



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 3, 2018
SUBJECT/REPORT NO:	Proposed Official Plan Amendment and Amendment to Hamilton Zoning By-law No. 05-200 to rezone Industrial Zones for the Port Lands, Certain Remnant Industrial Zoned Lands, and Open Space Zones, and Amendment to Hamilton Zoning By-law No. 6593 to delete Harbour Zones (Wards 3, 4 and 5) (PED18064)
WARD(S) AFFECTED:	Wards 3, 4 and 5
PREPARED BY:	Timothy Lee (905) 546-2424 Ext. 1249
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That approval be given to Official Plan Amendment (UHOPA) No. XX to the Urban Hamilton Official Plan (UHOPA) to amend the Employment Area – Shipping and Navigation Designation policies in Volume 1, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “A” to Report PED18064, be adopted by Council; and,
 - (ii) That the proposed Official Plan Amendment (OPA) No. XX is consistent with the Provincial Policy Statement (PPS) 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe 2017.
- (b) That approval be given to amended City Initiative CI-18-B for portions of the Urban Area, to add two new Industrial Zones to Hamilton Zoning By-law No. 05-200 for lands around Hamilton Harbour; introduce parking provisions related to Marine Service; amend definitions associated with the new Industrial Zones; amend the administrative section of the By-law to implement the new Industrial Zones; and add a Holding Provision requiring studies to permit certain industrial uses for lands located in the former municipality of Hamilton on the following basis:

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- (i) That the Draft By-law, attached as Appendix “B” to Report PED18064, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,
 - (ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan (UHOP) upon approval of Official Plan Amendment (OPA) No. ____.
- (c) That approval be given to amended City Initiative CI-18-B to incorporate the following lands located in and around Hamilton Harbour, as shown in Appendices “D1” and “D2” from Hamilton Zoning By-law No. 6593 and into Hamilton Zoning By-law No. 05-200:
- (i) That lands located at 440 Victoria Avenue North be rezoned from the “K” (Heavy Industry, etc.) District to Light Industrial (M6) Zone with a Special Exception;
 - (ii) That Windemere Basin be rezoned from the “L-s” (Planned Development Special Study) District to Conservation/Hazard Land (P5) Zone, and the northerly lands that surround Windemere Basin be rezoned from “A/S-1450a” (Conservation Open Space Park and Recreation) District to Open Space (P4) Zone, with a Special Exception;
 - (iii) That the Draft By-law, attached as Appendix “C” to Report PED18064, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,
 - (iv) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP).
- (d) That approval be given to amended City Initiative CI-18-B to delete the “F-2” (Open Space Harbour) District and “F-2A” (Harbour) District from Hamilton Zoning By-law No. 6593 for Hamilton Harbour (water) on the following basis:
- (i) That the Draft By-law, attached as Appendix “D” to Report PED18064 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,
 - (ii) The proposed changes in zoning is in conformity with the Urban Hamilton Official Plan (UHOP).

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EXECUTIVE SUMMARY

The purpose of this City Initiative is to address the following amendments to Hamilton Zoning By-law No. 05-200 and Hamilton Zoning By-law No. 6593:

New Shipping and Navigation Zones – Hamilton Zoning By-law No. 05-200

Two new Industrial Zones are proposed for the Port Lands along Hamilton Harbour in Hamilton Zoning By-law No. 05-200 (see Appendix “B” to Report PED18064). The two zones are the Shipping and Navigation (M13) and (M14) Zones.

Furthermore, a Holding Provision is proposed for the Shipping and Navigation (M13) Zone to require the necessary studies to determine the impact of a Waste Processing Facility or a Waste Transfer Facility on the neighbouring communities. Standalone Waste Processing Facilities and Waste Transfer Facilities are not directly related to port operations, and therefore the establishment of such uses require an Environmental Compliance Report (ECR) from the Province. The studies identified in the Holding Provision establish the minimum requirements that would have to be satisfied prior to the City of Hamilton removing the Holding Provision and the use being permitted.

The proposed Zones are to replace existing Industrial Districts for Hamilton Zoning By-law No. 6593 applicable to the Hamilton Port Authority lands. The proposed Shipping and Navigation (Port Lands) (M13) Zone is applied to Piers 11, 12, 14, 15, and 22-24, and the Shipping and Navigation (Port Lands) (M14) Zone applied to Piers 25 to 27. In addition, the Zoning By-law also includes new and amended definitions and a new parking requirement for Marine Service applicable to the shipping related activities within the Port Lands.

However, lands located at Pier 10, including the existing brewery located at 201 – 207 Burlington Street East and are currently zoned “J” District in Hamilton Zoning By-law No. 6593, are not part of this process as these lands are located in the Setting Sail Secondary Plan in the former Hamilton Official Plan. This Secondary Plan has not been added into the UHOP due to an OMB appeal / non decision. Zones under Hamilton Zoning By-law No. 05-200 will be added for all lands within the Setting Sail Secondary Plan area once the Secondary Plan has been incorporated into the UHOP. This method is consistent with the Commercial and Mixed Use Zones approved in November 2017. This comprehensive zoning amendment will include public consultation.

