eisenberger declared an interest with respect to Items 6.9 and 10.1 as he is an investor in the cannabis industry.

(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 3)

(i) August 14, 2018 (Item 3.1)

The Minutes of the August 14, 2018 meeting were approved.

(d) DELEGATION REQUESTS (Item 4)

The following delegation request was approved to address Committee at the September 18, 2018 meeting:

- (i) Alan Wilson, to oppose the planned throughfare of Cartier Crescent (Item 4.1)

(e) DELEGATIONS/PUBLIC HEARING (Item 6)

(i) Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 961 and 989 Garner Road East (Ancaster) (PED18189) (Ward 12)) (Item 6.1)

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Draft Plan of Condominium (Common Element), the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No member of the public came forward.

The public meeting was closed.

The staff presentation was waived.

Stephen Fraser of A.J. Clarke and Associates Limited, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

Ward Councillor Ferguson was in attendance and indicated that he is in support of the applications.

The recommendations were amended by adding the following subsection (b) and re-lettering the balance:

- (b) That there were no public submissions received regarding this matter.

For disposition of this matter refer to Item 2.

(ii) Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 6593 for Lands Located at 925 Main Street West and 150 Longwood Road South (PED18199) (Ward 1) (Item 6.2)

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan and Zoning By-law Amendments, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Written Comments

6.2(a) Pitman Patterson, Borden Ladner Gervais on behalf of Wilstar Management Limited

The added written comments 6.2(a) were received.

Adam Lucas, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy is available for viewing on the City's website.

Chair A. Johnson relinquished the Chair to Vice-Chair Farr.

The staff presentation was received.

Sergio Manchia from UrbanSolutions Planning and Land Development Consultants, representing the applicant addressed Committee with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

The agent's presentation was received.

Registered Speakers

1. Gordon McNulty, Hamilton Naturalists Club

Gordon McNulty addressed Committee and expressed concerns with the project.

A copy of his letter was distributed and a copy is available for viewing on the City's website.

The delegation was received.

2. John Terpstra, 62 Locke Street North

John Terpstra addressed Committee and expressed concerns with the project.

A copy of his letter was distributed and a copy is available for viewing on the City's website.

The delegation was received.

3. Dr. Lynda Lukasik, Environment Hamilton

Dr. Lukasik addressed Committee and expressed concerns with the project.

The delegation was received.

4. Jordana Helfand, 982 Main Street West

Jordana Helfand addressed Committee and described the impacts of living near Columbia College.

The delegation was received.

5. Matias Rozenberg, 87 Wilson Street

Matias Rozenberg addressed Committee and expressed his concerns with the proposal and believes that more time is required for consideration of this matter.

The delegation was received.

That the report be TABLED until the September 18, 2018 meeting in order to continue the public meeting.

This motion was DEFEATED on the following standing recorded vote:

Yeas:	A. Johnson, B. Johnson, M. Green
Total:	3
Nays:	D. Conley, M. Pearson, J. Partridge, F. Eisenberger, J. Farr, T. Anderson, C. Collins
Total:	7
Absent	R. Pasuta
Total:	1

The recommendations were amended by adding the following subsection (c):

- (c) That the public submissions received regarding this matter did not affect the decision.

The main motion, as amended, CARRIED on the following standing recorded vote:

Yeas:	D. Conley, M. Pearson, J. Partridge, F. Eisenberger, J. Farr, T. Anderson, C. Collins
Total:	7
Nays:	A. Johnson, B. Johnson, M. Green
Total:	3
Absent	R. Pasuta
Total:	1

For disposition of this matter refer to Item 3.

Chair A. Johnson assumed the Chair.

(iii) Applications to Amend the City of Hamilton Rural Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 163 and 167 Highway No. 5 West, Flamborough (PED18161) (Ward 15) (Item 6.3)

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make

oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan Amendments and Zoning By-law Amendments the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

The public meeting was closed.

The staff presentation was waived.

John Ariens of IBI Group was in attendance representing the applicant and advised that the applicant is in support of the staff report.

The recommendations were amended by adding the following subsection (c):

- (c) That there were no public submissions received regarding this matter.

For disposition of this matter refer to Item 4.

