

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

Bill No. 105

CITY OF HAMILTON

BY- LAW NO. 15-105

To Amend Zoning By-law No. 6593 (Hamilton) 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 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" 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Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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 the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which By-law was approved by the Ontario Municipal Board by Order, dated the 7th day of December 1951, (File No. P.F.C. 3821);

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. 6593 (Hamilton) 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 2: INTERPRETATION AND DEFINITIONS** No. 6593 is amended:
 - (a) by adding the following new definition (di) to Subsection 2. (2)G:

"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) by adding the following new definition (iii) to Subsection 2. (2)G:

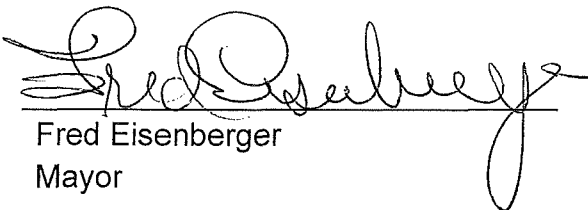
"Urban Farmers Market" shall mean a temporary public market operated by a community organization, or a non-profit corporation, at which the majority of persons who operate the stalls sell local agricultural products, value added local agricultural products, or VQA wines provided the products are produced by persons who operate the stalls.
 - (c) by adding the following new definition (iv) to Subsection 2. (2)G:

"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 13 "G" (NEIGHBOURHOOD SHOPPING CENTRE) DISTRICTS** is amended by modifying **SECTION 13. (1)** to add a new clause (xvb):
 - (a) Urban Farmers Market, in accordance with Section 18. (19).
3. That **SECTION 13A: "G-1" (DESIGNED SHOPPING CENTRE) DISTRICTS** is amended by modifying **SECTION 13A. (1)** to add a new clause (xiii):
 - (a) Urban Farmers Market, in accordance with Section 18. (19).
4. That **SECTION 13B: "G-2" (REGIONAL SHOPPING CENTRE) DISTRICTS** is amended by modifying **SECTION 13D. (1)** to add a new clause (l):
 - (a) Urban Farmers Market, in accordance with Section 18. (19).
5. That **SECTION 13C: "G-3" (PUBLIC PARKING LOTS) DISTRICTS** is amended by modifying **SECTION 13C. (1)** to add a new clause (iv):
 - (a) Urban Farmers Market, in accordance with Section 18. (19).

6. That **SECTION 13D: "G-4" (DESIGNED NEIGHBOURHOOD SHOPPING AREA) DISTRICTS** is amended by modifying **SECTION 13D. (1)** to add a new clause (xviii):
 - (a) Urban Farmers Market, in accordance with Section 18. (19).
7. That **SECTION 14: "H" (COMMUNITY SHOPPING AND COMMERCIAL, ETC) DISTRICT** is amended by modifying **SECTION 14. (1)** to add a new clause (xviic):
 - (a) Urban Farmers Market, in accordance with Section 18. (19).
8. That **SECTION 14A: "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL, ETC) DISTRICT** is amended by modifying **SECTION 14A. (1)** to add a new clause (e):
 - (a) Urban Farmers Market, in accordance with Section 18. (19).
9. That **SECTION 18: SUPPLEMENTARY REQUIREMENTS AND MODIFICATIONS** is amended by adding one new subsection (19):
 - (a) **SPECIAL REQUIREMENTS FOR AN URBAN FARMERS MARKET**
 - (19) (i) Notwithstanding the definition of accessory, an urban farmers market may be permitted on the same lot as the following existing uses in any Residential District:
 1. Arena;
 2. Community Centre;
 3. Day Nursery;
 4. Educational Establishment;
 5. Long Term Care Facility;
 6. Hospital;
 7. Place of Worship;
 8. Stadium; and,
 9. Swimming Pool.
 - (ii) Every urban farmers market in any District shall comply with the following regulations:
 - (a) 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;

- (b) 75% of vendors shall sell local agricultural products, local value added agricultural products or VQA wines;
 - (c) 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;
 - (d) the sale of VQA wines shall only be permitted in accordance with provincial regulations governing the sale of wine;
 - (e) include a minimum of 5 vendor stalls and a maximum of 50 vendor stalls;
 - (f) operates a maximum of 2 days each week; and,
 - (g) may occupy the required parking spaces and the required yards of the principle use.
10. 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.
11. That this By-law No. 15-105 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

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