

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

Bill No. 277

CITY OF HAMILTON

BY-LAW NO. 14-277

To Amend Zoning By-law No. 464 (Glanbrook) 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 Corporation of the Township of Glanbrook" 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

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. 464 (Glanbrook), 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 4: DEFINITIONS** of By-law No.464 is amended by adding the following three new definitions:
 - (a) "Community Garden" shall mean 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.
 - (b) "Farm Produce/Product Stand" shall mean 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.
 - (c) "Urban Farm" shall mean 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 10- DEFERRED DEVELOPMENT "DD" ZONE** is amended by modifying Subsection 10.1 PERMITTED USES by adding two permitted uses as clauses (c) and (d) :
 - (a) (c) urban farm;
 - (b) (d) community garden
3. That **SECTION 10- DEFERRED DEVELOPMENT "DD" ZONE** is amended by modifying Subsection 10.2: REGULATIONS FOR PERMITTED USES IN SUBSECTION 10.1 to
 - (a) number the first clause as (a);
 - (b) add the following new clauses as
 - "(b) REGULATIONS FOR AN URBAN FARM
Pursuant to the relevant provisions of Section 11.9.

“(c) REGULATIONS FOR A COMMUNITY GARDEN

Pursuant to the relevant provisions of Section 11.10.

4. That **SECTION: 11: GENERAL PROVISIONS FOR ALL RESIDENTIAL ZONES** be modified to include the following two new subsections as follows:

(a) **11.9 URBAN FARM**

- (a) An urban farm shall be permitted in any residential zone, in accordance with the regulations of Subsection 11.9 (b), (c) and (d).
- (b) Every urban farm in a residential zone, 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.
 - iv) Notwithstanding Section 7.13(b)(iv), 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 Section 7.13(b)(iv), 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.
- (c) Notwithstanding Section 11.9 b), 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 the definition of urban farm, no retail sales shall be permitted on-site.
- (d) Every urban farm in a residential zone that locates on the same lot as another principle use, shall comply with the following:
- i) All mechanical equipment associated with an urban farm 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 it is located.
 - iii) Notwithstanding, Section 11.9(d)(ii), 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 the definition of urban farm, no retail sales shall be permitted on-site.
- (e) Notwithstanding Section 11.9(a), (b) and (c) and in addition to the provisions of Section 11.9(d), an urban farm in an Existing Residential "ER" Zone, shall only be located in the rear yard or on a roof top of a principle building in the following areas:

	Street	From	To
1	Highway 56	Maggie Johnson Drive	Windwood Drive
2	Binbrook Road	Kaufman Drive	2548 Binbrook Road (north side) 2533 Binbrook Road (south side)

(b) 11.10 COMMUNITY GARDENS

- (a) A community garden shall be permitted in any residential zone, in accordance with the regulations of Subsection 11.10 (b), (c) and (d).
- (b) All buildings and structures shall comply with the accessory structure regulations of the zone in which it is located.
- (c) Notwithstanding, Section 11.10(c)(ii), where a community garden is located on a roof top, the height of the accessory structure shall not exceed the maximum building height.
- (d) Notwithstanding Section 11.10(a) and in addition to the provisions of Section 11.10(c), a community garden in an Existing Residential “ER” Zone, shall only be located in the rear yard or on a roof top of a principle building in the following areas:

	Street	From	To
1	Highway 56	Maggie Johnson Drive	Windwood Drive
2	Binbrook Road	Kaufman Drive	2548 Binbrook Road (north side) 2533 Binbrook Road (south side)

- 5. That **SECTION 23: NEIGHBOURHOOD COMMERCIAL “C1” ZONE** is amended by modifying Subsection 23.1 PERMITTED USES by adding two permitted uses as clauses (c) and (d):
 - (a) (c) urban farm;
 - (b) (d) community garden
- 6. That **SECTION 23: NEIGHBOURHOOD COMMERCIAL “C1” ZONE** is amended by adding the following two new subsections:
 - (a) **23.4 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (c) OF SUBSECTION 23.1**