- (iv) Applications to Amend the Urban Hamilton Official Plan, the Township of Glanbrook Zoning By-law No. 464 and the City of Hamilton Zoning By-law No. 05-200, for Lands Located at 3331 Homestead Drive, Glanbrook (PED18197) (Ward 11 (Item 6.4))**

This Item was removed under changes to the agenda and will be included on the September 18, 2018 agenda.

- (v) Application to Amend the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 5 Hamilton Street North, Flamborough (PED18179) (Ward 15 (Item 6.5))**

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal

Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

The public meeting was closed.

The staff presentation was waived.

Jared Marcus of IBI Group was in attendance representing the applicant. Mr. Marcus indicated that the applicant is in agreement with the staff report.

The recommendations were amended by adding the following subsection (c):

- (c) That the public submissions received regarding this matter did not affect the decision.

For disposition of this matter refer to Item 5.

(vi) Application for a Zoning By-law Amendment for Lands Located at 256 Parkdale Avenue North and 205 Melvin Avenue, Hamilton (PED18190) (Ward 4) (Item 6.6)

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

The public meeting was closed.

The staff presentation was waived.

Cheryl Selig of T. Johns Consulting Group Limited and Sylvia Harris of Indwell Community Homes were in attendance. Ms. Selig advised that the owners are in agreement with the staff report.

Graham Cubitt, Director of Projects and Development for Indwell Community Homes addressed Committee with the aid of a PowerPoint presentation and a copy is available for viewing on the City's website.

The recommendations were amended by adding the following subsection (c):

- (c) That there were no public submissions received regarding this matter.

For disposition of this matter refer to Item 6.

(vii) Application to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands located at 154 Main Street East and 49 Walnut Street South, Hamilton (PED18196) (Ward 2) (Item 6.7)

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan and Zoning By-law Amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Written Comments

6.7(a) Mary Margaret Kachurowsk, 175 Hunter Street East

6.7(b) Jessica Merolli, 166 Walnut St South.

The added written comments, Item 6.7(a) and 6.7(b) were received.

Daniel Barnett, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy of the presentation is available for viewing on the City's website.

The staff presentation was received.

Sergio Manchia from UrbanSolutions Planning and Land Development Consultants, representing the applicant responded to questions from Committee with the aid of some photographic images.

The agent's presentation was received.

Registered Speakers

1. Chris Labenski, 3 – 96 Victoria Avenue North

Chris Labenski was unable to attend

2. Nicole Smith, 6 Foster Street

Nicole Smith addressed Committee and expressed her concerns with this proposal.

3. Jessica Merolli, 166 Walnut Street South

Jessica Merolli was unable to attend

4. David Capizzano, 150 Charlton Avenue West

David Capizzano addressed Committee with the aid of a PowerPoint presentation and expressed concerns with the proposed building materials. The presentation is available for viewing on the City's website.

4. Taras Hemon, 71 Walnut Street South

Taras Hemon addressed Committee and spoke in support of the proposal but requested that the City continue to promote affordable housing.

All the delegations were received.

The public meeting was closed.

The recommendations were amended by adding the following subsection (d):

- (d) That the public submissions received regarding this matter did not affect the decision.

For disposition of this matter refer to Item 7.

(viii) Applications for an Amendment to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 for Lands Located at 71 Rebecca Street, Hamilton (PED18195) (Ward 2) (Item 6.8)

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the

Council of the City of Hamilton before Council makes a decision regarding the Official Plan and Zoning By-law Amendments the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

George Zajac, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy of the presentation is available for viewing on the City's website. He noted the following correction to subsection (d)(ii) of the recommendations:

- (d)(ii) That the owner be responsible for ~~all~~ **50% of** the costs for designing the Woonerf to the satisfaction of the Director of ~~Transportation Planning and Parking~~ **Growth Management**,

The staff presentation was received.

Nancy Frieday of Wellings Planning Consultants Inc. representing the applicant was in attendance. Ms. Frieday addressed Committee with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

The agent's presentation was received.

Registered Speakers

1. Matias Rozenberg, 87 Wilson Street

Matias Rozenberg addressed Committee and advised that he supports the development but expressed some personal concerns.