An accompanying housekeeping Official Plan Amendment (see Appendix “A” to Report PED18064) amends a policy in the Employment Area – Shipping and Navigation

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Designation to remove references to ownership requirements by the Hamilton Port Authority.

Former Industrial District Lands to be added to Hamilton Zoning By-law No. 05-200

Numerous properties throughout the City have retained the existing industrial zoning in the former municipal Zoning By-laws. Over time these old zones on these lands are to be replaced with new zones in Hamilton Zoning By-law No. 05-200. This Report addresses some of these remnant parcels with industrial zoning. Specifically, the lands are the Former Otis Elevator/Studebaker Office (440 Victoria Avenue North) (Appendix “C” to Report PED18064). The change in zoning from Hamilton Zoning By-law No. 6593 to Hamilton Zoning By-law No. 05-200 is based on the existing designations in the Urban Hamilton Official Plan. Lands containing the Hamilton Wentworth Detention Centre located at 165 Barton Street East which is zoned “K” District in Hamilton Zoning By-law No. 6593, are not included in this zoning project as these lands are located in the Setting Sail Secondary Plan of the former Hamilton Official Plan. Zones under Hamilton Zoning By-law No. 05-200 will be added for all lands within the Setting Sail Secondary Plan area once the Secondary Plan has been incorporated into the UHOP, which will include public consultation.

Remnant lands with industrial zoning that are not addressed in this Report will be updated through future amendments to Hamilton Zoning By-law No. 05-200, particularly through the Residential Zoning review, a review of the Institutional Zones, and future housekeeping amendments.

Finally, the draft Zoning By-law (See Appendix “C” to Report PED18064) also changes the zoning of Windemere Basin from “L-s” (Planned Development Special Study) District in Hamilton Zoning By-law No. 6593 to Conservation/Hazard Lands (P5) Zone of Hamilton Zoning By-law No. 05-200 to provide more consistency in zoning with Red Hill Creek, which is also zoned Conservation/Hazard Lands (P5) Zone. Furthermore, the existing “A-H/S-1450a” (Conservation Open Space Park and Recreation) District, modified located on the north side of Windemere Basin is to be rezoned to Open Space (P4) Zone, with a special Exception to provide more consistent zoning with other lands surrounding Windemere Basin, and to permit the continued usage of a private road operated to provide access between piers. A location map identifying the lands affected by the draft Zoning By-law is contained in Appendix “D1” to Report PED18064.

Deletion of the Harbour and Waterfront Zones from Hamilton Zoning By-law No. 6593

It is proposed to remove the existing two Harbour Zones from the waters of Hamilton Harbour from Hamilton Zoning By-law No. 6593 (See Appendix “D” to Report

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PED18064). The removal of these zones do not prevent the use of the Harbour for shipping and navigation and recreational purposes, as the Harbour is federally controlled by Transport Canada. A location map identifies the extent of the two existing Harbour zones in Appendix “D1” to Report PED18064.

Lands containing the HMCS Star and HMCS Haida (Pier 9) located at 650 - 658 Catharine Street North are currently zoned “F-1” Zone in Hamilton Zoning By-law No. 6593 are not included in this zoning project as these lands are located in the Setting Sail Secondary Plan of the former Hamilton Official Plan. Zones under Hamilton Zoning By-law No. 05-200 will be added for all lands within the Setting Sail Secondary Plan area as part of a comprehensive zoning amendment once the Secondary Plan has been incorporated into the UHOP, which will include public consultation.

Alternatives for Consideration – Page 30

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider amendments to the Official Plan and Zoning By-law.

HISTORICAL BACKGROUND

The City of Hamilton’s new Comprehensive Zoning By-law No. 05-200 came into effect on May 25, 2005, Open Space and Park Zones were added in 2006, Institutional Zones in 2006, and Industrial Zones were subsequently added in 2010. However, lands owned by the Hamilton Port Authority (HPA) were not included in the 2010 Industrial Zones. This Report brings forward amendments to the Official Plan and Hamilton Zoning By-law No. 05-200 to add two new Industrial Zones to zone the remaining harbour lands and adds isolated properties to the appropriate uses to provide up to date and consistent zoning.

Furthermore, a proposal to permit the construction of a waste to energy facility located at 530 Sherman Avenue North in 2015 was bumped up from a Class Environmental Assessment to a full Environmental Assessment at the request by the City. As a result of this requirement, the proponent elected to not pursue this project. The proposed Holding Provision for the Shipping and Navigation (M13) Zone requires the necessary studies to determine the impact of a Waste Processing Facility or a Waste Transfer

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Facility on the neighbouring communities. These studies identified in the Holding Provision establish the minimum requirements that would have to be satisfied prior to the City of Hamilton removing the Holding Provision and the use being permitted. (See Appendix “B” to Report PED18064).