- (a) The use shall comply with the provisions of Section 11.9 (b), (c) and (d).
- (b) Notwithstanding Section 23.1(c), and in addition to the provisions of Section 11.9 (d), an urban farm shall only be located in the rear yard or on a roof top of a principle building in the following areas:

	Street	From	To
1	Highway 56	Maggie Johnson Drive	Windwood Drive
2	Binbrook Road	Kaufman Drive	2548 Binbrook Road (north side) 2533 Binbrook Road (south side)

(b) **23.5 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (d) OF SUBSECTION 23.1**

- (a) The use shall comply with the provisions of Section 11.10 (b) and (c).
- (b) Notwithstanding Section 23.1(d), and in addition to the provisions of Section 11.10 (b) and (c), a community garden shall only be located in the rear yard or on a roof top of a principle building in the following areas:

	Street	From	To
1	Highway 56	Maggie Johnson Drive	Windwood Drive
2	Binbrook Road	Kaufman Drive	2548 Binbrook Road (north side) 2533 Binbrook Road (south side)

7. That **SECTION 24: SHOPPING CENTRE “C2” ZONE** is amended by modifying Subsection 24.1 PERMITTED USES by adding two permitted uses as clauses (c) and (d):

- (a) (c) urban farm;
- (b) (d) community garden

8. That **SECTION 24: SHOPPING CENTRE “C2” ZONE** is amended by adding the following two new subsections:

(a) **24.3 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (c) OF SUBSECTION 24.1**

(a) The use shall comply with the provisions of Section 11.9 (b), (c) and (d).

(b) **24.4 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (d) OF SUBSECTION 24.1**

(a) The use shall comply with the provisions of Section 11.10 (b) and (c).

9. That **SECTION 25: GENERAL COMMERCIAL “C3” ZONE** is amended by modifying Subsection 25.1 PERMITTED USES by adding two permitted uses as clauses (d) and (e):

(a) (d) urban farm;

(b) (e) community garden

10.. That **SECTION 25: GENERAL COMMERCIAL “C3” ZONE** is amended by adding the following two new subsections:

(a) **25.5 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (d) OF SUBSECTION 25.1**

(a) The use shall comply with the provisions of Section 11.9 (b), (c) and (d).

(b) Notwithstanding Section 25.1(d), and in addition to the provisions of Section 11.9 (d), an urban farm shall only be located in the rear yard or on a roof top of a principle building in the following areas:

	Street	From	To
1	Highway 56	Maggie Johnson Drive	Windwood Drive
2	Binbrook Road	Kaufman Drive	2548 Binbrook Road (north side) 2533 Binbrook Road (south side)

(b) **25.6 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (e) OF SUBSECTION 25.1**

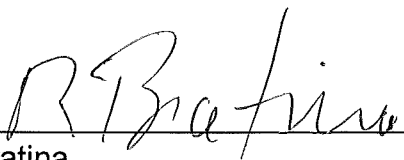
(a) The use shall comply with the provisions of Section 11.10 (b) and (c).

- (b) Notwithstanding Section 25.1(e), and in addition to the provisions of Section 11.10 (b) and (c), a community garden shall only be located in the rear yard or on a roof top of a principle building in the following areas:

	Street	From	To
1	Highway 56	Maggie Johnson Drive	Windwood Drive
2	Binbrook Road	Kaufman Drive	2548 Binbrook Road (north side) 2533 Binbrook Road (south side)

11. That **SECTION 27: AIRPORT-RELATED "C5" ZONE** is amended by modifying Subsection 27.1 PERMITTED USES by adding two permitted uses as clauses (c) and (d) :
- (a) (c) urban farm;
- (b) (d) community garden
12. That **SECTION 27: AIRPORT-RELATED "C5" ZONE** is amended by adding the following two new subsections:
- (a) **27.4 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (c) OF SUBSECTION 27.1**
- (a) The use shall comply with the provisions of Section 11.9 (b), (c) and (d).
- (b) **27.5 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (d) OF SUBSECTION 27.1**
- (a) The use shall comply with the provisions of Section 11.10 (b) and (c).
13. 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 24th day of September, 2014.



R. Bratina
Mayor



R. Caterini
City Clerk