

Authority: Item 4, Planning Committee
Report 15-007 (PED14084(a))
CM: April 22, 2015

Bill No. 107

CITY OF HAMILTON

BY-LAW NO. 15-107

**To Amend Zoning By-law No. 05-200
Respecting General Text Amendments for Urban Farmers Markets**

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

AND WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 4 of Report 15- of the Planning Committee, at its meeting held on the 22nd day of April, 2015 recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS the Urban Hamilton Official Plan was declared in force and effect on August 16, 2013 and is the Official Plan in effect for lands within the Urban Area of the City of Hamilton;

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. 36.

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

1. That **SECTION 3: DEFINITIONS** of By-law No. 05-200 is amended by adding the following new definitions:
 - (a) "Local agricultural products" shall be defined as fruits, vegetables, grains, seeds, flowers, herbs, dairy, fish, meat and poultry, maple, or honey bee products that have been grown or produced as part of Ontario farm operations.

- (b) "Urban Farmers Market" shall mean a temporary public market operated by a community organization, or a non-profit corporation, at which the majority of persons who operate the stalls sell local agricultural products, value added local agricultural products, or VQA wines provided the products are produced by persons who operate the stalls.
 - (c) "Value-added local agricultural products" shall mean raw local agricultural products that have been grown or produced as part of farm operations in the City of Hamilton or Ontario farms which have been transformed into another product.
2. That **SECTION 4: GENERAL PROVISIONS** of By-law No. 05-200 be amended by adding the following new Subsections:

SUBSECTION 4.28 – URBAN FARMERS MARKET

- (a) No person shall conduct an urban farmers market except as permitted herein and in accordance with the requirements of subsection 4.28:
 - (i) An urban farmers market may be permitted in the D1 to D4 zones in accordance with the requirements of Section 4.28;
 - (ii) Notwithstanding the definition of accessory, an urban farmers market may be permitted on the same lot as the following existing uses in the Downtown (D4), (D5) and (D6), Institutional (I1), (I2) and (I3), and Community Park (P2) and City Wide Park (P3) Zones:
 - 1. Arena;
 - 2. Commercial Recreation;
 - 3. Community Centre;
 - 4. Day Nursery;
 - 5. Educational Establishment;
 - 6. Long Term Care Facility;
 - 7. Hospital;
 - 8. Commercial Parking;
 - 9. Place of Worship;
 - 10. Stadium; and,
 - 11. Swimming Pool.
 - (iii) the majority of the local agricultural products or local value added agricultural products sold from vendor stalls shall be grown or produced by the person who operates the vendor stalls;
 - (iv) 75% of vendors shall sell local agricultural products, value-added local agricultural products or VQA wines;

- (v) 25% of the vendors may include entertainment, food premises/ demonstrations, baked goods, but shall not include the sale of personal services or second hand goods;
- (vi) the sale of VQA wines shall only be permitted in accordance with provincial regulations governing the sale of wine;
- (vii) include a minimum of 5 vendor stalls and a maximum of 50 vendor stalls;
- (viii) operates a maximum of 2 days each week; and,
- (ix) may occupy the required parking spaces and be located within the required yards of the principle use.

6. That **SUBSECTION 6.4.3 – REGULATIONS** of **SECTION 6.4 - DOWNTOWN LOCAL COMMERCIAL (D4) ZONE** of By-law No. 05-200, is amended by adding one new provision as follows:

o) Urban Farmers Market	i) In accordance with the requirements of Section 4.28 of this By-law.
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7. That **SUBSECTION 6.5.1 – PERMITTED USES** of **SECTION 6.3 - DOWNTOWN RESIDENTIAL (D5) ZONE** of By-law No. 05-200, is amended by adding one new use as follows:

- (a) Urban Farmers Market.

8. That **SUBSECTION 6.5.2 – REGULATIONS** of **SECTION 6.5 - DOWNTOWN RESIDENTIAL (D5) ZONE** of By-law No. 05-200, is amended by adding one new provision, as follows:

- (a) 6.5.2.8 Urban Farmers Market Regulations In accordance with the requirements of Section 4.28 of this By-law.

9. That **SUBSECTION 6.6.1 – PERMITTED USES** of **SECTION 6.6 - DOWNTOWN MULTIPLE RESIDENTIAL (D6) ZONE** of By-law No. 05-200, is amended by adding one new use as follows:

- (a) Urban Farmers Market.

