

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

Bill No. 103

CITY OF HAMILTON

BY-LAW NO. 15-103

To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting General Text Amendments for Urban Farmers Market

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 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 Town of Flamborough" 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1992;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 4 of Report 15-007 of the Planning Committee, at its meeting held on the 22nd day of April, 2015, recommended that Zoning By-law No. 90-145-Z (Flamborough) 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.

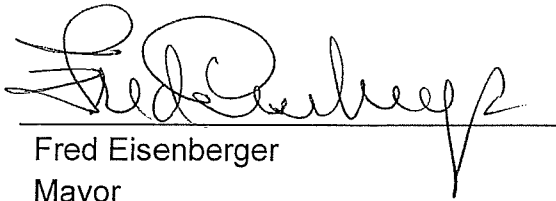
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That **SECTION 3: DEFINITIONS** of By-law No. 90-145-Z is amended:
 - (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: 5 GENERAL PROVISIONS** be modified to include the following two new subsections as follows:
 - (a) **5.42 URBAN FARMERS MARKET**
 - (i) 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;
 - (ii) 75% of vendors shall sell local agricultural products, value-added local agricultural products or VQA wines;
 - (iii) 25% of the vendors may include entertainment, food premises/ demonstrations, baked goods, but shall not include the sale of personal services and second hand goods
 - (iv) the sale of VQA wines shall only be permitted in accordance with provincial regulations governing the sale of wine;
 - (v) include a minimum of 5 vendor stalls and a maximum of 50 vendor stalls;
 - (vi) operates a maximum of 2 days each week; and,
 - (vii) may occupy the required parking spaces and be located within the required yards of the principle use.

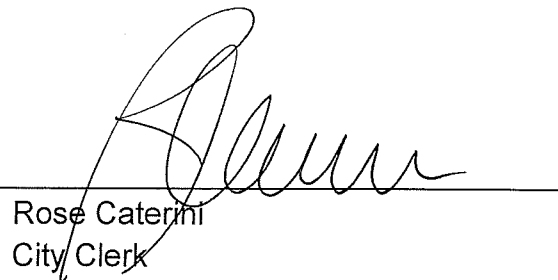
3. That **SECTION 16 – Business District “BD” Zone** is amended by modifying Section 16.1 – PERMITTED USES by adding a new use, Urban Farmers Market as clause (bb).
4. That **SECTION 16 – Business District “BD” Zone** is amended by adding the following new subsection:
 - (a) **16.2.3 ZONE PROVISIONS FOR AN URBAN FARMERS MARKET**
 - (a) The use shall comply with the provisions of Section 5.42
5. That **SECTION 17 – Urban Commercial “UC” Zone** is amended by modifying Section 17.1 – PERMITTED USES by adding a new use, Urban Farmers Market as clause (z).
6. That **SECTION 17 – Urban Commercial “UC” Zone** is amended by adding the following new subsections:
 - (a) **17.2.3 ZONE PROVISIONS FOR AN URBAN FARMERS MARKET**
 - (a) The use shall comply with the provisions of Section 5.42
7. That **SECTION 18 – Neighbourhood Commercial “NC” Zone** is amended by modifying Section 18.1 – PERMITTED USES by adding a new use, Urban Farmers Market as clause (g).
8. That **SECTION 18 – Neighbourhood Commercial “NC” Zone** is amended by adding the following new subsections:
 - (a) **18.2.3 ZONE PROVISIONS FOR AN URBAN FARMERS MARKET**
 - (a) The use shall comply with the provisions of Section 5.42
9. That **SECTION 20 – Highway Commercial “HC” Zone** is amended by modifying Section 20.1 – PERMITTED USES by adding a new use, Urban Farmers Market as clause (o).
10. That **SECTION 20 – Highway Commercial “HC” Zone** is amended by adding the following new subsections:
 - (a) **20.2.3 ZONE PROVISIONS FOR AN URBAN FARMERS MARKET**
 - (a) The use shall comply with the provisions of Section 5.42

11. 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.
12. That this By-law No. 15-103 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



Rose Caterini
City Clerk

CI 15-A