

CITY OF HAMILTON

BY-LAW NO. 18-

To Amend Zoning By-law 05-200 Respecting Lands Located at 1915, 1995 and 1997 Jerseyville Road West, Ancaster

WHEREAS Council approved Item 13 of Report 18-011 of the Planning Committee, at its meeting held on July 13, 2018;

WHEREAS this By-law will be in conformity with the Rural Hamilton Official Plan upon approval of Official Plan No. 17.

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

1. That Map No. RU131 and RU143 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200 be amended as follows:
 - a) by changing the zoning from the Agriculture (A1) and (A1, 116) Zones to the Agriculture (A1, 689, H30) Zone, to the extent and boundaries of which are shown on Schedule "A" annexed hereto and forming part of this By-law.
2. That Schedule "C" Special Exceptions, Subsection 116 of By-law No. 05-200 is amended by deleting the following:

1997 Jerseyville Road West	Maps 131 and 143
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3. That Schedule "C" – Special Exceptions, of By-law No. 05-200 is hereby amended by adding a special exception as follows:

689. Within those lands zoned Agriculture (A1) Zone, identified on Maps RU131 and RU143, of Schedule "A" – Zoning Maps and described as:

Property address	Map number
1915, 1995 and 1997 Jerseyville Rd W.	RU131 and RU143

The following special provisions shall apply:

- a) In addition to Section 3: Definitions, for the purposes of this By-law, the definition of Greenhouse shall mean a building or structure used for

Agriculture that is climatically controlled and made primarily of translucent building material.

- b) Notwithstanding Subsection 12.1.3.1 m) i), the following applies to the subject lands:
 - i) The lands subject to the Agricultural (A1, 689) Zone shall be deemed to be one lot for the purposes of this Site Specific By-law.
 - ii) One greenhouse for a Medical Marihuana Growing and Harvesting Facility shall be permitted and shall not exceed 13,000 square metres of gross floor area.
 - iii) In addition to ii) above, the maximum gross floor area for all new buildings and structures, including greenhouses, devoted to a Medical Marihuana Growing shall not exceed 2,000 square metres of gross floor area per building.
 - iv) No access to Alberton Road shall be permitted.
 - v) Visual barrier and landscaped berm to screen facility from street.
- c) In addition to the requirements of Subsection 12.1.3.1 m) the following applies to the subject lands:
 - i) The maximum lot coverage for all buildings and structures, including greenhouses, devoted to a Medical Marihuana Growing and Harvesting Facility shall not exceed 20% of the combined lot area.

4. That Schedule D – Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provision as follows:

Notwithstanding Section 12.1 of this By-law, within the lands zoned Agriculture (A1, 689) Zone, on Maps RU131 and RU143, of Schedule “A” – Zoning Maps, and described as 1915, 1995 and 1997 Jerseyville Road West, the H Symbol applicable to the lands referred to in Section 1 of this By-law shall prohibit development of the lands for a Medical Marihuana Growing and Harvesting Facility and shall be removed conditional upon:

- a) Prior to issuance of a Change of Use Permit to allow the use Medical Marihuana Growing and Harvesting the proponent shall:
 - i) hold a community open house to explain the existing and proposed development;
 - ii) prepare and implement a Good Neighbours Strategy to the satisfaction of the Director of Planning and Chief Planner;

