

**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 12<sup>th</sup> day of September, 2018.

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F. Eisenberger  
Mayor

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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 12<sup>th</sup> day of September, 2018.

### The City of Hamilton

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F. Eisenberger  
MAYOR

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J. Pilon  
ACTING CITY CLERK