

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

Bill No. 162

CITY OF HAMILTON

BY- LAW NO. 14-162

**To Amend Zoning By-law No. 6593 (Hamilton)
Respecting General Text Amendment for Medical Marihuana Growing and
Harvesting Facilities**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which By-law was approved by the Ontario Municipal Board by Order, dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item 9 of Report 14-010 of the Planning Committee, at its meeting held on the 25th day of June 2014, recommended that Zoning By-law No. 6593 (Hamilton) be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan of the City of Hamilton upon approval of Official Plan Amendment No. 23.

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

1. That **SECTION 2: INTERPRETATION AND DEFINITIONS** No. 6593 is amended:

(a) by adding the following new definition (i) to Subsection 2.(2)G:

Medical Marihuana Growing and Harvesting Facility shall mean a wholly enclosed building or structure used for growing, harvesting, testing, destroying, packaging and shipping of marihuana for medical purposes as permitted under the Marihuana for Medical Purposes Regulations (MMPR) SOR/2013-119 made under the Controlled Substances Act as the MMPR read on March 31, 2014.

(b) by modifying Subsection 2.(2)G – “**Farming**” by adding the words ‘medical marihuana growing and harvesting facility’ between the words ‘pasturage’ and ‘animal husbandry’ so the clauses reads as follows:

“**Farming**” shall mean forestry, fallow, field crops, fruit farming, horticulture, dairying, pasturage, medical marihuana growing and harvesting facility, animal husbandry, poultry or bee-keeping, or any other farming use.....

2. That **SECTION 8: “B” (Suburban Residential and Agriculture, Etc.) District** is amended by modifying **SECTION 8.1 (xiii) – Farming Uses** to add the words “a medical marihuana growing and harvesting facility,” between the words ‘except’ and ‘the’, so the clause reads as follows:


Any farming use except a medical marihuana growing and harvesting facility, the commercial feeding of garbage or swill to swine or other animals,

3. That **SECTION 16: “J” (Light and Limited Heavy Industrial, Etc.) District** is amended by modifying **SECTION 16.1 (xxiv) – Farming Uses** to add the words “a medical marihuana growing and harvesting facility,” between the words ‘except’ and ‘the’, so the clause reads as follows:


Any farming use except a medical marihuana growing and harvesting facility, the commercial feeding of garbage or swill to swine or other animals,

4. That **SECTION 17: "K" (Heavy Industry, etc.) District** is amended by adding the following new uses:
- (xv) greenhouse;
 - (xvi) aquaponics facility; and,
 - (xvii) medical marihuana growing and harvesting facility, provided that:
 - (a) any building or structure used for a Medical Marihuana Growing and Harvesting Facility shall be setback a minimum 20.0 metres from any portion of a property lot line abutting a property lot line within a Residential District or an Institutional Zone.
 - (b) no retail sales or outside storage shall be permitted.
 - (c) 1 parking space for each 30.0 square metres of gross floor area which accommodates the Office component of the use, plus 1 parking space for each 200.0 square metres of gross floor area, which accommodates the remainder of the use is provided.
5. 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.

PASSED this 25th day of June, 2014.



R. Bratina
Mayor



R. Caterini
City Clerk

CI 14-B