10. That **SUBSECTION 6.6.2 – REGULATIONS** of **SECTION 6.6 - DOWNTOWN MULTIPLE RESIDENTIAL (D6) ZONE** of By-law No. 05-200, is amended by adding one new provision, as follows:

- (a) 6.6.2.5 Urban Farmers Market Regulations In accordance with the requirements of Section 4.28 of this By-law.

11. That **SUBSECTION 7.2.1 – PERMITTED USES** of **SECTION 7.2 - COMMUNITY PARK (P2) ZONE** of By-law No. 05-200, is amended by adding one new use as follows:

- (a) Urban Farmers Market.

12. That **SUBSECTION 7.2.2 – REGULATIONS** of **SECTION 7.2 - COMMUNITY PARK (P2) ZONE** of By-law No. 05-200, is amended by adding one new provision, as follows:

f) Urban Farmers Market	In accordance with the requirements of Section 4.28 of this By-law.
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13. That **SUBSECTION 7.3.1 – PERMITTED USES** of **SECTION 7.3 - CITY WIDE PARK (P3) ZONE** of By-law No. 05-200, is amended by adding one new use as follows:

- (a) Urban Farmers Market.

14. That **SUBSECTION 7.3.3 – REGULATIONS** of **SECTION 7.3 – CITY WIDE PARK (P3) ZONE** of By-law No. 05-200, is amended by adding one new provision as follows:

g) Urban Farmers Market	In accordance with the requirements of Section 4.28 of this By-law.
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15. That **SUBSECTION 8.1.1 – PERMITTED USES** of **SECTION 8.1 - NEIGHBOURHOOD INSTITUTIONAL (I1) ZONE** of By-law No. 05-200, is amended by adding one new use as follows:

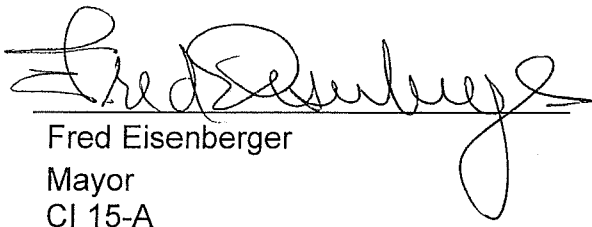
- (a) Urban Farmers Market.

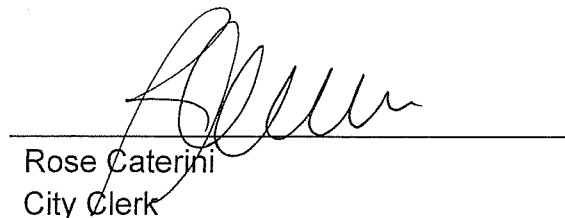
16. That **SUBSECTION 8.1.3 – REGULATIONS** of **SECTION 8.1 NEIGHBOURHOOD INSTITUTIONAL (I1) ZONE** of By-law No. 05-200, is amended by adding one new provision as follows:

- (a) 8.1.3.7 Urban Farmers Market Regulations In accordance with the requirements of Section 4.28 of this By-law.

17. That **SUBSECTION 8.2.1 – PERMITTED USES** of **SECTION 8.2 - COMMUNITY INSTITUTIONAL (I2) ZONE** of By-law No. 05-200, is amended by adding one new use as follows:
- (a) Urban Farmers Market.
18. That **SUBSECTION 8.2.3 – REGULATIONS** of **SECTION 8.2 COMMUNITY INSTITUTIONAL (I2) ZONE** of By-law No. 05-200, is amended by adding one new provision as follows:
- (a) 8.2.3.8 Urban Farmers Market Regulations In accordance with the requirements of Section 4.28 of this By-law.
19. That **SUBSECTION 8.3.1 – PERMITTED USES** of **SECTION 8.3 - MAJOR INSTITUTIONAL (I3) ZONE** of By-law No. 05-200, is amended by adding one new use as follows:
- (a) Urban Farmers Market.
20. That **SUBSECTION 8.3.3 – REGULATIONS** of **SECTION 8.3 MAJOR INSTITUTIONAL (I3) ZONE** of By-law No. 05-200, is amended by adding one new provision as follows:
- (a) 8.3.2.7 Urban Farmers Market Regulations In accordance with the requirements of Section 4.28 of this By-law.
21. 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.
22. That this By-law No. 15-107 shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

PASSED this 22nd day of April, 2015


Fred Eisenberger
Mayor
CI 15-A


Rose Caterini
City Clerk