REVISED Appendix “C” to Report PED18194
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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”;
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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”;
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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:
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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:

<table>
<thead>
<tr>
<th>m) Additional Regulations for Cannabis Growing and Harvesting Facility</th>
<th>In addition to the regulations of Section 9.10.3, the following additional regulations shall apply:</th>
</tr>
</thead>
<tbody>
<tr>
<td>i) Notwithstanding Section 9.10.3 g), no outdoor storage or outdoor assembly shall be permitted.</td>
<td></td>
</tr>
<tr>
<td>ii) Notwithstanding Section 9.10.3 l), no retail sales shall be permitted.</td>
<td></td>
</tr>
<tr>
<td>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.“</td>
<td></td>
</tr>
</tbody>
</table>

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:
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Respecting General Text for Greenhouses, Aquaponics and Cannabis Growing and Harvesting Facilities

<table>
<thead>
<tr>
<th>o) Additional Regulations for Cannabis Growing and Harvesting Facility</th>
<th>In addition to the regulations of Section 9.11.3, the following additional regulations shall apply:</th>
</tr>
</thead>
<tbody>
<tr>
<td>i) Notwithstanding Section 9.11.3 m), no outdoor storage or outdoor assembly shall be permitted.</td>
<td></td>
</tr>
<tr>
<td>ii) Notwithstanding Section 9.11.3 o), No retail sales shall be permitted.</td>
<td></td>
</tr>
<tr>
<td>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. “”</td>
<td></td>
</tr>
</tbody>
</table>

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.”
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.
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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                  Janet Pilon
Mayor                         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
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