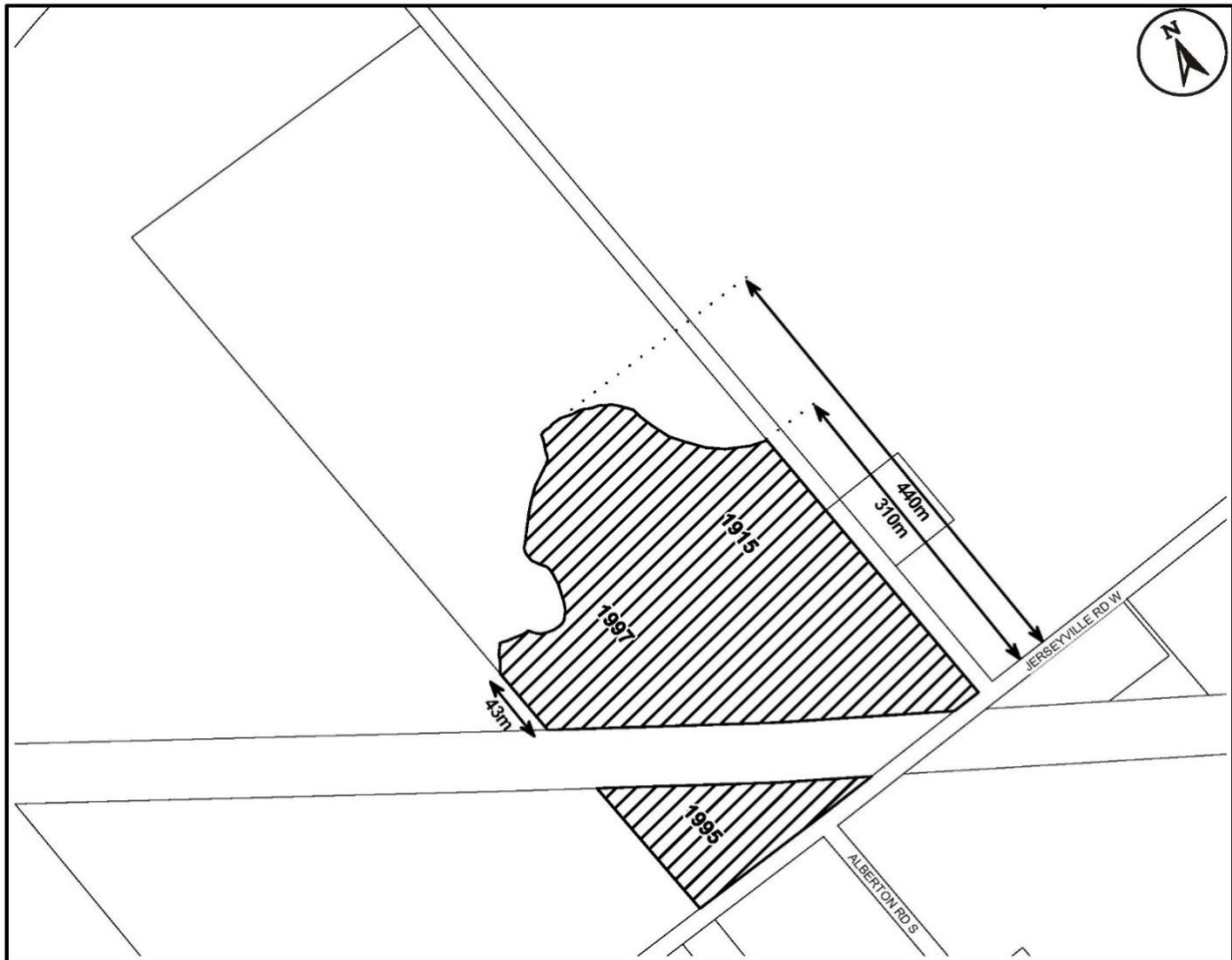
- iii) prepare and submit a Safety Strategy for the operation of the site, in consultation with Hamilton Police Services;
 - iv) prepare and submit a construction management plan which will assess the existing road conditions to the satisfaction of the Director of Corridor Management and pay for any damage to the road as deemed necessary by the City as a result of the construction on the site; and,
 - v) prepare and submit an odour management strategy to the satisfaction of the Director of Planning and Chief Planner.
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.
6. That this By-law No. 18-205 shall come into force and deemed to come into force in accordance with Subsection 34(21) of the *Planning Act*, either upon the date of passage of the By-law or as otherwise provided by the said subsection.

PASSED this 13th day of July, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAC-17-080/RHOPA-17-037



This is Schedule "A" to By-law No. 18-

Passed the day of, 2018

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 18-_____

to Amend By-law No. 05-200
Maps RU131 & RU143

Subject Property

1915, 1995 & 1997 Jerseyville Road West, Ancaster



Change in Zoning from Agriculture (A1), (A1, 116) Zone
to Agriculture (A1, 689, H30) Zone

Scale:
N.T.S.

File Name/Number:
ZAC-17-080 & RHOPA-17-037

Date:
May 2, 2018

Planner/Technician:
BN/VS



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT