

**Authority:** Item 9, Planning Committee  
Report: 14-014 (PED14161)  
CM: September 24, 2014

**Bill No. 275**

**CITY OF HAMILTON**

**BY-LAW NO. 14-275**

**To Amend Zoning By-law No. 3581-86 (Dundas)  
Respecting General Text Amendments for Community Gardens and Urban  
Farms**

**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 area municipality known as the “The Corporation of the Town of Dundas” 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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** Zoning By-law No. 3581-86 (Dundas) was enacted on the 22<sup>nd</sup> day of May, 1986, and approved by the Ontario Municipal Board on the 10th day of May, 1988;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 9 of Report 14-014 of the Planning Committee, at its meeting held on the 24th day of September, 2014, 2014, recommended that Zoning By-law No. 3581-86 (Dundas), 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. 31.

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

1. That **SECTION 3: DEFINITIONS** of By-law 3581-86 is amended:
  - (a) by adding the following new definitions:
    - i) **3.2.15.1. Community Garden**

means land used for the growing and harvesting of plants, grains, vegetables or fruits and provided the crops are for the sole use, donation or consumption by the individual or individuals growing or working the community garden. It shall not be considered as landscaped area, landscape open space, landscaped strip or landscaping.

ii) **3.2.30.1 Farm Produce/Product Stand**

means a building or structure used for the sale of fresh fruit, vegetables, grains and edible plants which are grown on an urban farm on a seasonal basis. Products derived from the urban farm produce may also be sold.

iii) **3.2.93.1 Urban Farm**

means land that is used for the growing and harvesting of edible plants, grains, vegetables or fruits and that the edible plants, grains, fruits and vegetables grown on-site may be sold on-site. It may include buildings and structures such as farm produce/product stand, greenhouses, hoop houses or cold frames. It shall not include a medical marihuana growing and harvesting facility, an aquaponics or aquaculture facility, livestock operation or a mushroom operation. It shall not be considered as landscaped area, landscape open space, landscaped strip or landscaping.

2. That **SECTION 6: GENERAL REGULATIONS** of By-law 3581-86 be amended by adding the following new Subsections:

**SUBSECTION 6.25 – REGULATIONS FOR AN URBAN FARM**

- (a) Every urban farm, as a principle use, shall comply with the following:
- i) Notwithstanding the minimum lot area of any zone, the minimum lot area shall be not less than 0.4 ha.
  - ii) Notwithstanding the size of the accessory structures of the particular zone in which the farm produce/product stand is located, only one farm produce/product stand shall be permitted and it shall not exceed a maximum area of 18.5 metres squared.
  - iii) Notwithstanding the maximum building size of any zone, the maximum gross floor area of all buildings and structures on the site associated with the urban farm use shall not exceed 280 metres squared, and no single building shall exceed 140 metres squared.

- vi) Notwithstanding the size requirements for an accessory structure in any zone, any building or structure associated with the urban farm use which is greater than 35 metres squared shall be considered as a principle building;
  - v) Notwithstanding the height requirement of any zone in which the principle building is located, the maximum height of any building or structure associated with the urban farm use shall not exceed 10.5 metres.
  - vi) Notwithstanding the size requirements for an accessory structure in any zone, any building or structure associated with the urban farm use which is 35 metres squared or less shall be considered as an accessory building or structure.
  - vii) Notwithstanding the setback requirements for a principle building or accessory structure in any zone, a greenhouse shall have a minimum 7.5 metre setback from any property line.
  - viii) All mechanical equipment shall be located within a building or structure.
- (b) Notwithstanding Section 6.25 a), an urban farm, as a principle use, may locate on a lot less than 0.4 ha in size provided that:
- i) there are no buildings or structures erected on the lot in which the urban farm is located.
  - ii) Notwithstanding Section 3.2.93.1, no retail sales shall be permitted on-site.
- (c) Every urban farm that locates on the same lot as another principle use, shall comply with the following:
- i) All mechanical equipment shall be located within a building or structure.
  - ii) All buildings and structures shall comply with the accessory structure regulations of the zone in which the use is located.
  - iii) Notwithstanding the height requirements for an accessory structure in any zone, where an urban farm is located on a roof top, the height of the accessory structure shall not exceed the maximum building height.

- iv) Notwithstanding Section 3.2.93.1, no retail sales shall be permitted on-site.

**SUBSECTION 6.26 – REGULATIONS FOR A COMMUNITY GARDEN**

- (a) All buildings and structures shall comply with the accessory structure regulations of the zone in which it is located.
  - (b) Notwithstanding, Section 3.2.3, where a community garden is located on a roof top, the height of the accessory structure shall not exceed the maximum building height.
3. That **SECTION 8: SINGLE-DETACHED RESIDENTIAL ZONE (R1)** is amended by modifying **SUBSECTION 8.1 - PERMITTED USES** to add the following new uses:
- (a) 8.1.6 Urban Farm
  - (b) 8.1.7 Community Garden
4. That **SECTION 8: SINGLE-DETACHED RESIDENTIAL ZONE (R1)** is amended by adding two new Subsections:
- (a) **8.6 REGULATIONS FOR AN URBAN FARM**
    - 8.6.1 The use shall comply with the provisions of Section 6.1.25.
  - (b) **8.7. REGULATIONS FOR A COMMUNITY GARDEN**
    - 8.7.1 The use shall comply with the provisions of Section 6.1.26.
5. That **SECTION 9: SINGLE-DETACHED RESIDENTIAL ZONE (R2)** is amended by modifying **SUBSECTION 9.1 - PERMITTED USES** to add the following new uses:
- (a) 9.1.6 Urban Farm
  - (b) 9.1.7 Community Garden
6. That **SECTION 9: SINGLE-DETACHED RESIDENTIAL ZONE (R2)** is amended by adding two new Subsections:
- (a) **9.6 REGULATIONS FOR AN URBAN FARM**

9.6.1 The use shall comply with the provisions of Section 6.1.25.

(b) **9.7. REGULATIONS FOR A COMMUNITY GARDEN**

9.7.1 The use shall comply with the provisions of Section 6.1.26.

7. That **SECTION 10: LOW DENSITY RESIDENTIAL ZONE (R3)** is amended by modifying **SUBSECTION 10.1 - PERMITTED USES** to add the following new uses:

(a) 10.1.8 Urban Farm

(b) 10.1.9 Community Garden

8. That **SECTION 10: LOW DENSITY RESIDENTIAL ZONE (R3)** is amended by adding two new Subsections:

(a) **10.8 REGULATIONS FOR AN URBAN FARM**

10.8.1 The use shall comply with the provisions of Section 6.1.25.

(b) **10.9. REGULATIONS FOR A COMMUNITY GARDEN**

10.9.1 The use shall comply with the provisions of Section 6.1.26.

9. That **SECTION 10A: LOW DENSITY RESIDENTIAL ZONE (R3A)** is amended by modifying **SUBSECTION 10.1 - PERMITTED USES** to add the following new uses:

(a) 10A.1.4 Urban Farm

(b) 10A.1.5 Community Garden

10. That **SECTION 10A: LOW DENSITY RESIDENTIAL ZONE (R3A)** is amended by adding two new Subsections:

(a) **10A.4 REGULATIONS FOR AN URBAN FARM**

10A.4.1 The use shall comply with the provisions of Section 6.1.25.

(b) **10A.5. REGULATIONS FOR A COMMUNITY GARDEN**

10A.5.1 The use shall comply with the provisions of Section 6.1.26.

11. That **SECTION 11: LOW DENSITY RESIDENTIAL ZONE (R4)** is amended by modifying **SUBSECTION 11.1 - PERMITTED USES** to add the following new uses:
  - (a) 11.1.11 Urban Farm
  - (b) 11.1.12 Community Garden
  
12. That **SECTION 11: LOW DENSITY RESIDENTIAL ZONE (R4)** is amended by adding two new Subsections:
  - (a) **11.10 REGULATIONS FOR AN URBAN FARM**
    - 11.10.1 The use shall comply with the provisions of Section 6.1.25.
  - (b) **11.11. REGULATIONS FOR A COMMUNITY GARDEN**
    - 11.11.1 The use shall comply with the provisions of Section 6.1.26.
  
13. That **SECTION 11A: LOW DENSITY RESIDENTIAL ZONE (R6)** is amended by modifying **SUBSECTION 11A.1 - PERMITTED USES** to add the following new uses:
  - (a) 11A.1.4 Urban Farm
  - (b) 11A.1.5 Community Garden
  
14. That **SECTION 11A: LOW DENSITY RESIDENTIAL ZONE (R6)** is amended by adding two new Subsections:
  - (a) **11A.5 REGULATIONS FOR AN URBAN FARM**
    - 11A.5.1 The use shall comply with the provisions of Section 6.1.25.
  - (b) **11A.6. REGULATIONS FOR A COMMUNITY GARDEN**
    - 11A.6.1 The use shall comply with the provisions of Section 6.1.26.
  
15. That **SECTION 12: LOW TO MEDIUM DENSITY RESIDENTIAL ZONE (RM1)** is amended by modifying **SUBSECTION 12.1 - PERMITTED USES** to add the following new uses:
  - (a) 12.1.7 Urban Farm