2. Rob Fiedler, Beasley Neighbourhood Association

Rob Fiedler of the Beasley Neighbourhood Association spoke in support of the proposal and confirmed the Association's desire to continue to be engaged in planning matters.

3. Matt Johnston, UrbanSolutions Planning and Land Development Consultants Inc.

Matt Johnston, representing Kaneff Properties Limited, owner of 80 John Street North, addressed Committee and referenced their letter sent to Council outlining concerns with the proposal. He submitted a copy to the Clerk for the public record.

4. David Premi, DPAI Architecture Inc.

David Premi, the project architect addressed Committee outlining the proposed design of the building.

The delegations were received.

The public meeting was closed.

(a) Subsection (d)(ii) was amended as outlined below:

(d)(ii) That the owner be responsible for ~~all~~ 50% of the costs for designing the Woonerf to the satisfaction of the Director of ~~Transportation Planning and Parking~~ Growth Management;

(b) Ssubsection (e) was added as follows:

(e) That the public submissions received regarding this matter did not affect the decision.

For disposition of this matter refer to Item 8.

Chair A. Johnson relinquished the Chair to Councillor J. Partridge.

(ix) Proposed Changes to the Official Plans and Zoning By-law No. 05-200 Relating to Cannabis Growing and Harvesting Facilities, Aquaponics and Greenhouses (CI-18-H) (PED18194) (City Wide) (Item 6.9)

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan and Zoning By-law Amendments the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Written Comments

6.9(a) Signe Leisk, Cassels Brock Lawyers on behalf of The Green Organic Dutchman Ltd.

The added written comments Item 6.9(a) were received.

Joanne Hickey Evans, Manager addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy is available for viewing on the City's website.

The staff presentation was received.

Registered Speakers

1. John Ariens, IBI Group on behalf of The Green Organic Dutchman

John Ariens addressed Committee on behalf of the Green Organic Dutchman and opposed the proposed 150 metres setbacks and some of the performance standards in the amending by-law. He referenced the letter in 6.9(a).

The delegation was received

2. Marc Ripa, 1428 Sandhill Drive

Marc Ripa addressed Committee and indicated that he is the owner of AB Laboratories and AB Ventures and he wishes to clarify some inaccuracies. The problems are caused by the "personal use production licence" holders not by the larger licensed producers.

The delegation was received

The public meeting was closed.

The recommendations were amended by adding the following subsection (d) and re-lettering the balance:

- (d) That the public submissions received regarding this matter did not affect the decision.

For disposition of this matter refer to Item 9 and information Item (h)(b).

Chair A. Johnson assumed the Chair.

- (x) **To Repeal Official Plan Amendment By-law No. 107 and Approve Urban Official Plan Amendment; to Amend Zoning By-law No. 05-200; and to update all materials related to Draft Plan of Subdivision 25T-201507 to Correct Inadvertant Address Numbering Errors for Lands Located at 56, 74, 78, 90, 96, Parkside Drive and 546 Highway No. 6, Flamborough (PED18133(a)) (Ward 15) (Item 6.10)**

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan and Zoning By-law Amendments the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Written Comments

6.10(a) Vince Farraiuolo, owner of 32 Parkside Drive, resubmitting the comments prepared by his agent, Terrance Glover of Urban in Mind

The added written comments Item 6.10(a) were received.

No members of the public came forward.

The public meeting was closed.

The recommendations were amended by adding the following subsection (d):

(d) That the public submissions received regarding this matter did not affect the decision.

For disposition of this matter refer to Item 10.

(f) MOTIONS

(i) Private Retail Cannabis Stores (Item 9.2)

WHEREAS recreational cannabis will be legalized in Canada as of October 17, 2018;

WHEREAS the Province of Ontario has indicated that the Ontario Cannabis Store website will be the only legal option for purchasing recreational cannabis once it becomes legalized on October 17, 2018;

WHEREAS the Province of Ontario has indicated that it will be introducing legislation that would open up a regulated private retail model for cannabis that would launch by April 1, 2019;

WHEREAS the Province of Ontario is currently consulting on the scope of its proposed legislation for a regulated private retail model for cannabis;

