

Authority: Item 6, Planning Committee
Report 18-005 (PED18064)
CM: April 11, 2018
Ward: 3, 4, 5

Bill No. 092

CITY OF HAMILTON

BY-LAW NO. 18-092

To Amend By-law No. 05-200

To Create New Industrial Zones for Lands Located at Piers 11, 12, 14, 15, and 22 – 27 at Hamilton Harbour and Owned by the Hamilton Port Authority

WHEREAS the City of Hamilton’s new comprehensive Zoning By-law, being By-law No. 05-200, came into force on May 25, 2005;

WHEREAS this By-law amends By-law No. 05-200 to create two new Industrial Zones on lands located along Hamilton Harbour and owned by the Hamilton Port Authority, amending certain provisions of By-law No. 05-200 and, applying to certain lands located within Wards 3, 4, and 5 of the City, as hereinafter provided;

WHEREAS the Council of the City of Hamilton, in adopting Item 6 of Report 18-005 of the Planning Committee, at its meeting held on the 11th day of April, 2018, which recommended that Zoning By-law No. 05-200 be amended as hereinafter provided; and,

WHEREAS this By-law conforms with the Urban Hamilton Official Plan upon adoption of Official Plan Amendment No. 101.

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

1. That SECTION 2: INTERPRETATION of By-law No. 05-200 is hereby amended as follows:
 - 1.1. That Section 2.1d) is amended by adding the following new clauses in numerical order of the Industrial Zones.
 - 1.2.

“d) Industrial Classification	
<u>Zones</u>	
Shipping and Navigation (Port Lands) Zone	M13
Shipping and Navigation (East Port) Zone	M14”
2. That SECTION 3: DEFINITIONS of By-law No. 05-200 is hereby amended as follows:

2.1. That the following new definitions be added:

“Marine Service Shall mean an establishment or premises used for the purpose of commercial marine shipping activities, and shall include, but not limited to, the embarking and disembarking of cruise ship passengers, the towing, piloting and inspecting of marine vessels, marine cargo and freight handling, marine salvage and marine vessel recovery, marine shipping agency, and boat and ship building and repairs, but shall not include a Marina.”

2.2. That the definition of **Marina** be amended:

By adding the word “recreational” between “where” and “boats”, and adding the words “, but shall not include Marine Service” at the end of the sentence.

2.3. That the definition of **Transport Terminal** be amended:

By adding the words “cargo ships” in between “trailers” and “rail cars”.

3. That SECTION 5: PARKING REGULATIONS of By-law 05-200 is hereby amended as follows:

3.1. That Section 5.6 PARKING SCHEDULES be amended with the following new clause in alphabetical order to the existing parking requirements:

v. Industrial Uses	
Marine Service	1 for each 30.0 square metres of gross floor area, which accommodates the Office component of the use.

4. That SECTION 9: INDUSTRIAL is amended to By-law 05-200 by adding the following new subsections:

“9.13 SHIPPING AND NAVIGATION (PORT LANDS) (M13) ZONE

Explanatory Note: The M13 Zone located primarily at Piers 11 – 12, 14, 15, and 22-24 permits specific industrial uses that are integral to the functioning of the Hamilton Port Authority and uses supporting shipping and navigation activities. This Zone is found primarily on lands owned by the Hamilton Port Authority and located north of Burlington Street and along Hamilton Harbour.

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Shipping and Navigation (Port Lands) (M13) 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:

9.13.1 PERMITTED USES

Bulk Fuel and Oil Storage Establishment
Catering Service
Commercial Parking Facility
Courier Establishment
Equipment and Machinery Sales, Rental
and Service Establishment
Industrial Administrative Office
Laboratory
Labour Association Hall
Manufacturing
Marina
Marine Service
Office
Private Power Generation Facility
Repair Service
Research and Development Establishment
Restaurant
Salt Storage Facility
Transport Terminal
Warehouse
Waste Processing Facility
Waste Transfer Facility

9.13.2 PROHIBITED USES

Notwithstanding Section 9.13.1, the following uses are prohibited, even as an accessory use:

Day Nursery
Dwelling Unit

9.13.3 REGULATIONS

- a) Minimum Lot Area 4000.0 square metres.
- b) Minimum Yard Abutting Street Minimum 3.0 metre.