The property at 440 Victoria Avenue North was originally included in the proposed industrial zoning and associated mapping in 2010. However, a council resolution approved in 2010 deferred the zoning of 440 Victoria Avenue North from the new Industrial Zones proposed in Hamilton Zoning By-law No. 05-200 to allow the property owners with additional time to advance their development proposal (see Appendix “C” to Report PED18064). The effect of this deferral was to retain the “K” District zoning applicable to the subject lands.

Open Space Zones in Hamilton Zoning By-law No. 05-200 were introduced in 2006 but the zone was never applied to Windemere Basin. It is proposed to change the zone for these lands to Conservation/Hazard Lands (P5) Zone in Hamilton Zoning By-law No. 05-200.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

1.0 Federal Policy

1.1 Letters Patent for the Hamilton Port Authority

The roles and functions of the Hamilton Port Authority (HPA) as a federal government agency are mandated by the *Canada Marine Act* through the Letters Patent, which took effect on May 1, 2001. This document identifies uses and activities that may be undertaken by the HPA that allows for the proper functioning of the Port and the financial sustainability of the organization. These activities and uses include port and port-related uses such as stevedoring and boat repair and maintenance; certain industrial uses and activities such as warehousing and storage of goods and raw materials; and, ancillary uses that may be required to support the functioning of the port and its primary industrial tenants. Uses and activities that are not listed in the Letters Patent may not be undertaken and would be in contravention of the document.

The City generally cannot regulate above and beyond the powers given to the HPA as found in the Letters Patent. However, the City has the ability to set policies through its Official Plan and set zoning regulations on the HPA lands. For example, the proposed Shipping and Navigation M13 and M14 Zones provide zone regulations for the HPA lands while having respect to the powers as set by the Letters Patent.

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Based on the foregoing, the proposed Shipping and Navigation Industrial Zones conform to the regulations contained in the Letters Patent.

1.2 Hamilton Port Authority Land Use Plan (LUP) (2017)

As a legislative requirement under the *Canada Marine Act* and Letters Patent, the HPA is required to prepare a Land Use Plan containing visions and policies for the development and overall functioning of the Port. Despite the name of the document, the Land Use Plan is a document that identifies social, environmental, and economic objectives that the Port is responsible and mandated to perform. The Land Use Plan is prepared and approved by the HPA. The first Land Use Plan was adopted in 2002 following the creation of the Hamilton Port Authority, and has since been updated with an approved October 2017 version.

The Land Use Plan (2017) identifies individual Area-Specific Plans for each pier and proposes land use principles based on the HPA's vision. Furthermore, each Area Specific Plan further identifies designations for each property, such as Marine-Related Industrial and Open Space. Staff have reviewed the Land Use Plan (2017) and the proposed Shipping and Navigation Industrial Zones meet the policies and objectives of this document.

2.0 Provincial Policy

2.1 Growth Plan for the Greater Golden Horseshoe (GGH)

The proposed Shipping and Navigation Zones implement and conform to the policies of the Growth Plan by:

- Ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment densities (Policy 2.2.5.1a);
- Designating all employment areas, including any Prime Employment Areas, in official plans and protect them for appropriate employment uses over the long-term (Policy 2.2.5.6);
- Promoting economic development and competitiveness through an appropriate mix of employment uses including industrial long term needs, providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities, and ensuring the necessary infrastructure is provided to support current and forecasted employment needs (Policy 2.2.6.2); and,

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- Providing for the establishment of priority routes for goods movement, where feasible, to facilitate the movement of goods into and out of areas of significant employment, industrial and commercial activity (Policy 3.2.4.4).

The change in zoning for lands located at 440 Victoria Avenue North conforms to the Growth Plan for the Greater Golden Horseshoe by:

- Making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities (Policy 2.2.5.1a);
- Ensuring the availability of sufficient land for a variety of employment to accommodate forecasted employment growth (Policy 2.2.5.1b); and,
- Integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment (Policy 2.2.5.1d).

Based on the above, the change in zoning from the “K” (Heavy Industry, etc.) District in Hamilton Zoning By-law No. 6593 to Light Industrial (M6) Zone in Hamilton Zoning By-law No. 05-200 protects Employment Area on the subject lands from the conversion of employment land to non-employment uses such as retail. The “K” (Heavy Industry, etc.) District not only permits industrial uses, but also a wide variety of commercial uses such as retail. However, the intent of the M6 Zone is to permit a variety of industrial uses such as industrial and warehouse, but also the M6 Zone permits limited commercial uses such as office, personal service, and restaurants that support workers from adjacent industrial uses. Retail is not permitted in the M6 zone.