WHEREAS the Province has indicated that the new legislation will include some form of “opt out clause” that municipalities may exercise within a very limited time window;

WHEREAS it is not yet determined what regulatory authorities municipalities will have for the regulation of private retail cannabis stores other than their existing zoning powers which in Hamilton generally would permit this use in any commercially zoned property; and

WHEREAS there will be a very limited amount of time for the City of Hamilton to put in place any local regulations with respect to private retail cannabis stores, including the potential use of the “opt-out clause”, prior to the opening of retail stores on April 1, 2019;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to prepare a report with recommendations with respect to the regulation of private retail cannabis stores in the City of Hamilton for the first Planning Committee meeting of the new term of Council;
- (b) That the report outline options for Council’s consideration for the potential application of the Province’s proposed “opt-out” clause;
- (c) That the Mayor write to the Premier, appropriate Ministers and Ministries, and to the Association of Municipalities of Ontario, to communicate to them that it is the City’s position that the Province’s approach to the regulation of private cannabis retail stores in Ontario must ensure that municipalities have the ability to regulate the following in a manner that is appropriate to the municipality:
 - (i) separation distances from sensitive land uses such as parks, schools, daycares and healthcare facilities
 - (ii) over-concentration of dispensaries in one area of the city
 - (iii) the total number of dispensaries city-wide and within particular areas of the city
 - (iv) general issues of urban design such as location of entrances and transparency of facades
 - (v) on-site advertising and signage
 - (vi) hours of operation
 - (vii) property standards compliance

- (viii) ability to restrict or prohibit operations by operators that routinely violate municipal standards such as noise, nuisance or property standards.

The following Subsection (c) was added and the balance was re-lettered accordingly:

- (c) That staff be directed to meet with the local interested proprietors to discuss the potential impacts on the private retail cannabis industry and that the input be used as a market sounding for inclusion in the report;

For disposition of this matter refer to Item 14.

(g) NOTICES OF MOTION (Item 10)

(i) Private Retail Cannabis Stores (Added Item 10.1)

Councillor Partridge introduced a Notice of Motion respecting Private Retail Cannabis Stores.

The rules of order were waived in order to allow for the introduction of a Motion respecting Private Retail Cannabis Stores.

For disposition of this matter refer to Information Item (f)(i).

(h) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Outstanding Business List (Item 11.1)

- (a) That the following new due date was approved:

Item "I" - That staff report back on any past resolutions or ongoing engagement between the HMHC and the property owners' surrounding the Gore and how these resolutions or ongoing dialogues may be affected as a result of proceeding with a Heritage Conservation District and the merits of a Heritage Conservation District.

Due Date: September 4, 2018

New due date: February 5, 2019

- (b) The following Item was identified as completed and removed:

Item "N"(a) - That Planning staff consult with Fed & Prov departs & ministries re: the regulatory and land use planning framework for the marijuana industry; (b) - That staff review & report back on the

revisions to the Ec Dev Strategy, OP Policies and Zoning Regs re: medical & recreational marijuana production, distribution and sales; (c) - That until the review is completed that any apps for relief or deviation from the zoning by-law regs within the rural area be considered premature. (Item 9)

(i) PRIVATE AND CONFIDENTIAL (Item 12)

Committee approved the following Item without moving into Closed Session:

- (i) Appeal to the Local Planning Appeal Tribunal (LPAT) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Town of Ancaster Zoning By-law NO. 87-57, for Lands Located at 941 Old Mohawk Road (Ancaster) (LS18004/PED18052) Ward 12 (Distributed under separate cover) (Distributed under separate cover.) (Item 12.1)**

For disposition of the matter refer to Item 15.

(j) ADJOURNMENT (Item 13)

There being no further business, the Planning Committee was adjourned at 5:05 p.m.

Respectfully submitted,

Councillor A. Johnson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk

Authority: Item ,
Report (PED18196)
CM:
Ward: 2

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 05-200, as amended by By-law 18-114 Respecting Lands Located at 154 Main Street East and 49 Walnut Street South

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at the meeting held on September 4, 2018;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan.

