

SECTION 7: OPEN SPACE AND PARK ZONES**ZONING BY-LAW****7.6 CONSERVATION/HAZARD LAND RURAL (P6) ZONE**

Explanatory Note: The P6 Zone applies to all lands identified as an Environmentally Significant Area or Earth Science ANSI in the Rural Hamilton Official Plan. In addition, the P6 Zone is also applied to all lands identified as a Key Natural Heritage Feature outside of the Greenbelt Natural Heritage System, identified in the Rural Hamilton Official Plan.

New development within the P6 Zone may require the approval of a Site Plan Control application, including the submission of an Environmental Impact Statement, to demonstrate that there will be no negative impact on Core Area features, as identified in the Rural Hamilton Official Plan, as a result of the proposed development, prior to the development proceeding.

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 Rural (P6) 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:

7.6.1 PERMITTED USES

Agriculture
Conservation
Flood and Erosion Control Facilities
Recreation, Passive
Secondary Uses to Agriculture
Single Detached Dwelling

7.6.2 REGULATIONS**7.6.2.1 AGRICULTURE REGULATIONS**

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| a) New Buildings and Structures | i) Shall not be permitted on a vacant lot. |
| | ii) Shall be in accordance with the requirements of Sections 12.1.3.1, 4.8 and 4.8.1.2. |
| b) Expansions to Existing Buildings and Structures | Shall be in accordance with the requirements of Sections 12.1.3.1, 4.8 and 4.8.1.2. |

(By-law No. 23-079, May 10, 2023)

7.6.2.2 SECONDARY USES TO

In addition to Section 12.1.3.1, the

SECTION 7: OPEN SPACE AND PARK ZONES**ZONING BY-LAW****AGRICULTURE –
ADDITIONAL
REGULATIONS**

following additional regulations shall apply to Secondary Uses to Agriculture:

- a) Shall not be permitted on a vacant lot.
- b) Uses Permitted as Secondary to Agriculture
 - Agricultural Processing Establishment – Secondary
 - Agricultural Research Operation
 - Agritourism
 - Home Industry
 - Kennel
 - Agricultural Brewery/Cidery/Winery
 - Landscape Contracting Establishment – Secondary
- c) Minimum Lot Area

Notwithstanding Sections 12.1.3.1 a) and 4.12 d), Secondary Uses to Agriculture shall only be permitted on a lot with a minimum lot area of 5.0 hectares.
- d) Limitation on Uses

Notwithstanding Section 7.6.2.2 b), only one Home Industry or one Landscape Contracting Establishment – Secondary shall be permitted per lot.
- e) Agricultural Processing Establishment - Secondary
 - i) The maximum gross floor area for all buildings and structures devoted to an Agricultural Processing Establishment - Secondary shall not exceed 500.0 square metres;
 - ii) Notwithstanding Sections 12.1.3.1 b), c) and d), all buildings or structures associated with an Agricultural Processing Establishment - Secondary shall be setback a minimum of 30.0 metres from any lot line;

SECTION 7: OPEN SPACE AND PARK ZONES

- iii) Outdoor storage of goods, materials or equipment shall be permitted in accordance with Section 12.1.3.1 f), and shall not exceed an aggregate area of 100.0 square metres;
- f) Agritourism

The maximum gross floor area of all buildings or structures devoted to the Agritourism use shall not exceed 500.0 square metres.
- g) Home Industry
 - i) All buildings or structures used as part of the Home Industry shall be setback a minimum of 15.0 metres from any lot line, and shall occupy no more than 250.0 square metres of gross floor area;
 - ii) Shall be operated by a resident of the property, with no more than 3 non-resident employees;
 - iii) Outdoor storage of goods, materials or equipment shall be permitted in accordance with Section 12.1.3.1 f), and shall not exceed an aggregate area of 100.0 square metres;
 - iv) In addition to Section 5.3 b) a maximum of three Motor Vehicles associated with the Home Industry may be parked unenclosed. Additional Motor Vehicles associated with the use, including all Motor Vehicles – Commercial, must be parked in an enclosed building. This regulation does not apply to the storage or parking of Agricultural vehicles and equipment;
- h) Kennel
 - i) The maximum gross floor area for all buildings and structures

SECTION 7: OPEN SPACE AND PARK ZONES**ZONING BY-LAW**

devoted to a Kennel use shall be 500.0 square metres;

ii) Notwithstanding Sections 12.1.3.1 b), c) and d), all buildings or structures associated with a Kennel shall be setback a minimum of 60.0 metres from any lot line;

iii) No domestic animals shall be permitted to be kept in any open area within 60.0 metres of any lot line.