The following components of the City Initiative conform to the Growth Plan for the Greater Golden Horseshoe on the following basis:

- The change in zoning to Open Space Zones in Hamilton Zoning By-law No. 05-200 for Windemere Basin and the lands north of Windemere Basin meets Policy 2.2.1.3e) with respect to the support environmental protection from abutting land uses. Furthermore, Policies 4.2.2.4 and 4.2.2.6 a) and b) are met as Windemere Basin is designated Open Space in the Urban Hamilton Official Plan, and the change in zoning protects the Basin from other land uses as directed by the Official Plan and the PPS.
- The removal of the two Harbour Zones from Hamilton Zoning By-law No. 05-200 conforms to Policies 4.2.1.1 and 4.2.1.4 as Hamilton Harbour continues to be environmentally protected as required in cooperation with the Conservation

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Authorities and various Provincial and Federal initiatives. Furthermore, any uses are prohibited except for Shipping and Navigation.

Based on the foregoing, the City Initiative to introduce new Shipping and Navigation Zones to Hamilton Zoning By-law No. 05-200, and apply new zoning to lands located at the Former Otis Elevator/Studebaker Office (440 Victoria Avenue North) and the removal of zones from Hamilton Harbour conform to the Growth Plan for the Greater Golden Horseshoe.

2.2 Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest related to land use planning and development. This policy document provides detailed direction regarding the goals related to land use, scale, compatibility, and design, which the UHOP has implemented.

More specifically, the proposed Shipping and Navigation Zones are consistent with the policies of the PPS by:

- Efficiently using infrastructure and public service facilities which are planned or available (Policy 1.1.3.2a.2.);
- Encouraging land use patterns within the settlement area which are freight supportive (Policy 1.1.3.2a.6.);
- Promoting economic development and competitiveness by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses (Policy 1.3.1b.);
- Protecting employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations (Policy 1.3.2.3);
- Promoting transportation systems that facilitate the movement of people and goods, and are appropriate to address projected needs (Policy 1.6.7.1); and,
- Providing connectivity within and among transportation systems and modes as part of a multimodal transportation system, which should be maintained and, where possible, improved connections which cross jurisdictional boundaries (Policy 1.6.7.3).

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The proposed Shipping and Navigation Industrial Zones are consistent with the above policies as the zones will continue to promote economic development in the City by permitting port and port related activities. Furthermore, the Shipping and Navigation Industrial Zones are consistent with the following policies, specifically marine facilities, by:

- Planning for land uses in the vicinity of rail facilities and marine facilities so their long-term operation and economic roles are protected and sensitive land uses are appropriately designed, buffered and/or separated from each other (Policy 1.6.9.1); and,
- Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities (Policy 1.2.6.1).

The change in zoning for lands located at 440 Victoria Avenue North is consistent with the PPS (2014) by:

- Avoiding development and land use patterns which may cause environmental or public health and safety concerns (Policy 1.1.1c);
- Promoting cost-effective development patterns and standards to minimize land consumption and servicing costs (Policy 1.1.1e);
- Providing for an appropriate mix and range of employment and institutional uses to meet long-term needs (Policy 1.3.1a); and,
- Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.

The change in zoning from the “K” (Heavy Industry, etc.) District in Hamilton Zoning By-law No. 6593 to Light Industrial (M6) Zone in Hamilton Zoning By-law No. 05-200 for the lands located at 440 Victoria Avenue North will still permit industrial uses such as warehousing and manufacturing, but prohibits industrial uses that are considered impactful on abutting residential uses, such as rock crushing plant or rendering plant. However, the proposed M6 Zone permits development patterns and standards and that allow for an appropriate mix of employment uses.

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The following components of the City Initiative are consistent with the PPS (2014) by:

- The change in zoning to Open Space Zones in Hamilton Zoning By-law No. 05-200 for Windemere Basin and the lands north of Windemere Basin is consistent with Policy 1.1.1h) by promoting development and land use patterns that conserve biodiversity and consider the impacts of climate change such as the need for flood protection and biodiversity conservation.
- The removal of the two Harbour Zones from Hamilton Zoning By-law No. 6593 is also consistent with Policy 1.1.1h) by promoting development and land use patterns that conserve biodiversity and consider the impacts of climate change such as the need for flood protection and biodiversity conservation. Furthermore, remove of the two Harbour Zones is consistent with Policy 2.1.6 and 2.1.7 as any development (i.e. filling of the Harbour) in Hamilton Harbour will continue to be in accordance with Federal requirements.

Based on the foregoing, the City Initiative to introduce new Shipping and Navigation Zones to Hamilton Zoning By-law No. 05-200 (with the exception of Pier 10), and apply new zoning to lands located at the former Otis Elevator/Studebaker Office (440 Victoria Avenue North) and the removal of zones from Hamilton Harbour, is consistent with the PPS (2014).

3.0 Urban Hamilton Official Plan (UHOP)

Lands subject to the proposed M13 and M14 Shipping and Navigation Zones are designated as “Shipping and Navigation” on Schedule “E-1” – Land Use Designation. Also, these lands are identified as “Employment Areas” on Schedule “E” – Urban Structure. Furthermore, Hamilton Harbour has been identified as a Major Transportation Facility and Routes for the Port of Hamilton in the UHOP – Volume 1 in Appendix “B” to Report PED18064.

