

### Site Specific Modifications to the Rural (A2) Zone

Regulation	Required	Modification	Analysis
Maximum Gross Floor Area for a Cannabis Growing and Harvesting Facility	2,000 sq m per building	<p>Maximum gross floor area of 9,505 sq. m</p> <p><u>Existing Facility</u>  Office: 140 m<sup>2</sup>  Growing: 555 m<sup>2</sup>  Oil Production: 185 m<sup>2</sup>  <b>TOTAL:</b> 880 m<sup>2</sup></p> <p><u>Proposed Facility</u>  Growing: 5,750 m<sup>2</sup>  Oil Production: 415 m<sup>2</sup>  Accessory Uses: 2,460 m<sup>2</sup>  <b>TOTAL:</b> 8,625 m<sup>2</sup></p> <p><b>Note:</b>  The maximum gross floor area of 9,505 sq m is a combined total of the existing facility and proposed facility.</p>	<p>The intent of the Rural (A2) Zone is to promote and preserve agricultural lands for predominately agricultural uses, while allowing for secondary agricultural and agricultural related uses. The proposed modification is to increase the maximum gross floor area for a Cannabis Growing and Harvesting facility to 9,505 sq m.</p> <p>The proposal is to permit an 8,625 sq m expansion to the existing 880 sq m facility for the growing and harvesting of cannabis. The new expansion will be attached to the existing Cannabis Growing and Harvesting Facility and contain a combined total of 5,570 sq m of growing, 650 sq m of enclosed walkways which join the two buildings, 415 sq m devoted to the processing of cannabis oil and 2,160 sq m of accessory uses.</p> <p>As the expansion will bring the use closer to the size of other agricultural operations within the City of Hamilton, as the use is permitted and it will be not be consuming prime agricultural land, staff are supportive of the amendment.</p>

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Medical Marihuana Growing and Harvesting Facility Definition	N/A	Recognize the definition of a Cannabis Growing and Harvesting Facility	<p>The lands were subject to a recent RHOPA and Zoning By-law Amendment (CI-18-H) which deleted the definition of a Medical Marihuana Growing and Harvesting Facility and replaced it with a new definition for a Cannabis Growing and Harvesting Facility. The By-laws are currently under appeal. Since the applications predated the new regulations and it is unknown at the time of writing this report when the appeals will be resolved, an amendment is required to recognize the definition of a Cannabis Growing and Harvesting Facility.</p> <p>Staff are supportive of the modification as the new definition will reflect the changes adopted by Council.</p>
Maximum Lot Coverage	20%	37%	<p>The intent of this provision is to limit the total lot coverage on agricultural lands to minimize the amount of land being removed from agricultural production. The subject lands are a former salvage yard and have significant natural heritage constraints, limiting the total developable area of the site to 2.5 hectares. Since the quality of the soil has been significantly degraded due to previous uses of the property, and would not be suitable for growing crops staff feel that allowing the increase in lot coverage would not be removing viable agricultural lands suitable for growing crops out of production and therefore support the modification.</p>

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Maximum Gross Floor Area for Agricultural Processing Establishment – Secondary	500 sq m	600 sq m	<p>The intent of this provision is to limit the size of agricultural processing to ensure that it is secondary to the main agricultural use. The proposed modification will increase the allowable agricultural processing on site by 100 sq m for a total of 600 sq m.</p> <p>The proposed development will have a total gross floor area of 9,505 sq m, with 8,695 sq m (94%) for the cannabis growing and harvesting and 600 sq m (6%) for processing of cannabis. As the processing is clearly secondary to the main agricultural use, staff are supportive of the modification.</p>
Special Setback from a Conservation/Hazard Land (P5) Zone, Conservation/Hazard Land - Rural (P7) Zone and Conservation/Hazard Land - Rural (P8) Zone	7.5 m	1.4 m	This modification was previously approved by the Committee of Adjustment through application FL/A-18:291, however the variance was written specifically to use of a greenhouse and not the use of a Cannabis Growing and Harvesting Facility. This modification was included to carry forward previous approvals.
Single Detached Dwelling	N/A	Expansions to the existing buildings and structures located at 1653 Highway No. 6 North shall be prohibited.	The intent of this modification is to prohibit any new buildings or structures, or the alteration or expansion of the existing buildings and structures located at 1653 Highway No. 6 North to discourage further non-compliance with the 150 m setback from a sensitive land use regulation. Preventing any new buildings or modifications to the existing building will ensure that the existing building will not encroach further into the 150 m setback, as such staff are supportive of the modification.

**Site Specific Modifications to the Rural (A2) Zone – Under Appeal**

Regulation	Required	Modification	Analysis
Minimum Setback from a Cannabis Growing and Harvesting Facility to any residential dwelling unit existing at the date of the passing of the by-law	150 m	125 m	The proposed modification is required to recognize the location of the existing single detached dwelling (1653 Highway No. 6 North). The single detached dwelling located at 1653 Highway No. 6 North, is the original house associated with the salvage yard and was built prior to 1989. The existing Cannabis Growing and Harvesting Facility is setback 128.8 m from the existing single detached dwelling and the proposed Cannabis Growing and Harvesting Facility is setback 136.1 m from the existing single detached dwelling. Staff recognize this as an existing situation, dating back prior to 1989 when the house was built within 128.8 m of the office building used for the salvage yard operation and acknowledge that the existing single detached dwelling would not be able to be severed from the property. Therefore, staff are supportive of the modification.

Regulation	Required	Modification	Analysis
Permitted uses	N/A	Permit an office use within the single detached dwelling and grant the use permissions of the Rural (A2) Zone, but prohibit a Cannabis Growing and Harvesting Facility, a Single Detached Dwelling, a Residential Care Facility, a Farm Labour Residence and Agricultural Processing Establishment – Secondary.	<p>The proposed modification is required to permit an office use in conjunction with the proposed Cannabis Growing and Harvesting Facility within the existing building located at 1633 Highway No. 6 North. Accessory uses are permitted for the Cannabis Growing and Harvesting Facility, therefore staff are supportive of the modification.</p> <p>In addition to permitting the office use, the modification will prohibit a Cannabis Growing and Harvesting Facility, a Single Detached Dwelling, a Residential Care Facility, a Farm Labour Residence and Agricultural Processing Establishment – Secondary within the existing building located at 1633 Highway No. 6 North. This modification is required to ensure that a sensitive land use will not be located within 150 m of the facility and that the existing building will not be used for the growing, harvesting and processing of cannabis, as it would be located closer than 150 m to the adjacent single detached dwelling located at 1625 Highway No. 6 North.</p>
Single Detached Dwelling (future office)	N/A	Expansions to the existing building and structure located at 1633 Highway No. 6 North shall be prohibited.	The intent of this modification is to prohibit any expansions or alterations of the existing buildings and structures located at 1633 Highway No. 6 North. The modification will also prohibit a Cannabis Growing and Harvesting Facility and Dwelling Unit within the existing building located at 1633 Highway No. 6 North to ensure that a sensitive land use will not be located within 150 metres of the facility and that the existing building will not be used for the growing and harvesting of cannabis.