

Authority:
Ward: 13
Bill No.

CITY OF HAMILTON
BY-LAW NO.

**To Amend Zoning By-law 05-200 Respecting Lands Located at
1633, 1649, 1653 Highway No. 6 North, Flamborough**

WHEREAS Council approved Item ___ of Report PED19076 of the Planning Committee, at its meeting held on May 14, 2019;

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

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

1. That Map No. RU25 and RU26 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200 be amended as follows:
 - a) by modifying the zoning from the Rural (A2) Zone to the Rural (A2, 691, H111) Zone, to the extent and boundaries of which are shown on Schedule "A" annexed hereto and forming part of this By-law; and,
 - b) by modifying the zoning from the Conservation / Hazard Lands – Rural (P7) Zone to the Conservation / Hazard Lands – Rural (P7, 691) 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, of By-law No. 05-200 is amended by adding a special exception as follows:

691. Within those lands zoned Rural (A2) Zone, identified on Maps RU25 and RU26, of Schedule "A" – Zoning Maps and described as:

Property address	Map number
1633, 1649 and 1653 Highway No. 6 North, Flamborough	RU25 and RU26

- a) The following special provisions shall apply to 1649 and 1633 Highway No. 6 North:
 - i) Notwithstanding Section 3 Definitions, for the purposes of Special Exception 691 the following definition shall apply:

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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.

- ii) Notwithstanding Subsection 12.2.3.1 m) i) and 12.2.3.2 d) i), the maximum gross floor area for all buildings and structures devoted to the Cannabis Growing and Harvesting Facility shall not exceed 9,505 square metres and shall be comprised of:

1.	Growing and Harvesting of Cannabis	A maximum gross floor area of 6,305 square metres
2.	Agricultural Processing - Secondary	A maximum gross floor area of 600 square metres
3.	Accessory Uses (office, testing, packaging, storage, internal corridors and shipping and loading)	A maximum gross floor area of 2,600 square metres

- iii) Notwithstanding Section 12.2.3.1 e), the maximum lot coverage for all buildings and structures, devoted to a Cannabis Growing and Harvesting Facility shall not exceed 37% of the combined lot area.

- b) The following special provisions shall apply to 1649 Highway No. 6 North:

- i) Notwithstanding Subsection 12.2.3.1 m) iv) 2., and Subsection 4.12 d) any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 125 metres from the existing single detached dwelling located at 1653 Highway No. 6 North.
- ii) Notwithstanding Subsection 4.23 d) iii), the Cannabis Growing and Harvesting Facility shall be setback a minimum of 1.4 metres from the P7 and P8 Zone Boundary.

- c) The following special provisions shall apply to 1633 Highway No. 6 North:

- i) In addition to Subsection 7.7.1, an office use in conjunction with the Cannabis Growing and Harvesting Facility and the uses identified in Subsections 12.2.1 and 12.2.3.2 a) shall be permitted within the building existing at the date of the passing of the by-law (date)

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- ii) Notwithstanding Clause i) the following uses shall be prohibited:
 - 1. Cannabis Growing and Harvesting Facility;
 - 2. Single Detached Dwelling;
 - 3. Residential Care Facility;
 - 4. Farm Labour Residence; and,
 - 5. Agricultural Processing Establishment – Secondary.
- iii) Notwithstanding Subsection 7.7.2.1 b), no expansions to the existing building shall be permitted.
- d) The following special provisions shall apply to 1653 Highway No. 6 North:
 - i) No expansions to the existing single detached dwelling shall be permitted.
- 3. That Schedule "D" – Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provision as follows:
 - "111. Notwithstanding Section 12.2 and within lands zoned Rural (A2 ,691) Zone of this By-law, identified on Maps RU25 and RU26 on Schedule "A" – Zoning Maps, and described as 1649 Highway No. 6 North, a Cannabis Growing and Harvesting Facility shall not be permitted until such time as:
 - i) An Odour Impact Assessment and Light Impact Assessment has been submitted and approved, to the satisfaction of the Director of Planning and Chief Planner.
- 4. 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*.
- 5. That this By-law No. XXX 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 X day of May, 2019.

Fred Eisenberger
Mayor

Janet Pilon
Acting City Clerk

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This is Schedule "A" to By-law No. 19-

Passed the day of, 2019

Mayor

Clerk


Schedule "A"


Map Forming Part of
By-law No. 19-_____


to Amend By-law No. 05-200
Maps RU25 & RU26

Subject Property

1633, 1649 & 1653 Highway 6 North

 **Block 1** - Modification in Zoning from
Rural (A2) Zone to Rural (A2, 691, H111) Zone

 **Block 2** - Modification in Zoning from
Conservation/Hazard Land - Rural (P7) Zone to
Conservation/Hazard Zone - Rural (P7, 691) Zone

 **Block 3** - Modification in Zoning from Rural (A2)
Zone to Rural (A2, 691) Zone

 Other Land Owned by Applicant

Scale:
N.T.S.

File Name/Number:
Amended ZAC-17-081

Date:
April 15, 2019

Planner/Technician:
EM/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

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Is this by-law derived from the approval of a Committee Report? Yes

Committee: Chair and Members

Report No.: PED19076

Date: 04/16/2019

Ward(s) or City Wide: Ward: 13

(MM/DD/YYYY)

Prepared by: Elyse Meneray

Phone No: 6360

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