3.1 Integrated Transportation Network and Goods Movement Network

The following policy goals apply to maintaining and fostering an integrated transportation network:

- Providing for a balance and integrated transportation network which includes all modes of transportation such as marine (Policy C.4.1.1);

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- Recognizing the relationship of transportation and land use planning in connecting communities, land uses and activities and the role of the integrated transportation network (Policy C.4.1.2);
- Facilitating the safe and efficient movement of goods and services through various modes within the integrated transportation network (Policy C.4.1.3); and,
- Work in cooperation with other levels of government and government agencies interregional transit and highway, marine, and airport initiatives (C.4.1.5).

As noted in Policy Goals C.4.1.1 and C.4.1.3, the Port of Hamilton is recognized as a vital transportation hub for the City providing an important linkage with other cities in the Great Lakes for goods movement, thus reducing congestion on highways and rails. In addition, in accordance with Policy Goals C.4.1.2 and C.4.1.5, the City has consulted with the HPA on the creation of the two new proposed Industrial Zones within Hamilton Zoning By-law No. 05-200 to implement policies in the UHOP and to link port activities important for their day-to-day functioning of the port, and land use planning.

In addition, Policy C.4.6.1 states the need to maintain, protect, and enhance the goods movement network to support Hamilton's economic development strategy, and Policy C.4.6.3 to encourage the development of facilities, including inter-modal facilities, for the transfer of goods between marine and truck modes of transportation to and within the designated Employment Areas.

The Port of Hamilton is considered part of the marine network within the Major Transportation Facility and Routes system, as identified in Appendix "B" of the UHOP, where road access and adequate rail service shall be provided to the Port of Hamilton for the efficient use of harbour facilities and services (Policy C.4.9.1). Also, the City shall support the Federal Government and the Port Authority to provide services for the Port of Hamilton that are consistent with economic and environmental goals (Policy C.4.9.2). It is acknowledged the Port of Hamilton is an important transportation hub for the quick movement of goods and shall be protected and enhanced to support the City's economic development goals and objectives, and the proposed Shipping and Navigation Zones support the above policies.

3.2 Shipping and Navigation Designation

Lands owned by the Hamilton Port Authority are designated Shipping and Navigation on Schedule E-1 – Urban Land Use Designations. Under Section E.5.6.1, the following uses are permitted:

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- Uses such as the movement, management, safety and convenience of ships; uses involved in the carriage of goods or passengers to other modes of transportation;
- Related storage and processing;
- Vessel and barge docks;
- Industry and commerce ancillary or necessary to the port;
- Recreational boat facilities;
- Ancillary uses including retail and restaurant; and,
- Provision of services such as security, employment, immigration, labour, administration, technical, food, fuel and maintenance.

An Official Plan Amendment is proposed to amend Policy E.5.6.1 (Volume 1) to remove a section of the policy with respect to the ownership requirement within the Shipping and Navigation Designation. The amendment includes removing the wording “so long as they are owned by the Hamilton Port Authority” has been removed through the OPA because the designation is specific to the Federal regulations and as one parcel is owned by the Federal Government (see Appendix A” to Report PED18064). The remainder of the policy is unchanged.

Also, Policy E.5.6.1 f) permits ancillary retail and restaurants, and a further restriction found in Policy E.5.6.2 limits retail uses to 500 sq m of gross floor area (GFA) to limit retail uses to smaller establishments that cater to employees of the Port and surrounding industrial areas. Furthermore, commercial uses generate traffic demands which may result in conflict with existing freight traffic. The proposed Shipping and Navigation Zones implement the above policies as a variety of industrial, port, and port-related uses such as marina and marine services, are permitted with the appropriate performance standards and GFA regulations.

The proposed Industrial Zones implement the above policies with respect to permitting certain industrial and limited commercial uses, and restricting retail to a maximum floor area of 500 sq m, or 25% of the total floor area, whichever is lesser (see Appendix “B” to Report PED18064).

Policy E.5.6.5 requires the City to consult with the Hamilton Port Authority prior to any future amendments to the Official Plan or Zoning By-law regarding lands within the

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Shipping and Navigation designation on E-1 – Urban Land Use Designations. Staff consulted with the HPA on the proposed Shipping and Navigation Zones and provided comments to the HPA's Land Use Plan (2017), and a letter of support from the HPA was received by staff in early-March 2018 (See Appendix "E" to Report PED18064).

Under Policy F.1.8, a Holding Provision may be placed on lands where development should not take place until certain studies or conditions for development are met. The proposed Holding Provision for the entire extent of the Shipping and Navigation (M13) Zone requires studies to allow the City of Hamilton to assess the potential impact of a Waste Processing Facility or a Waste Transfer Facility might have on the neighbouring communities. Concerns such as air quality, environmental, and human health impacts were raised by the community in response to a previous proposal to establish a Waste Processing Facility on the Port Lands. The Holding Provision will require the owner/applicant to submit and receive approvals to the studies to ensure impacts are minimized (See Appendix "B" to Report PED18064).

Some of the highlights of the discussions are addressed under the Analysis and Rationale for Recommendation Section.