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

1. That Maps 952 and 953 of Schedule "A", appended to an forming part of By-law No. 05-200, as amended, is hereby further amended by changing the zoning from the Downtown Central Business District (D1, H17, H19, H20) Zone to the Downtown Central Business District (D1, 702, H17, H107) Zone for the extent and boundaries of which are more particularly shown on Schedule "A" annexed hereto and forming part of this By-law.
2. That Schedule "C" Special Exceptions for Specific Lands of Zoning By-law No.05-200, as amended by By-law 18-114, is hereby further amended by deleting the former Special Exemption 702 and replacing with the following new section:
 - "702. Within the lands zoned Downtown Central Business District (D1, 702, H17, H107) Zone, identified on Maps 952 and 953 of Schedule "A" Zoning Maps and described as 154 Main Street East and 49 Walnut Street South the following special provisions shall apply:
 - a) Notwithstanding Section 5.2b), 5.7 c), 6.0 c) i), ii) and iii) and e), and 6.1.3 b) ii) the following special provisions shall also apply:
 - b) REGULATIONS
 - a) Building Height
 - ii) Maximum 80.0 metres.
 - b) Minimum Building Stepback from the building base façade
 - i) 3.0 metres from Main Street East building base façade height, 2.2 metres from the Walnut Street South building base façade height, 44.6 metres from the Jackson Street East

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 154 Main Street East and 49 Walnut Street South
Owned By 1970703 Ontario Inc.**

- | | |
|-------------------------------------|---|
| above the 7 th
storey | base façade height, and 3.0 metres from the easterly side building base façade height. |
| c) Minimum Stepback | <p>ii) That the building base façade height shall be 24.0 metres, except for that portion of the building that is located within 40.9 metres from the Jackson Street East lot line which shall have a building base façade height of 22.0 metres.</p> <p>The following additional stepback shall be required for any portion of a building exceeding 44.0 metres in height:</p> <p>i) Minimum of 6.5 metres from a lot line abutting a laneway.</p> <p>ii) Minimum of 6.0 metres from all side and rear lot lines except any flankage lot line.</p> |
| d) Maximum Lot Coverage | 91.6% |
| e) Parking | No parking space shall be less than 2.7 metres in width by 6.0 metres in length. |
| f) Bicycle Parking | 12 short term bicycle parking spaces for all uses. |
4. That Schedule D – Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provision as follows:

For the lands zoned "Downtown Central Business District (D1, 702, H107) Zone, on Maps 952 and 953 of Schedule A – Zoning Maps, and described as 154 Main Street East and 49 Walnut Street South (Hamilton), the H Symbol applicable to the lands referred to in Section 1 of this By-law shall prohibit development of the lands and shall be removed condition upon:

- (a) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 154 Main Street East and 49 Walnut Street South
Owned By 1970703 Ontario Inc.**

Environment and Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and submission of the City of Hamilton's current RSC administration fee; and,

- (b) The Owner purchase the alleyway required to implement the proposed development and merge the lands on title with the balance of the lands, to the satisfaction of the Director of Planning and Chief Planner.
5. That Schedule F" – Figure 1 of By-law 05-200 be amended by identifying the lands shown in Schedule "A" with a maximum height of 80 metres.
6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of the By-law, in accordance with the Planning Act.
7. That this By-law No. 18_____ shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

PASSED this _____ , 2018

F. Eisenberger
Mayor

Janet Pilon
Acting City Clerk

UHOPA-18-018 and ZAR-17-074

**To Amend Zoning By-law No. 05-200
 Respecting Lands Located at 154 Main Street East and 49 Walnut Street South
 Owned By 1970703 Ontario Inc.**



This is Schedule "A" to By-law No. 18- Passed the day of, 2018	_____ Mayor _____ Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <h3 style="margin: 0;">Map Forming Part of By-law No. 18-_____</h3> to Amend By-law No. 05-200 Maps 953 & 995	Subject Property 154 Main Street East & 49 Walnut Street South Change in Zoning from the Downtown Central Business District (D1, H17, H18, H20) Zone to the Downtown Central Business District (D1, 702, H17, H107) Zone Holding
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Scale: N.T.S.	File Name/Number: ZAR-17-074/UHOPA-18-018	 Hamilton
Date: July 26, 2017	Planner/Technician: DB/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 154 Main Street East and 49 Walnut Street South
Owned By 1970703 Ontario Inc.**

