SUBJECT: City Initiative CI-07-H – New Open Space Zoning for Cemeteries Within the Entire Urban Area (PED07206) (City Wide)

RECOMMENDATION:

(a) That approval be given to City Initiative CI-07-H, to amend the City’s Comprehensive Zoning By-law, known as Zoning By-law 05-200, to zone all cemeteries (Urban Area Only), Open Space (P4) Zone.

(b) That the draft Zoning By-law, attached as Appendix “A” to Report PED07206, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

Note: Due to the bulk of the Zoning By-law Amendment, copies have been distributed to Council members. These documents have not been included as part of this staff report (Report PED07206). Appendix “A” contains the related Zoning By-law, but not the zoning map schedules. The complete set of documents will be available for viewing in the Office of the City Clerk, 2nd Floor, Hamilton, City Hall and Municipal Service Centres. The report will also be available on the City Website.
EXECUTIVE SUMMARY:

The purpose of this amendment is to rezone all cemeteries, located within the Urban Area, to the new Open Space (P4) Zone, which permits cemeteries, under the City’s Comprehensive Zoning By-law. On June 16, 2006, City Council approved the new Open Space and Parks Official Plan Amendments and implementing Zoning By-law (By-law 06-166).

As a note, the cemeteries located within the Rural Area will be brought forward with the Rural Zoning.

BACKGROUND:

The new Zoning By-law (05-200) is being implemented in stages, on a City-wide basis and according to various land use categories. Part of this implementation is the zoning of cemeteries located within the Urban Area. The purpose of this exercise is to place a common zone on all Urban cemeteries. This process will correct various inconsistencies between the former municipal Zoning By-laws.

In order to carry out this process, staff has reviewed all of the zoning maps on which Urban cemeteries were found. In addition to the review of these maps, aerial photography was also used to identify the specific land use for the individual parcels.

Following the review of these subject properties, staff determined that the Open Space (P4) Zone, which was established under the new Open Space and Parks By-law (By-law 06-166), was the appropriate zoning category to be applied.

ANALYSIS OF ALTERNATIVES:

The new Comprehensive Zoning By-law is a process that has been mandated by Council in order to produce new zones, permitted uses and regulations that are clear, consistent and applicable to the entire City of Hamilton. The alternative is to maintain the status quo with respect to the current Zoning By-laws and continue to have inconsistent land use and zoning regulations across the city.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – NA.

Staffing – NA.

Legal – As required by the Planning Act, Council will hold at least one (1) Public Meeting to consider an amendment to the Zoning By-law.
POLICIES AFFECTING PROPOSAL:

The proposed cemetery zoning is not affected by any policy as it implements the policies approved as part of the new Open Space and Parks Zones.

RELEVANT CONSULTATION:

The property owners of the Urban cemeteries, as well as Councillors who have an Urban cemetery within their Ward, were all contacted to determine if they had any questions or concerns regarding this process. To date, no issues or concerns have been raised.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment and economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
Through the inclusion of lands used for a cemetery, within the Urban area, in the Open Space (P4) Zone the City is re-enforcing the importance of the diversity of Open Space uses within the community.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
There are no environmental impacts resulting from the inclusion of lands used for a cemetery, within the Urban area, in the Open Space (P4) Zone.

Economic Well-Being is enhanced. ☑ Yes ☐ No
There are no economic impacts resulting from the inclusion of lands used for a cemetery, within the Urban area, in the Open Space (P4) Zone.

Does the option you are recommending create value across all three bottom lines?
☐ Yes ☑ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?
☑ Yes ☐ No
Uniform zoning provides consistency across the City to allow for easier By-law interpretation by staff.

:RC
Attach. (1)
CITY OF HAMILTON

BY-LAW No. ______

To Amend By-law 05-200 to include all lands used for an urban cemetery within the Open Space (P4) Zone, which permits cemeteries

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 By-law 05-200;

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

AND WHEREAS the first stage of the said new comprehensive Zoning By-law was enacted and came into full force and effect on May 25, 2005;

AND WHEREAS Zoning By-law 05-200 has been further amended by By-law 06-166 and By-law 07-101;

AND WHEREAS this By-law is the fourth stage of the Zoning By-law: amending certain provisions of By-law 05-200 applying to the lands used for a cemetery, located within the Urban Area;

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

1. That Schedule “A” of By-law 05-200 is amended by incorporating the cemetery lands found within the Parks and Open Space (P4) Zone boundaries as shown on the Maps numbered 446, 516, 517, 780, 784, 819, 820, 824, 825, 861, 866, 867, 903, 904, 905, 946, 988, 989, 1032, 1033, 1093, 1130, 1139, 1142, 1239, 1240, 1247, 1248, 1290, 1306, 1343, 1388, 1393, 1394, 1395, 1434, 1446, 1453, 1483, 1495, 1500, 1504, 1542, 1547, 1585, 1597, 1934 attached in Schedule “1” of this By-law into the Maps with the same numbers attached in Schedule “A” of By-law 05-200.
2. That 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 __ day of __________, 2007.

_________________________________________  __________________________________________
Fred Eisenberger                                      Kevin C. Christenson
Mayor                                                  City Clerk

CI-07-H