3.3 Industrial Zone Review

The property located at 440 Victoria Avenue North is designated Industrial Land in Schedule E-1 – Urban Land Use Designations where employment uses are permitted. A change in zoning to the Light Industrial (M6) Zone in Hamilton Zoning By-law No. 05-200 implements the designation. The designation permits a variety of industrial uses such as manufacturing and warehousing, and limited commercial uses with restrictions to support employees within the designation.

There are other lands throughout the city that have old industrial zoning under Hamilton Zoning By-law No. 6593, and they include the following:

- The former municipality of Dundas contains numerous vacant properties along Spencer Creek, and are designated Open Space and Neighbourhoods in Schedule E-1 – Urban Land Use Designations. These properties will be addressed at the Residential Zoning stage under Hamilton Zoning By-law No. 05-200.
- Many properties with existing industrial zoning Hamilton Zoning By-law No. 6593 are designated Residential. They are also designated Neighbourhoods under Schedule E-1 – Urban Land Use Designations. These properties will be

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addressed at the Residential Zoning stage under Hamilton Zoning By-law No. 05-200.

- Many properties along main transportation corridors such as Hwy. 403 and the Red Hill Expressway are designated Open Space in Schedule E-1 – Urban Land Use Designations. These properties are generally forested with lush vegetation, or have an existing highway going through these lands. These lands will be brought into Hamilton Zoning By-law No. 05-200 with an Open Space Zone at a future housekeeping amendment.
- The lands located at 165 Barton Street East (Hamilton Wentworth Detention Centre) is currently zone “K” District in Hamilton Zoning By-law No. 6593, and is designated as Institutional in the Setting Sail Secondary Plan and is in effect under the former Hamilton Official Plan. New zoning in Hamilton Zoning By-law No. 05-200 cannot be introduced at this time as the Secondary Plan is at the OMB due to an appeal / non decision. Once this Secondary Plan is brought into the UHOP, staff will introduce new zoning for the entire area as part of a comprehensive zoning amendment which includes public consultation to address public concerns.

These lands that are not addressed in this Report will be updated through future amendments to Hamilton Zoning By-law No. 05-200, particularly through the Residential Zoning review, a review of the Institutional Zones, and future housekeeping amendments.

3.4 Windemere Basin

Windemere Basin and the lands that surround the Basin is an ecologically sensitive feature and is designated Open Space in Schedule E-1 – Urban Land Use Designations. This designation permits limited recreation uses. A zone change is required to implement the land use designation (see Appendix “C” to Report PED18064).

3.5 Removal of Zones in Hamilton Harbour

Hamilton Harbour is subject to Federal requirements with respect to its use and also environmental protection (i.e. Watershed Fisheries Management Plan). The Harbour does not have a designation, however, is identified as a Key Hydrological Feature: Lakes and Littoral Zones in Schedule B-5: Detailed Natural Heritage Features in Volume 1 of the UHOP. The removal of the two Harbour Zones does not affect the environmental protection of the Harbour.

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Based on the foregoing, the proposed Shipping and Navigation Zones, as amended, conform to the policies of the UHOP.

4.0 Setting Sail Secondary Plan (former Hamilton Official Plan)

Subsequent to the Public Meeting Notice, staff have removed the following lands from this project as these properties are located in the Setting Sail Secondary Plan of the former Hamilton Official Plan.

- Pier 10, located north of Burlington Street East and east of Ferguson Avenue North and zoned “J” District in Hamilton Zoning By-law No. 6593;
- Existing brewery located at 201 – 207 Burlington Street East and zoned “J” District in Hamilton Zoning By-law No. 6593;
- Hamilton Wentworth Detention Centre located at 165 Burlington Street East and zoned “K” District in Hamilton Zoning By-law No. 6593; and,
- HMCS Haida and HMCS Star located at Pier 9, 650 – 658 Catharine Street North and zoned “F-1” District in Hamilton Zoning By-law No. 6593.

As the Setting Sail Secondary Plan has not been incorporated into the Urban Hamilton Official Plan, new and updated Zones under Hamilton Zoning By-law No. 05-200 cannot be applied at this time. This method is consistent with the Commercial and Mixed Use (CMU) Zones where new zones were introduced throughout the urban area but left out in the Setting Sail Secondary Plan area pending the Secondary Plan being incorporated into the UHOP.

Once the Setting Sail Secondary Plan is incorporated into the UHOP, staff will apply zones in Hamilton Zoning By-law No. 05-200 for the entire Secondary Plan area as part of a comprehensive zoning by-law amendment. During this process, public consultation will also be undertaken to ensure concerns are addressed.

RELEVANT CONSULTATION

1.0 Hamilton Port Authority

Meetings have been held between staff and the Hamilton Port Authority in August 2016 to discuss the draft Shipping and Navigation Zones and to allow for the HPA to review the draft Zoning By-law. Subsequently in 2017, an update to the 2002 Land Use Plan was circulated for municipal review, and comments were provided to the HPA in

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September 2017. The final draft of the Land Use Plan was approved in October 2017, where the document was used to refine the proposed Shipping and Navigation (M13) and (M14) Zones in Hamilton Zoning By-law No. 05-200.