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? No

Committee: Chair and Members Report No.: PED18196 Date: 09/04/2018

Ward(s) or City Wide: Ward: 2 (MM/DD/YYYY)

Prepared by: Daniel Barnett Phone No: 905-546-2424 ext. 4445

For Office Use Only, this doesn't appear in the by-law

Authority: Item ,
Report (PED18194)
CM:
Wards: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO. 18-____

**To Amend Zoning By-law No. 05-200
Respecting General Text for Greenhouses, Aquaponics and Cannabis 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 PED18194 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 **Agricultural Processing Establishment - Stand Alone** be amended by adding the words "or processing of cannabis products" after the words "Agricultural Brewery/Cidery/Winery".
 - 1.2 That the definition of **Agriculture** be amended by deleting the words "medical marihuana" and replacing with "cannabis";

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

- 1.3 That the definition of **Medical Marihuana Growing and Harvesting Facility** be deleted and replaced with the following new definition

"Cannabis Growing and Harvesting Facility shall mean a wholly enclosed building or structure used for growing, harvesting, testing, destroying, packaging and shipping of cannabis, for a facility where a licence, permit or authorization has been issued under applicable federal law. "

- 1.4 That the definition of **Urban Farm** be amended by deleting the words "medical marihuana" and replacing with "cannabis".

2. That SECTION 5: PARKING be amended as follows:

- 2.1. That Subsection 5.6 vi be amended by deleting the words "medical marihuana" and replacing them with "cannabis".

3. That SECTION 9: INDUSTRIAL ZONES be amended as follows:

- 3.1 That Subsection 9.2.1 - PERMITTED USES is amended by deleting the words "medical marihuana" and replacing them with the word "cannabis".

- 3.2 That Subsection 9.2.3 I) - Additional Regulations For Medical Marihuana Growing and Harvesting Facility be amended by:

a) deleting the words "medical marihuana" and replacing them with the word "cannabis";

b) amending clause ii) to delete "h)" and replace it with "i); and,

c) adding the following new clause as iii) :

"iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone."

- 3.3 That Subsection 9.3.1 - PERMITTED USES is amended by deleting the words "medical marihuana" and replacing them with the word "cannabis".

- 3.4 That Subsection 9.3.3 s) - Additional Regulations For Medical Marihuana Growing And Harvesting Facility be amended by:

a) deleting the words "medical marihuana" and replacing them with the word "cannabis";

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

- b) amending clause ii) to delete "m)" and replace it with "o); and,
 - c) adding the following new clause as iii) :
 - "iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone."
- 3.5 That Subsection 9.5.1 - PERMITTED USES is amended deleting the words "medical marihuana" and replacing it with the word "cannabis".
- 3.6 That Subsection 9.5.3 k) - Additional Regulations For Medical Marihuana Growing And Harvesting Facility be amended by:
- a) deleting the words "medical marihuana" and replacing them with the word "cannabis"; and,
 - b) deleting the existing clause iii) and replacing it with a new clause as iii) :
 - "iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone."
- 3.7 That Subsection 9.6.1 – PERMITTED USES is amended by deleting the words "medical marihuana" and replacing them with the word "cannabis".
- 3.8 That Subsection 9.6.3 s) - Additional Regulations for Medical Marihuana Growing and Harvesting Facility be amended by:
- a) deleting the words "medical marihuana" and replacing them with the word "cannabis"; and,
 - b) delete clause iii) and replace it with the following new clause :
 - "iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone."
- 3.9. That Subsection 9.10.1– PERMITTED USES be amended by adding the following three new uses alphabetically:

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

- a) Aquaponics;
- b) Greenhouse; and,
- c) Cannabis Growing and Harvesting Facility

3.10 That Subsection 9.10.2 I) – PROHIBITED USES be amended by deleting “agricultural greenhouse”;

3.11. That Subsection 9.10.3 - REGULATIONS be amended by adding the following new provisions and renumbering the subsequent clauses:

m) Additional Regulations for Cannabis 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 I), no retail sales shall be permitted.
	iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone.“

