

Authority: Item 9, Planning Committee
Report: 18-013 (PED18194)
CM: September 12, 2018
Ward: City Wide

Bill No. 265

CITY OF HAMILTON

BY-LAW NO. 18-265

To Adopt:

**Official Plan Amendment No. 112 to the
Urban Hamilton Official Plan**

Respecting:

**Cannabis Growing and Harvesting Facilities,
Aquaponics and Greenhouses within Specific Employment Districts**

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

1. Amendment No. 112 to the Urban Hamilton Official Plan consisting of Schedule “1”, hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 12th day of September, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Urban Hamilton Official Plan Amendment No. 112

The following text constitutes Official Plan Amendment No. 112 to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to revise medical marihuana growing and harvesting facility policies to reflect the recent approval of the *Cannabis Act* and to include additional regulations related to the use.

2.0 Location:

The lands affected by this Amendment are located within the Employment Area, specifically, the Industrial Land and Business Park Designations on Volume 1, Schedule E-1 – Urban Land Use Designations, as well as lands designated Airport Prestige Business and Airport Light Industrial Designations on Volume 2, Map B.8-1 – Airport Employment Growth District Secondary Plan, Land Use Plan.

3.0 Basis:

The basis for permitting this Amendment is:

- The Federal government introduced the *Cannabis Act* which allows for the growing and harvesting of cannabis for recreational purposes. A consistent policy framework for both medical and recreational marihuana is appropriate;
- The addition of separation distances between sensitive land uses and a cannabis production facility additional regulations to separate a cannabis production facility from sensitive land uses; and,
- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Text

4.1.1 Chapter E – Urban Systems/Designations

- a. That Section E.5.3 – Employment Area – Industrial Land Designation be amended as follows:
 - i) Policy E.5.3.2 d) be amended by deleting the words “medical marihuana” and replacing them with “cannabis”
 - ii) Policy E.5.3.9 be amended by deleting the words “medical marihuana” and replacing them with “cannabis”
 - iii) Policy E.5.3.9 b) be deleted in its entirety and replaced with the following new policy:

“E.5.3.9 b) an appropriate setback between a cannabis growing and harvesting facility and a sensitive land use shall be established in the Zoning By-law;”
 - iii) Policy E.5.3.9 c) be amended by deleting the word “and,”;
 - iv) Policy E.5.3.9 d) be amended by replacing the period with a semi colon and adding the word “and,” at the end of the clause;
 - v) Section E.5.3.9 be amended by adding a new clause e):
 - e) In accordance with Section F.1.19 – Complete Application Requirements and Formal Consultation, the following studies shall be submitted as part of an official plan amendment, zoning by-law amendment and site plan applications:
 - i) Odour and Dust Impact Assessment;
 - ii) Light Impact Assessment;
 - iii) Transportation Impact Study;
 - iv) Hydrogeological studies; and,
 - v) any other appropriate studies, identified as part of the complete application and formal consultation process.”

b. That Section E.5.4 – Employment Area – Business Park Designation be amended as follows:

- i) Policy E.5.4.3 d) be amended by deleting the words “medical marihuana” and replacing them with “cannabis”;
- ii) Policy E.5.4.9 be amended by deleting the words “medical marihuana” and replacing them with “cannabis”;
- iii) Policy E.5.4.9 b) be deleted in its entirety and replaced with the following new policy:

“E.5.4.9 b) an appropriate setback between a cannabis growing and harvesting facility and a sensitive land use shall be established in the Zoning By-law;”.