i) Agricultural
Brewery/Cidery/Winery

i) Notwithstanding Sections 12.1.3.1 a), 12.1.3.2 b), and 4.12 d), an Agricultural Brewery/Cidery/Winery shall only be permitted on a lot with a minimum area of 4.0 hectares, of which a minimum of 2.0 hectares shall be used for the growing of grapes, fruits, hops or other produce directly associated with on-site beer, cider or wine production;

ii) The maximum building area devoted to an Agricultural Brewery/Cidery/Winery use shall be 500.0 square metres of gross floor area exclusive of the basement or cellar, of which a maximum of 25% of the gross floor area may be used for Retail and/or hospitality/tasting purposes.

j) Landscape Contracting
Establishment – Secondary

i) Notwithstanding Section 12.1.3.2 a), a Landscape Contracting Establishment – Secondary shall only be permitted as a use Secondary to a Nursery;

ii) In addition to Section 12.1.3.2 b),

SECTION 7: OPEN SPACE AND PARK ZONES

1. On lots with a lot area of 7.0 hectares or greater, a minimum of 65 percent of the lot area zoned Agriculture (A1), Rural (A2) and/or Conservation/Hazard Land – Rural (P6) shall be used for the growing of plants, shrubs, trees or similar vegetation as part of the Nursery operation, and may include the growing of other Agricultural products. In no case shall the portion of the lot zoned Agriculture (A1), Rural (A2) and/or Conservation/Hazard Land – Rural (P6) which is used for the growing of plants, shrubs, trees or similar vegetation as part of the Nursery operation be less than 3.0 hectares in area.
2. On lots with a lot area less than 7.0 hectares, a minimum of 50 percent of the lot area zoned Agriculture (A1), Rural (A2) and/or Conservation/Hazard Land – Rural (P6) shall be used for the growing of plants, shrubs, trees or similar vegetation as part of the Nursery operation. In no case shall the portion of the lot zoned Agriculture (A1), Rural (A2) and/or Conservation/Hazard Land – Rural (P6) which is used for the growing of plants, shrubs, trees or similar vegetation as part of the

SECTION 7: OPEN SPACE AND PARK ZONES**ZONING BY-LAW**

Nursery operation be less than 3.0 hectares in area.

- iii) All buildings or structures used as part of the Landscape Contracting Establishment – Secondary shall be setback a minimum of 15.0 metres from any lot line, and the total gross floor area of all buildings or structures used as part of the Landscape Contracting Establishment – Secondary shall not exceed 250.0 square metres;
- iv) Notwithstanding Section 12.1.3.1 f), outdoor storage of goods, materials or equipment shall not exceed an aggregate area of 100.0 square metres, and shall be setback a minimum of 30.0 metres from any lot line and screened by a visual barrier in accordance with Section 4.19 of this By-law.
- v) In addition to Section 5.3 b) a maximum of three Motor Vehicles associated with the Landscape Contracting Establishment – Secondary may be parked unenclosed. Additional Motor Vehicles associated with the use, including all Motor Vehicles – Commercial, must be parked in an enclosed building. This regulation does not apply to the storage or parking of Agricultural vehicles or equipment or parking of employee Motor Vehicles.
- vi) Notwithstanding v) above all unenclosed parking areas associated with the Landscape Contracting Establishment – Secondary use shall be screened by a visual barrier in accordance with Section 4.19 of this by-law.

SECTION 7: OPEN SPACE AND PARK ZONES**ZONING BY-LAW**

(By-law No. 15-173, July 10, 2015, As amended by OMB Decision PL151130 dated March 13, 2017)

7.6.2.3 SINGLE DETACHED DWELLING REGULATIONS

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| a) New Buildings and Structures | <p>i) Shall not be permitted on a vacant lot.</p> <p>ii) Shall be in accordance with the requirements of Sections 12.1.3.3 and 4.8.
(By-law No. 21-070, May 12, 2021)</p> |
| b) Alterations or Expansions to Existing Buildings and Structures | <p>Shall be in accordance with Sections 12.1.3.3 (c), (d), (e), and (f) and 4.8.
(By-law No. 21-070, May 12, 2021)
(By-law No. 15-173, July 10, 2015)
(By-law No. 24-137, July 12, 2024)</p> |