

Authority: Item 9, Planning Committee
Report: 14-010 (PED14037(b))
CM: June 25, 2014

Bill No. 161

CITY OF HAMILTON

BY-LAW NO. 14-161

To Adopt:

**Official Plan Amendment No. 23 to the
Urban Hamilton Official Plan**

Respecting:

**Medical Marihuana Growing and Harvesting Facility, Greenhouse,
and Aquaponics Facility within Specific Employment Districts**

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

- i) Amendment No. 23 to the Urban Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 25th day of June, 2014.



R. Bratina
Mayor



R. Caterini
City Clerk

Amendment No. 23 to the Urban Hamilton Official Plan

The following text constitutes Official Plan Amendment No. 23 to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose of this Amendment is:

- to introduce a definition of medical marihuana growing and harvesting facility;
- to amend Section E.5 – Employment Area Designations, to permit three agricultural uses – medical marihuana growing and harvesting facility, greenhouse, and aquaponics facility - within specific Employment Districts;
- to establish regulations for medical marihuana growing and harvesting facility relating to setbacks from sensitive uses, outside storage and retail sales.

2.0 Location:

The Employments Districts are located in different geographic areas within the City.

3.0 Basis:

The basis for permitting these Amendments is:

- a) some agricultural uses (eg. greenhouses, aquaponics and medical marihuana growing and harvesting facility) by the nature of their growing and harvesting techniques take place within buildings and can be appropriately located within employment areas, subject to restrictions for location and the establishment of regulations;
- b) limiting the range of permitted agricultural uses permitted within Employment Areas will not undermine the function of these areas as

the primary focus for industrial type uses;

- c) a medical marihuana growing and harvesting facility is new use not originally contemplated in the Official Plan. For purposes of clarity, a new definition included into the Glossary is important to describe the use;
- d) the addition of three agricultural uses is consistent with the Provincial Policy Statement and conforms to Growth Plan for the Greater Golden Horseshoe.

4.0 Changes:

4.1 Text Changes:

4.1.1 Section E.5.2.4 – Employment Area designation – General policies is amended by adding the words “limited agricultural uses”, after the word private power generation.

4.1.2 Section E.5.3.2 - Employment Area – Industrial Land Designation – Permitted Uses is amended by:

- a) renumbering clauses d) and e) to e) and f);
- b) adding a new clause d), limited agricultural uses including only a medical marihuana growing and harvesting facility, a greenhouse and an aquaponics facility.

4.1.3 Section 5.3.9 – Other Policies be renumbered to E.5.3.10

4.1.4 Section 5.3 - Employment Area – Industrial Land Designation be amended by adding the following new policies as E.5.3. 9:

Medical marihuana growing and harvesting facility

5.3.9 In addition to the requirements of Section E.5-Employment Area Designations, the following conditions shall apply to a medical marihuana growing and harvesting facility:

- a) the appropriate locations within the Employment Area-Industrial Land Designation and regulations for medical marihuana growing and harvesting facility shall be determined in accordance with the Zoning By-law;

- b) it shall be located a minimum of 20 m from a *sensitive land use* within the Neighbourhoods, Institutional or Commercial Mixed Use designations;
- c) notwithstanding E.5.3.2, retail sales shall not be permitted; and,
- d) no outside storage shall be permitted.

4.1.5 Section E.5.4.3 - Employment Area – Business Park Designation – Permitted Uses is amended by:

- a) renumbering clauses d) and e) to e) and f);
- b) adding a new clause d, limited agricultural uses including only a medical marihuana growing and harvesting facility, a greenhouse and an aquaponics facility.

4.1.6 Section 5.4.9 – Other Policies be renumbered to E.5.4.10.

4.1.7 Section 5.4 - Employment Area – Business Park Designation be amended by adding the following new policies as E.5.4. 9:

Medical marihuana growing and harvesting facility

5.4.9 In addition to the requirements of Section E.5-Employment Area Designations, the following conditions shall apply to a medical marihuana growing and harvesting facility:

- a) the appropriate locations within the Employment Area – Business Park Designation and regulations for medical marihuana growing and harvesting facility shall be determined in accordance with the Zoning By-law;
- b) it shall be located a minimum of 20 m from a *sensitive land use* within the Neighbourhoods, Institutional or Commercial Mixed Use designations;
- c) notwithstanding E.5.4.3, retail sales shall not be permitted; and,
- c) no outside storage shall be permitted.

4.1.8 Section G-Glossary be amended by adding the following new definition of medical marihuana growing and harvesting facility:

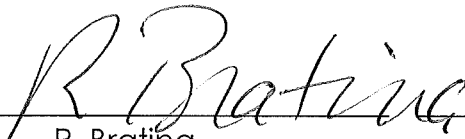
Medical Marihuana Growing and Harvesting Facility means a wholly enclosed building or structure used for growing, harvesting, testing, destroying, packaging and shipping of marihuana used for medical purposes as permitted under federal government's Marihuana for Medical Purposes regulations (MMPR) SOR/2013-119.

5.0 Implementation:

Implementing Zoning By-law Amendments will give effect to this Amendment.

This Official Plan Amendment is Schedule "1" to By-law No. 14-161 passed on the 25th day of June, 2014.

**The
City of Hamilton**



R. Bratina
Mayor



R. Caterini
City Clerk