Final discussions with the HPA were held in early-February 2018 to provide the final draft of the proposed Shipping and Navigation (M13) and (M14) Zones for final review and comment. No further comments or objections were received with respect to the proposed Zones.

A letter of support dated February 26, 2018 was received by the HPA in support of the Draft Shipping and Navigation Zones (see Appendix “E” to Report PED18064).

2.0 440 Victoria Avenue North

Staff met with the landowner and the planning consultant project managing the Site Plan Application in late-February 2018 to inform them on the change in zoning on the subject lands from the existing “K” (Heavy Industry, etc.) District in Hamilton By-law No. 6593 to Light Industrial (M6) Zone in Hamilton Zoning By-law No. 05-200. The change in zoning to the Light Industrial (M6) Zone is required to implement the Growth Plan and the UHOP. Under these two documents, commercial uses are restricted to preserve employment lands for industrial uses. However, it was acknowledged to the landowner that there is an existing Site Plan Application in process and a Special Exception has been added to the subject lands to ensure the process is not compromised.

Although the existing “K” (Heavy Industry, etc.) District permits a variety of heavy industrial uses, it also permits a wide range of commercial uses. In addition, the “K” (Heavy Industry, etc.) District permits heavy industry that, if established, will have an impact on abutting residential uses. In addition, the existing “K” (Heavy Industry, etc.) District permits a variety of commercial uses such as retail that do not conform to the Growth Plan for the Greater Golden Horseshoe with respect to the protection of Employment Areas from non-employment uses. Furthermore, moving forward with the change in zoning to the Light Industrial (M6) Zone implements the 2010 Council direction to change the zoning in Hamilton Zoning By-law No. 05-200.

Following the meeting with the landowner and the planning consultant, minor changes have been suggested such as modification to the landscape and planting strip depths to facilitate the proposed office development and yet still allow for enhanced landscaping to provide for a pleasing street edge.

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ANALYSIS AND RATIONALE FOR RECOMMENDATION

There are three parts to this Report, and a full discussion is provided below for each individual part:

- The first part is to establish two new Industrial Zones specifically for the Port Lands along Hamilton Harbour into Hamilton Zoning By-law No. 05-200 through the proposed Zoning By-law (see Appendix “B” to Report PED18064). The Shipping and Navigation (Port Lands) (M13) Zone are located in Piers 11, 12, 14, 15, and 22-24 located on the west side of Hamilton Harbour. The Shipping and Navigation (Port Lands) (M14) Zone are located in Piers 25 to 27 on the east side of Hamilton Harbour. Pier 10 and the existing brewery located at 201 – 207 Burlington Street East are not addressed through this process as these lands are located in the Setting Sail Secondary Plan under the former Hamilton Official Plan. All lands within the Secondary Plan area, including the lands above, will be addressed through a comprehensive zoning amendment once the Setting Sail Secondary Plan is brought into the UHOP, and includes public consultation to address resident concerns.
- The second part of this Report is to capture lands with remnant Industrial Districts in Hamilton Zoning By-law No. 6593 and change the zone to an Industrial Zone in Hamilton Zoning By-law No. 05-200 on a property located at 440 Victoria Avenue North in Hamilton Zoning By-law No. 05-200 for certain lands that currently have an existing Industrial District in Hamilton Zoning By-law No. 6593 (see Appendix “C” to Report PED18064). This ensures the subject lands have zoning that reflect the existing or planned land uses. The Hamilton Wentworth Detention Centre located at 165 Barton Street East are not addressed through this process as these lands are located in the Setting Sail Secondary Plan under the former Hamilton Official Plan. All lands within the Secondary Plan area, including the property above, will be addressed through a comprehensive zoning amendment once the Setting Sail Secondary Plan is brought into the UHOP, and includes public consultation to address resident concerns.

This component also captures lands with remnant Planned Development Districts in Hamilton Zoning By-law No. 6593 within the Windemere Basin area and establish Open Space Zones in Hamilton Zoning By-law No. 05-200 (See Appendix “C” to Report PED18064).

- The final part is to delete the “F-2A” (Harbour) District and the “F-2” (Open Space Harbour) District in Hamilton Zoning By-law No. 6593 (see Appendix “D” to Report PED18064), and are located on the waters of Hamilton Harbour. These

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Districts permit shipping and navigation uses and passive recreational uses. The removal of these zones will not impact on the usability of Hamilton Harbour as its use is regulated by the Federal Government.

- It should be noted that Pier 9 lands located at 650 – 658 Catharine Street North is not addressed through this process due as these lands are located in the Setting Sail Secondary Plan under the former Hamilton Official Plan. A comprehensive zoning amendment will add zones within Hamilton Zoning By-law No. 05-200 once the Setting Sail Secondary Plan has been incorporated into the UHOP. During this comprehensive zoning amendment, public consultation will take place to address concerns from residents.

