

# **CITY OF HAMILTON**

## **MOTION**

**Audit, Finance & Administration Committee: May 16, 2019**

**MOVED BY COUNCILLOR CHAD COLLINS .....**

**SECONDED BY MAYOR / COUNCILLOR .....**

### **2019 Development Charges By-law – Commercial Greenhouse**

WHEREAS, the proposed 2019 Development Charges By-law lists Commercial Greenhouse within the definition of Industrial Development;

WHEREAS, per the proposed 2019 DC By-law a Commercial Greenhouse “means a Building, that is made primarily of translucent building material, used, designed or intended to be used for the sale and display of plants products grown or stored therein gardening supplies and equipment, or landscaping supplies and equipment” which is a retail use, not an industrial use;

WHEREAS, “Agricultural Use” means the use of lands and Buildings by a Farming Business outside of the Urban Area Boundary for apiaries, fish farming, dairy farming, fur farming, the raising or exhibiting of livestock, or the cultivation of trees, shrubs, flowers, grains, sod, fruits, vegetables and any other crops or ornamental plants, excluding:

- (i) Residential Uses, including Farm Help Houses;
- (ii) Non-agriculture uses, including but not limited to banquet halls, Commercial Greenhouses and retail stores; and,
- (iii) Cannabis Production Facilities;

WHEREAS, comparator municipalities assess these types of retail greenhouses as commercial; and,

WHEREAS, “Retail Greenhouse” is a more descriptive term to ensure that there is no confusion with a wholesale greenhouse, which is an agriculture use;

**THEREFORE BE IT RESOLVED:**

- (a) That the term Commercial Greenhouse be removed from the definition of Industrial Development in the proposed 2019 DC By-law, thereby having the use default to being assessed as nonindustrial;

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- (b) That the defined term Commercial Greenhouse be restated as Retail Greenhouse; and,
- (c) That the definition of “Cannabis Production Facilities” in the 2019 DC By-law be amended to include the wording “growing”, as such, the definition would read “means Building, or part thereof, designed, used, or intended to be used for one or more of the following: growing, cultivation, propagation, production, processing, harvesting, testing, alteration, destruction, storage, packaging, shipment or distribution of cannabis where a licence, permit or authorization has been issued under applicable federal law but does not include a Building or part thereof solely designed, used, or intended to be used for retail sales of cannabis.”