- (b) 12.1.8 Community Garden
16. That **SECTION 12: LOW TO MEDIUM DENSITY RESIDENTIAL ZONE (RM1)** is amended by adding two new Subsections:
- (a) **12.7 REGULATIONS FOR AN URBAN FARM**
    - 12.7.1 The use shall comply with the provisions of Section 6.1.25.
  - (b) **12.8. REGULATIONS FOR A COMMUNITY GARDEN**
    - 12.8.1 The use shall comply with the provisions of Section 6.1.26.
17. That **SECTION 13: MEDIUM DENSITY MULTIPLE DWELLING ZONE (RM2)** is amended by modifying **SUBSECTION 13.1 - PERMITTED USES** to add the following new uses:
- (a) 13.1.4 Urban Farm
  - (b) 13.1.5 Community Garden
18. That **SECTION 13: MEDIUM DENSITY MULTIPLE DWELLING ZONE (RM2)** is amended by adding two new Subsections:
- (a) **13.5 REGULATIONS FOR AN URBAN FARM**
    - 13.5.1 The use shall comply with the provisions of Section 6.1.25.
  - (b) **13.6. REGULATIONS FOR A COMMUNITY GARDEN**
    - 13.6.1 The use shall comply with the provisions of Section 6.1.26.
19. That **SECTION 14: MEDIUM TO HIGH DENSITY MULTIPLE DWELLING ZONE (RM3)** is amended by modifying **SUBSECTION 14.1 - PERMITTED USES** to add the following new uses:
- (a) 14.1.3 Urban Farm
  - (b) 14.1.4 Community Garden
20. That **SECTION 14: MEDIUM TO HIGH DENSITY MULTIPLE DWELLING ZONE (RM3)** is amended by adding two new Subsections:

(a) **14.4 REGULATIONS FOR AN URBAN FARM**

14.4.1 The use shall comply with the provisions of Section 6.1.25.

(b) **14.5. REGULATIONS FOR A COMMUNITY GARDEN**

14.5.1 The use shall comply with the provisions of Section 6.1.26.

21. That **SECTION 15: HIGH DENSITY MULTIPLE DWELLING ZONE (RM4)** is amended by modifying **SUBSECTION 15.1 - PERMITTED USES** to add the following new uses:

(a) 15.1.3 Urban Farm

(b) 15.1.4 Community Garden

22. That **SECTION 15: HIGH DENSITY MULTIPLE DWELLING ZONE (RM4)** is amended by adding two new Subsections:

(a) **15.4 REGULATIONS FOR AN URBAN FARM**

15.4.1 The use shall comply with the provisions of Section 6.1.25.

(b) **15.5. REGULATIONS FOR A COMMUNITY GARDEN**

15.5.1 The use shall comply with the provisions of Section 6.1.26.

23. That **SECTION 15A: RESIDENTIAL AND COMMERCIAL CONVERSION ZONE (R.C.C.)** is amended by modifying **SUBSECTION 15A.1 - PERMITTED USES** to add the following new uses:

(a) 15A.1.9 Urban Farm

(b) 15A.1.10 Community Garden

24. That **SECTION 15A: RESIDENTIAL AND COMMERCIAL CONVERSION ZONE (R.C.C.)** is amended by adding two new Subsections:

(a) **15A.9 REGULATIONS FOR AN URBAN FARM**

15A.9.1 The use shall comply with the provisions of Section 6.1.25.



(b) **15A.10 REGULATIONS FOR A COMMUNITY GARDEN**

15A.10.1 The use shall comply with the provisions of Section 6.1.26.

25. That **SECTION 17: DISTRICT SHOPPING CENTRE ZONE (CS.C.)** is amended by adding two new Subsections:

(a) **17.6 REGULATIONS FOR AN URBAN FARM**

17.6.1 The use shall comply with the provisions of Section 6.1.25.

(b) **17.7 REGULATIONS FOR A COMMUNITY GARDEN**

17.7.1 The use shall comply with the provisions of Section 6.1.26.

26. That **SECTION 18: CENTRAL AREA COMMERCIAL ZONE (C.A.C.)** is amended by adding two new Subsections:

(a) **18.7 REGULATIONS FOR AN URBAN FARM**

18.7.1 The use shall comply with the provisions of Section 6.1.25.

18.7.2 Notwithstanding Section 20.1.2 and in addition to the provisions of Section 6.25(c), an urban farm shall only be located in the rear yard or on a roof top of a principle building.

(b) **18.8 REGULATIONS FOR A COMMUNITY GARDEN**

18.8.1 The use shall comply with the provisions of Section 6.1.26.

18.8.2 Notwithstanding Section 20.1.2 and in addition to the provisions of Section 6.26(b), a community garden shall only be located in the rear yard or on a roof top of a principle building.

27. That **SECTION 19: HIGHWAY COMMERCIAL ZONE (C.H.)** is amended by adding two new Subsections:

(a) **19.7 REGULATIONS FOR AN URBAN FARM**

19.7.1 The use shall comply with the provisions of Section 6.1.25.

(b) **19.8 REGULATIONS FOR A COMMUNITY GARDEN**


19.8.1 The use shall comply with the provisions of Section 6.1.26.

8. That **SECTION 20: USES PERMITTED IN COMMERCIAL ZONES** is amended by modifying **SECTION 20.1 – AGRICULTURAL AND RELATED SERVICES INDUSTRIES** to add new uses to the commercial zones as follows:

		Use	Neighbourhood Commercial "CN" Zone	District Shopping Centre "C.SC." Zone	Central Area Commercial "C.A.C." Zone	Highway Commercial "C.H" Zone
a)	1.2	Community Garden	*	*	*	*
b)	1.3	Urban Farm	*	*	*	*

29. 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.
30. That this By-law No. 14-275 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 24th day of September, 2014.

  
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R. Bratina  
Mayor

  
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R. Caterini  
City Clerk