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| c) Planting Strip Abutting a Street | Minimum 3.0 metre wide Planting Strip shall be provided and maintained abutting Burlington Street except for points of ingress and egress and shall not permit outdoor display. |
| d) Limitation on Outdoor Storage and Outdoor Assembly | Outdoor Storage and Outdoor Assembly shall not exceed 85% of the total lot area. |
| e) Maximum Gross Floor Area for Office Use | Maximum Gross floor area for Office use within an individual building, shall be limited to 3,000 square metres. |
| f) Maximum Gross Floor Area for Industrial Administrative Office | Maximum Gross floor area for an Industrial Administrative Office shall be limited to 10,000 square metres on a lot. |
| g) Maximum Combined Gross Floor Area for Accessory Retail and Showroom Area | Maximum 25% of the gross floor area of the principal use or 500.0 square metres whichever is the lesser. |
| h) Location Restriction of a Waste Processing Facility and Waste Transfer Facility | In addition to regulations of Section 9.13.3, any building, structure, or land used for a Waste Processing Facility or a Waste Transfer Facility, shall be located a minimum of 300.0 metres from a Residentially Zoned or Institutionally Zoned property lot line. |
| i) Restriction on Location and Covering of Stockpiles of Salt and Soils | <p>In addition to Clause d) above, the following regulations shall also apply for stockpiles of salt and soils:</p> <ul style="list-style-type: none">i) All stockpiles shall not be located within 250 metres of a lot line abutting a Residential Zone or an Institutional Zone; and,ii) All stockpiles shall be secured and protected with a roofed structure with a minimum of three walls. |
| j) Parking | In accordance with the requirements of Section 5 of this By-law. |

- k) Accessory Buildings
- i) In accordance with the requirements of Sections 9.13.3 of this By-law.
 - ii) In addition to i) above, no accessory building shall be permitted within a front yard or a flankage yard.

“9.14 SHIPPING AND NAVIGATION (EAST PORT) (M14) ZONE”

Explanatory Note: *The M14 Zone located primarily at Piers 25 to 27 permits specific industrial uses that are integral to the functioning of the Hamilton Port Authority and uses supporting shipping and navigation activities. This Zone is found primarily on lands owned by the Hamilton Port Authority and located north of Burlington Street and along Hamilton Harbour.*

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Shipping and Navigation (East Port) (M14) 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:

9.14.1 PERMITTED USES

Catering Service
Courier Establishment
Equipment and Machinery Sales, Rental and Service Establishment
Industrial Administrative Office
Laboratory
Labour Association Hall
Manufacturing

Marina
Marine Service
Office
Private Power Generation Facility
Repair Service
Research and Development Establishment
Transport Terminal
Warehouse

9.14.2 PROHIBITED USES

- i) Notwithstanding Section 9.14.1, the following types of manufacturing uses are prohibited, even as an accessory use:
 - Beverage Distillation
 - Breweries
 - Concrete Crushing

Manufacturing of Asbestos, Phosphate or Sulphur Products
Primary Production of Chemicals, Synthetic Rubber, Plastic, Asphalt or Cement, not including mixing, blending, treatment or similar process
Processing or Refining of Petroleum or Coal
Processing, Milling or Packaging of Animal Feed
Rock Crushing
Salvage Yard
Slaughtering, Eviscerating, Rendering or Cleaning of Meat, Poultry or Fish or by-products thereof
Smelting of Ore or Metal
Tanning or Chemical Processing of Pelts or Leather
Vulcanizing of Rubber or Rubber Products
Explosive Manufacturing
Pulp and Paper Mills.
Waste Processing Facility
Waste Transfer Facility

- ii) Notwithstanding Section 9.14.1, the following uses are prohibited, even as an accessory use:

Day Nursery
Dwelling Unit

9.14.3 REGULATIONS

- a) Minimum Lot Area 4000.0 square metres
- b) Minimum Yard Abutting a Street
- i) Minimum 6.0 metre;
 - ii) Maximum 27.0 metres; and,
 - iii) Where a building(s) exists on a lot in conformity with i) and ii) above, with a ground floor façade being equal to 25% or more of the measurement of any street line, section ii) above shall not apply to any additional building(s).

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| c) Gross Floor Area for Office Use | Maximum Gross floor area for an Office use within an individual building, shall be limited to 3,000 square metres. |
| d) Gross Floor Area for Industrial Administrative Office | Maximum Gross floor area for an Industrial Administrative Office shall be limited to 10,000 square metres on a lot. |
| e) Maximum Combined Gross Floor Area for Accessory Retail and Showroom Area | Maximum 25% of the gross floor area of the principal use or 500.0 square metres whichever is the lesser. |
| f) Landscaped Area and Planting Strip Requirements | <ul style="list-style-type: none">i) Minimum 6.0 metre wide Landscaped Area shall be provided and maintained abutting a street, except for points of ingress and egress;ii) In addition to i) above, within the 6.0 metre Landscaped Area, a minimum 3.0 metre wide Planting Strip shall be required and maintained between parking spaces, aisles or driveways and a street, except for points of ingress and egress; |
| g) Location and Screening of Outdoor Storage and Outdoor Assembly | <p>Outdoor Storage and Outdoor Assembly of goods, materials or equipment shall be permitted in conjunction with a building and the following regulations shall apply:</p> <ul style="list-style-type: none">i) Outdoor Storage and Outdoor Assembly shall not be permitted in a Front Yard or a required Flankage Yard.ii) Outdoor Storage and Outdoor Assembly shall not exceed 85% of the total lot area.iii) Outdoor Storage and Outdoor Assembly shall be set back a minimum of 20.0 metres from any portion of a property lot line abutting a property lot line within a Residential Zone or an Institutional Zone, and shall be screened by a Visual Barrier in accordance with Section 4.19 |

of this By-law.

