

Authority: Item: 9, Planning Committee
Report :18-013 (PED18194)
CM: September 12, 2018
Wards: City Wide

Bill No. 266

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 9 of Report 18-013 of the Planning Committee, at its meeting held on the 12th day of September, 2018, which 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. 112.

WHEREAS this By-law is in conformity with the Rural Hamilton Official Plan, upon approval of Official Plan Amendment No. 21.

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”;
 - 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 l) - 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:
 - a) any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone; and,
 - b) 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, day care or park in a Rural Classification 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”;
 - 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:
 - a) any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone; and,
 - b) 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, day care or park in a Rural Classification Zone.”
- 3.5 That Subsection 9.5.1 - PERMITTED USES is amended by deleting the words “medical marihuana” and replacing them 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:

- 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.
	<p>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:</p> <ul style="list-style-type: none"> a) any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone; and, b) 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, day care or park in a Rural Classification Zone.
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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:

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 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from: <ul style="list-style-type: none"> a) any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone; and, b) 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, day care or park in a Rural Classification Zone.
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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, day care or park.”

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 Residential, Institutional Commercial and Mixed Use Zones, 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, day care or 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.

- 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 Residential, Institutional Commercial and Mixed Use Zones, 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, day care or 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 12th day of September, 2018

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

CI-18-H