3.12. That Subsection 9.11.1- PERMITTED USES be amended by adding the following threes new uses alphabetically:

- a) Aquaponics;
- b) Greenhouse; and,
- c) Cannabis Growing and Harvesting Facility

3.13 That Subsection 9.11.2. iii) be deleted in its entirety and renumber the subsequent clause.

3.14. That Subsection 9.11.3 - REGULATIONS be amended by adding the following new provisions and renumbering the subsequent clauses:

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

o) Additional Regulations for Cannabis 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 m), no outdoor storage or outdoor assembly shall be permitted.
	ii) Notwithstanding Section 9.11.3 o), No retail sales shall be permitted.
	iii) Notwithstanding Section 412 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone. “. ”

3.15 That Subsection 9.12.3.1 m) - Additional Regulations for Medical Marihuana Growing and Harvesting Facility be amended by:

- a) deleting the words “medical marihuana” and replacing them with “cannabis”;
- b) deleting “20” and replacing it with “30” in clause iii);
- c) adding the following two new clauses as iii) and iv) and renumbering the subsequent clauses:

“iii) The testing, packaging, and shipping shall be accessory to the cannabis growing and harvesting facility.

iv) Notwithstanding Section 4.12 c), any building, structure used for a cannabis growing and harvesting facility shall be setback a minimum of 150 metres from:

- 1. any portion of a lot line abutting a Settlement Residential (S1), Settlement Commercial (S2) or Settlement Institutional (S3) Zones; or
- 2. any residential dwelling unit existing at the date of the passing of the by-law, any building used for farm labour residence, mobile home, educational establishment, residential care facility, place of worship, or day care and park.”

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

4. That SECTION 12: RURAL ZONES be amended as follows:
- 4.1 That Subsection 12.1.3.1 m) - Medical Marihuana Growing and Harvesting Facility be amended by:
- a) deleting the words "medical marihuana" and replacing them with "cannabis";
 - b) deleting "20" and replacing it with "30" in clause iii);
 - c) adding the following two new clauses as iii) and iv) and renumbering the subsequent clauses:
 - "iii) The testing, packaging, and shipping shall be accessory to the Cannabis Growing and Harvesting Facility.
 - iv) **Notwithstanding Section 4.12 d), any** building, structure used for a cannabis growing and harvesting facility shall be setback a minimum of 150 metres from:
 - 1. any portion of a lot line abutting a Settlement Residential (S1), Settlement Commercial (S2) or Settlement Institutional (S3) Zone; or,
 - 2. any residential dwelling unit existing at the date of the passing of the by-law, any building used for farm labour residence, mobile home, educational establishment, residential care facility, place of worship, or day care and park."
- 4.2 That Subsection 12.2.3.1 m) - Medical Marihuana Growing and Harvesting Facility be amended by:
- a) deleting the words "medical marihuana" and replacing them with "cannabis";
 - b) deleting "20" and replacing it with "30" in clause iii);
 - c) adding the following two new clauses as iii) and iv) and renumbering the subsequent clauses:
 - "iii) The testing, packaging, and shipping shall be accessory to the Cannabis Growing and Harvesting Facility.

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

- iv) Notwithstanding Section 4.12 d), any building, structure used for a cannabis growing and harvesting facility shall be setback a minimum of 150 metres from:
1. any portion of a lot line abutting a Settlement Residential (S1), Settlement Commercial (S2) or Settlement Institutional (S3) Zone; or,
 2. any residential dwelling unit existing at the date of the passing of the by-law, any building used for farm labour residence, mobile home, educational establishment, residential care facility, place of worship, or day care and park.”.

5.0 That Schedule "C" – SPECIAL EXCEPTIONS is amended by:

- a) That Special Exceptions 271 and 459 be amended by deleting the words "medical marihuana" and replacing them with "cannabis";

6.0 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*.

7.0 That this By-law comes into force in accordance with Section 34 of the *Planning Act*.

PASSED this _ day of _____, 2018

F. Eisenberger
Mayor

Janet Pilon
Acting City Clerk

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

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.: PED18194 Date: 09/04/2018

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

Prepared by: Joanne Hickey Evans Phone No: 905-546-2424 ext.1282

For Office Use Only, this doesn't appear in the by-law