- iii) Policy E.5.4.9 c) be amended by deleting the word “and,”;
- iv) Policy E.5.4.9 d) be amended by replacing the period with a semi colon and adding the word “and,” at the end of the clause;
- v) Section E.5.4.9 be amended by adding a new clause e):
 - e) In accordance with Section F.1.19 – Complete Application Requirements and Formal Consultation, the following studies shall be submitted as part of an official plan amendment, zoning by-law amendment and site plan applications:
 - i) Odour and Dust Impact Assessment;
 - ii) Light Impact Assessment;
 - iii) Transportation Impact Study;
 - iv) Hydrogeological studies; and,
 - v) any other appropriate studies, identified as part of the complete application and formal consultation process.”

c. That Section E.5.5 – Employment Area – Airport Employment Growth District Designation be amended as follows:

- i) Policy E.5.5.1 f) be amended by deleting the word “and,”;
- ii) Policy E.5.5.1 g) be amended by replacing the period with a semi colon and adding the word “and,” at the end of the clause;
- iii) Policy E.5.5.1 be amended by adding a new clause h) as follows:

“h) Limited agricultural uses, including only a *cannabis growing and harvesting facility*, a greenhouse and an aquaponics facility.”

iv) adding the following as Policy E.5.5.10:

“Cannabis Growing and Harvesting Facility

E.5.5.10 In addition to the requirements of Section E.5 – Employment Area-Airport Employment Growth District Designation, the following conditions shall apply to a *cannabis growing and harvesting facility*:

- a) the appropriate locations within the Employment Area – Business Park Designation and regulations for *cannabis growing and harvesting facility* shall be determined in accordance with the Zoning By-law;
- b) an appropriate setback between a cannabis growing and harvesting facility and a sensitive land use shall be established in the Zoning By-law;
- c) notwithstanding E.5.5.1, retail sales shall not be permitted;
- d) no outside storage shall be permitted; and,
- e) In accordance with Section F.1.19 – Complete Application Requirements and Formal Consultation, the following studies shall be submitted as part of an official plan amendment, zoning by-law amendment and site plan applications:
 - i) Odour and Dust Impact Assessment;
 - ii) Light Impact Assessment;
 - iii) Transportation Impact Study;
 - iv) Hydrogeological studies; and,
 - v) any other appropriate studies, identified as part of the complete application and formal consultation process.”

- a. That the definition of Medical Marijuana Growing and Harvesting facility Production 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.”

4.2 Volume 2 – Secondary Plans

Text

4.2.1 Chapter B.8.0 – Airport Employment Growth District Secondary Plan

- a. That Policy B.8.2.13 – Agricultural Principles be amended by adding the words “agricultural and” between the words “complements” and “food” so that portion of the policy reads, as follows:

“B.8.2.13 The employment lands shall develop in a manner which complements agricultural and food production operations and minimizes conflict between land uses.”

- b. That Policy B.8.4 – Employment Area Policies be amended by deleting the first sentence of the preamble and replacing it with the following new sentence:

“B.8.4 Employment Area Policies

The Airport Employment Growth District Secondary Plan provides for a wide range of employment, airport-related employment and limited agricultural uses within the Airport Prestige Business, Airport Light Industrial, Airside Industrial, and Airport Related Business Designations.”

- c. That Section B.8.4.5 – Airport Prestige Business be amended by:

- i) adding a new clause as Policy B.8.4.5.2, as follows:

“B.8.4.5.2 Limited agricultural uses including only a *cannabis growing and harvesting facility*, a greenhouse and an aquaponics facility may be permitted in accordance with Policy E.5.5.10 of Volume 1.”; and,

ii) renumbering the subsequent policies.

d. That Section B.8.4.6 – Airport Light Industrial, be amended by:

i) adding a new clause as Policy B.8.4.6.2, as follows:

“B.8.4.6.2 Limited agricultural uses including only a *cannabis growing and harvesting facility*, a greenhouse and an aquaponics facility may be permitted in accordance with Policy E.5.5.10 of Volume 1.”; and,

ii) renumbering the subsequent policies.

5.0 **Implementation:**

An implementing Zoning By-Law Amendment will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule “1” to By-law No. 18-264 passed on the 12th day of September, 2018.

The City of Hamilton

F. Eisenberger
MAYOR

J. Pilon
ACTING CITY CLERK