- iv) Outdoor Storage shall be screened from view from any abutting street by a Visual Barrier in accordance with Section 4.19 of this By-law.
- v) Notwithstanding Clause iv) above and Section 4.19, an Outdoor Storage shall be screened from view from the Queen Elizabeth Way (QEW) by a Visual Barrier located not less than 3.0 metres from the street line of the QEW through a continuous planting of suitable trees or shrubs, together with a reserved width of planting area appropriate for healthy plant growth, earth berm, or a combination thereof, with no maximum height of the visual barrier.

h) Location and Size of Outdoor Display

Outdoor Display of goods, materials or equipment shall be permitted only as an accessory use and the following regulations shall apply:

- i) Outdoor Display shall be permitted in a yard abutting a street, but shall be no closer than 3.0 metres to the lot line;
- ii) In addition to i) above, the area devoted to Outdoor Display shall be limited to a combined maximum of 25% the Landscaped Area required by Section 9.14.3 f) i) above.

i) Restriction on Location and Covering of Stockpiles of Salt and Soils

In addition to Clause g) above, the following regulations shall also apply for stockpiles of salt and soils:

- i) All stockpiles shall not be located within 250 metres of a lot line abutting a Residential Zone or an Institutional Zone; and,
- ii) All stockpiles shall be secured and

protected with a roofed structure with a minimum of three walls.

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

k) Accessory Buildings i) In accordance with the requirements of Sections 9.14.3 of this By-law.

ii) In addition to i) above, no accessory building shall be permitted within a Yard abutting a street.”

5. That Schedule “A” – Zoning Maps of By-law 05-200 is hereby added as follows:

a) by including Industrial Zone boundaries, as shown on the Maps numbered 752 and 788 attached in Schedule “1” of this By-law.

6. That Schedule “A” – Zoning Maps of By-law 05-200 is hereby amended as follows:

a) by including Industrial Zone boundaries, as shown on the Maps numbered 792, 793, 828, 829, 830, 833, 834, 870, 871, 872, 875, 876, 877, 917, 918, and 959 attached in Schedule “1” of this By-law.

7. That Schedule “D” – Holding Provisions of By-law 05-200 is hereby amended by adding the following Holding Provision:

“23. Notwithstanding Subsection 13.1 of this By-law, on those lands zoned Shipping and Navigation (Port Lands) Zone, identified on Maps 788, 828, 829, 830, 833, 834, 870, 871, 872, 875, 876, 917, 918, and 959 of Schedule “A” – Zoning Maps, the development of a Waste Processing Facility or a Waste Transfer Facility shall not be permitted until such time as:

i) The Owner/Applicant submit and receive approval of an Air Quality Study, prepared by a qualified Professional, and should a peer review of the Study be warranted, all associated costs of this review should be borne by the owner/applicant and shall be submitted to the satisfaction of the Director of Planning and Chief Planner, City of Hamilton.

ii) The Owner/Applicant submit and receive approval of a Functional Servicing Report, prepared by a qualified Professional Engineer, to measure acceptable levels of quality control for stormwater

discharge into Hamilton Harbour, water, and wastewater, to the satisfaction of the Senior Director of Growth Management.

- iii) The Owner/Applicant submit and receive approval of a Transportation Impact Study, prepared by a qualified Professional Traffic Engineer, to measure and determine the preferred truck route and impact on the residential neighbourhood, to the satisfaction of the Director of Engineering Services, Public Works Department.
 - iv) The Owner/Applicant submit and receive approval of a Hydrogeological Study, prepared by a qualified Professional Engineer, to demonstrate the staging and handling of wastes, and the potential impacts on groundwater quality and quantity, to the satisfaction of the Senior Director of Growth Management.
 - v) The Owner/Applicant investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment and Climate Change (MOECC) recommended sound level limits. An acoustical report shall prepared by a qualified Professional containing the recommended control measures, and should a peer review of the Acoustical Report be warranted, all associated costs should be borne by the owner/applicant and shall be submitted to the satisfaction of the Director of Planning and Chief Planner, City of Hamilton.
 - vi) The Owner/Applicant submit and receive approval of a Human Health Risk Assessment, prepared by a qualified Professional, to demonstrate the potential of air and water emissions and its effects on residents, to the satisfaction of Hamilton's Medical Officer of Health.
 - vii) The "H" Symbol may be removed upon implementation of recommendations of studies required under Clauses i) to vi), and shall only be removed on portions of the land that are subject to the Waste Processing Facility and a Waste Transfer Facility."
8. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law in accordance with the Planning Act.
9. That for the purposes of the Building Code, this by-law or any part of it is not made until it has come into force as provided by section 34 of the *Planning Act*.

PASSED this 11th day of April, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk