

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

Bill No. 274

CITY OF HAMILTON

BY-LAW NO. 14-274

To Amend Zoning By-law No. 87-57 (Ancaster) Respecting General Text Amendment 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 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 Ancaster" 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By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;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. 87-57 (Ancaster) was enacted on the 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

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, recommended that Zoning By-law No. 87-57 (Ancaster) 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 87-57 is amended:

(a) by adding the following new definition as 3.31.1:

i) **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.

(b) by adding the following new definition as 3.53.1:

ii) **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.

(c) by adding the following new definition as 3.141.1:

iii) **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 9: RESIDENTIAL ZONES** is amended by adding two new Subsections as follows:

(a) **9.11 Urban farm**

(a) An urban farm shall be permitted in any residential zone, except a Residential Hamlet "RH" zone, in accordance with the regulations of Subsection 9.11 (b), 9.11 (c), 9.11 (d) or 9.11 (e)

(b) Every urban farm in a residential zone, as a principle use, shall comply with the following regulations:

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) 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 7.18, 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 9.11 (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 Section 3.141.1, no retail sales shall be permitted on-site.
- (d) Every urban farm in a residential zone, except a Residential Hamlet "RH" zone that locates on the same lot as another principle use, shall comply with the following regulations:

- 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, Section 6.1.4(a), 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 3.141.1, no retail sales shall be permitted on-site.
- (e) Notwithstanding Sections 9.11 (a), 9.11 (b) and 9.11 (c) and in addition to the provisions of Section 9.11(d), an urban farm within any Residential Zone shall only be located in the rear yard or on a roof top of a principle building in the following area:

	Street	From	To
1	Wilson Street	Dalley Drive	Rousseaux Street

(b) 9.12 Community Gardens

- (a) A community garden shall be permitted in any residential zone, except a Residential Hamlet "RH" zone, in accordance with the regulations of Subsection 9.12 b) and c).
 - (b) All buildings and structures shall comply with the accessory structure regulations of the zone in which the use is located.
 - (c) Notwithstanding, Section 6.1.4(a), where an urban farm is located on a roof top, the height of the accessory structure shall not exceed the maximum building height.
- d) Notwithstanding Section 9.12 (a) and 9.12 (b) and in addition to the provisions of Section 9.12(c), a community garden within any residential Zone shall only be located in the rear yard or on a roof top of a principle building in the following area:

	Street	From	To
1	Wilson Street	Dalley Drive	Rousseaux Street

3. That **SECTION 21: DEVELOPMENT DEFERRED “D” ZONE** is amended by modifying **SECTION 21.1 – Permitted Uses** adding two new clauses as (d) and (e):

- (a) (d) Urban Farm;
- (b) (e) Community Garden.

4. That **SECTION 21: DEVELOPMENT DEFERRED “D” ZONE** is amended by adding two new Subsections:

(a) **21.3 Regulations for Urban Farm**

The use shall comply with the provisions of Section 9.11.

(b) **21.4 Regulations for Community Gardens**

The use shall comply with the provisions of Section 9.12

5. That **SECTION 22: NEIGHBOURHOOD COMMERCIAL “C1” ZONE, SHOPPING CENTRE COMMERCIAL “C2” ZONE, GENERAL COMMERCIAL “C3” ZONE, URBAN COMMERCIAL “C4” RURAL COMMERCIAL “C5” ZONE AND VILLAGE AREA “VA” ZONE** is amended by modifying **SECTION 22.1 – Permitted Uses** to add new uses to the commercial zones as follows:

		Neighbourhood Commercial “C1” Zone	Shopping Centre Commercial “C2” Zone	General Commercial “C3” Zone	Urban Commercial “C4” Zone	Village area “VA” zone
a)	Community garden	*	*	*	*	*
b)	Urban Farm	*	*	*	*	*

6. That **SECTION 22: NEIGHBOURHOOD COMMERCIAL “C1” ZONE, SHOPPING CENTRE COMMERCIAL “C2” ZONE, GENERAL COMMERCIAL “C3” ZONE, URBAN COMMERCIAL “C4” RURAL COMMERCIAL “C5” ZONE AND VILLAGE AREA “VA” ZONE** is amended by adding the following new subsections:

(a) **22.3 Regulations for Urban Farms, except Village Area “VA” zone**

- i) The use shall comply with the provisions of Section 9.11;

- ii) Notwithstanding Section 22.1 and in addition to the provisions of Sections 9.11(b), 9.11 (c) and 9.11 (d), an urban farm shall only be located in the rear yard or on a roof top of a principle building in the following area:

	Street	From	To
1	Wilson Street	Dalley Drive	Rousseaux Street

(b) **22.4 Regulations for Community Gardens, except Village Area “VA” Zone**

- i) The use shall comply with the provisions of Section 9.12;
- ii) Notwithstanding Section 22.1 and in addition to the provisions of Section 9.12(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 area:

	Street	From	To
1	Wilson Street	Dalley Drive	Rousseaux Street

7. That **SECTION 25: VILLAGE AREA “VA” ZONE** is amended by adding the following new subsections:

(a) **25.6 Regulations for Urban Farms in Village Area “VA” Zone**

(a) **an urban farm**

- i) notwithstanding Section 22.1 and in addition to the provisions of Sections 9.11(b). 9.11 (c) and 9.11 (d), an urban farm shall only be located in the rear yard or on a roof top of a principle building.

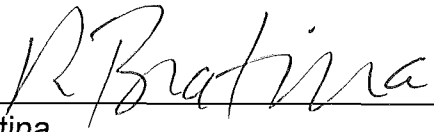
(b) **25.7 Regulations for Community Gardens in Village Area “VA” Zone**

(a) **a community garden**


- i) notwithstanding Section 22.1 and in addition to the provisions of Section 9.12(b) and (c), a community garden shall only be located in the rear yard or on a roof top of a principle building.

8. 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
CI 14-E



R. Caterini
City/Clerk