CITY OF HAMILTON

BY-LAW No. 06-166

To Amend By-law 05-200 to create new Open Space and Parks Zones for the City of Hamilton

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of this By-law;

AND WHEREAS it is desired to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the said new comprehensive Zoning By-law will be enacted and come into force and effect in several stages;

AND WHEREAS, Council enacted the first stage of the Zoning By-law, being By-law 05-200, on May 25, 2005;

AND WHEREAS this By-law is the second stage and is applicable to the Parks and Open Space lands within the Urban Area of the City, as hereinafter described and depicted;

AND WHEREAS this By-law will be in conformity with the following Official Plans, upon approval of the Official Plan Amendments listed below;

- The Official Plan of the former Town of Ancaster, as amended by Official Plan Amendment No. 110;
- The Official Plan of the former Town of Dundas, as amended by Official Plan Amendment No.11;
- The Official Plan of the former Town of Flamborough, as amended by Official Plan Amendment No. 104;
- The Official Plan of the former City of Hamilton, as amended by Official Plan Amendment No. 205;
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The Official Plan of the former Township of Glanbrook, as amended by Official Plan Amendment No. 54 and,

The Official Plan of the former City of Stoney Creek, as amended by Official Plan Amendment No. 126.

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

1. That Section 2.1, of By-law 05-200, be amended by adding the following additional land use classifications zones and symbols:

<table>
<thead>
<tr>
<th>Zones</th>
<th>Zone Symbol</th>
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<tbody>
<tr>
<td>Neighbourhood Park Zone</td>
<td>P1</td>
</tr>
<tr>
<td>Community Park Zone</td>
<td>P2</td>
</tr>
<tr>
<td>City Wide Park Zone</td>
<td>P3</td>
</tr>
<tr>
<td>Open Space Zone</td>
<td>P4</td>
</tr>
<tr>
<td>Conservation/Hazard Land Zone</td>
<td>P5</td>
</tr>
</tbody>
</table>


3. That Map Numbers 910, 911, 952, 953 and 994 of Schedule “A” to By-law 05-200, be amended by incorporating additional zone boundaries as shown on the corresponding new maps, attached as Schedule A to this By-law.

5. That Section 3, of By-law 05-200, be amended by adding the following definitions:

**Cemetery**
Shall mean land used for the interment of human remains and may include a mausoleum, columbarium, crematorium or structure intended for, or used in, the interment of human remains.

**Conservation**
Shall mean the use of land, buildings or structures for the purpose of the protection and management of the natural environment.

**Marina**
Shall mean a commercial establishment or premises, containing docking or mooring facilities where boats or boat accessories are berthed, stored, serviced, repaired, constructed or kept for sale or lease and where facilities for the sale of marine fuels or lubricants, ancillary retail sales, ancillary restaurants and taxi and/or barge service may also be provided.

**Recreation**
Shall mean the use of lands for leisure, passive and/or athletic activities, and shall include Recreation, Passive.

**Recreation, Passive**
Shall mean activities that involve relatively unorganized recreational pursuits, generally in the outdoors, such as walking, sitting and picnicking.

6. That Section 4.4, of By-law 05-200, be amended by adding the words to the last sentence “the Neighbourhood Park (P1) Zone or” between the words “shall not apply to” and “any use.”

7. That Section 5.6, of By-law 05-200, be amended by adding the following new subsection:

“c) Parking Schedule for All Zones, except the Downtown Zones
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8. That By-law 05-200 be amended by adding a new Section 7, and the following:

"7.1 NEIGHBOURHOOD PARK (P1) ZONE"

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Neighbourhood Park (P1) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

**7.1.1 PERMITTED USES**  
Recreation

**7.1.2 PROHIBITED USES**  
Notwithstanding Section 7.1.1, the following uses are prohibited, even as an accessory use:

- Arena
- Community Centre
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Stadium
Swimming Pool
Tennis Courts

7.1.3 REGULATIONS

a) Minimum Side and Rear Yard 7.5 metres

b) Maximum Building Height 5.0 metres

c) Parking In accordance with the requirements of Section 5 of this By-law.

d) Maximum Building Gross Floor Area
   i) 100 square metres; and,
   ii) The building shall only be used for utility and storage purposes.

7.2 COMMUNITY PARK (P2) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Community Park P2 Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

7.2.1 PERMITTED USES Recreation

7.2.2 REGULATIONS

a) Minimum Side and Rear Yard 7.5 metres

b) Maximum Building Height 11 metres

c) Parking In accordance with the requirements of Section 5 of this By-law.

7.3 CITY WIDE PARK (P3) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a City Wide Park (P3) Zone for any purpose other
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than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

### 7.3.1 PERMITTED USES

- Commercial Entertainment
- Commercial Parking Facility
- Commercial Recreation
- Marina
- Recreation
- Restaurant
- Retail

### 7.3.2 PROHIBITED USES

- Drive-through Facility

### 7.3.3 REGULATIONS

a) Minimum Side and Rear Yard

b) Maximum Building Height

11 metres

c) Parking

In accordance with the requirements of Section 5 of this By-law.

d) Maximum Size for Retail

No retail use shall exceed 100 square metres of gross floor area for any individual establishment

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### 7.4 OPEN SPACE (P4) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within an Open Space (P4) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

### 7.4.1 PERMITTED USES

- Agriculture
- Botanical Gardens
- Cemetery
- Conservation
- Golf Course (excluding mini-golf)
- Nature Centres
- Marina
- Recreation

### 7.4.2 REGULATIONS

a) Minimum Side and Rear Yard

7.5 metres
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b) Minimum Lot Frontage 30 metres
c) Maximum Building Height 11 metres
d) Parking In accordance with the requirements of Section 5 of this By-law.
e) Minimum Side and Rear Yard for Accessory Buildings

7.5 CONSERVATION/HAZARD LAND (P5) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Conservation/Hazard Land (P5) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

7.5.1 PERMITTED USES

Conservation
Flood and Erosion Control Facilities
Recreation, Passive

9. That Schedule “C”, of By-law 05-200, be amended by adding an additional special exception as follows:

“3. Notwithstanding Section 7.1.3 d) of this By-law, a building accessory to Lawn Bowling/Bocce Court(s) shall be permitted to a maximum gross floor area of 38 square metres.”

10. The Clerk be 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 and ENACTED this 14th day of June, 2006.

MAYOR

CLERK

CI-06-B