1.0 New Shipping and Navigation Zones in Hamilton Zoning By-law No. 05-200

Staff are proposing two new Industrial Zones for lands in the Port Lands along Hamilton Harbour. These zones were developed after consultations with the HPA and the approval by the Federal Government of their Land Use Plan in the second half of 2017. The new Shipping and Navigation Zones not only permit industrial uses such as Manufacturing and Warehouse, but also uses specific to the Port such as Marina and Marine Service that is unique only to lands in proximity to Hamilton Harbour. The two zones will be applied only on lands along Hamilton Harbour and nowhere else in the City. The following sections discuss each of the amendments to Hamilton Zoning By-law No. 05-200.

1.1 Definitions

As part of the new Shipping and Navigation Zones, a new definition has been added to address uses related to marine activities, and the following existing definitions have been amended:

- The existing definition of **Marina** is amended to specify recreational boats and boat accessories as being permitted to be berthed, stored, serviced, repaired, constructed or kept or sales or lease, whereas the existing definition does not specify what type of boats are allowed. This provides further clarification that cargo ships or boats other than for recreational purposes, are not permitted.
- A new definition for **Marine Service** is proposed. Marine Service is defined as an establishment or premises used for the purpose of commercial shipping activities. Such activities shall include but not limited towing, piloting, 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.

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These activities apply only for commercial shipping activities such as cargo and passenger ships and do not include recreational boats and vessels such as yachts and pleasure boats, which fall within a different definition (see “Marina” below).

- The existing definition **Transport Terminal** is amended to include cargo ships as a form of transportation where cargo is loaded and unloaded, temporarily stored, dispatched, or parked for remuneration, whereas the existing definition does not recognize cargo ships as a form of transportation to be docked at a transport terminal.

1.2 Parking Requirement for Marine Service

A new parking requirement is proposed to be added to Section 5.6: Parking Schedule where for a Marine Service use, one parking space shall be provided for each 30.0 sq m of gross floor area which accommodates the office component of the use. This regulation ensures parking is only required for the office only and does not apply for warehousing or other accessory building or structures that make up a Marine Service use.

1.3 Proposed Shipping and Navigation Zones

The two Shipping and Navigation Zones are proposed to be applied to properties along Hamilton Harbour and currently owned by the HPA:

- The Shipping and Navigation (Port Lands) (M13) Zone will apply to Piers 11 – 12, 14, 15, generally located north of Burlington Street and between Ferguson Avenue North and Birch Avenue, and Piers 22-24 generally located north of Nikola Tesla Boulevard; and on the east and west sides of Strathearne Avenue; and,
- The Shipping and Navigation (East Port) (M14) Zone will apply to Piers 25 – 27 generally located north of Nikola Tesla Boulevard and between Kenilworth Avenue North and Windemere Basin.

The proposed Shipping and Navigation Zones apply to a very specific part of Hamilton along Hamilton Harbour as the permitted uses are specific to shipping and navigation. It is expected the zone will apply only along Hamilton Harbour and not anywhere else due to the type of uses permitted in this zone family. This branding of the new Industrial Zones are similar to the Airport Employment Growth District (AEGD) Zones where the

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AEGD family of zones are specific to Hamilton International Airport, and the intent is that they are not applied elsewhere in Hamilton.

The Shipping and Navigation Zones replace some of the last remaining Industrial lands along Hamilton Harbour with existing Hamilton Zoning By-law No. 6593. The new Industrial Zones include new updated zone regulations reflecting permitted uses under the Letters Patent specifically for the HPA, and elements of the HPA's Land Use Plan (2017).

Generally, the difference between the two Shipping and Navigation Zones is the M14 Zone prohibits certain industrial uses that may have a greater impact on the surrounding area such as a Salvage Yard. Furthermore, the M14 Zone is located abutting the QEW which is envisioned to have a greater degree of design and landscaping to create a business park setting, therefore creating a positive impression of the Port Lands.

1.3.1 Shipping and Navigation (Port Lands) (M13) Zone

The proposed M13 Zone is based on the existing General Industrial (M5) Zone in Hamilton Zoning By-law No. 05-200. The M13 Zone will permit marine related uses (both Marina and Marine Service) and other industrial uses that rely on the commercial shipping industry for its logistics such as manufacturing and warehousing. Marine uses that cater to cargo vessels and recreational boating, such as Marine Service and Marina uses are also permitted. However, lands located at Pier 10, including the existing brewery located at 201 – 207 Burlington Street East is not part of this process as these lands are located in the Setting Sail Secondary Plan in the former Hamilton Official Plan. Once the Setting Sail Secondary Plan has been incorporated into the UHOP, a comprehensive zoning amendment will introduce zones within Hamilton Zoning By-law No. 05-200 into the Secondary Plan area, and this process includes public consultations.

1.3.1.1 Permitted Uses

Furthermore, as identified in the Letters Patent, certain industrial uses may require close proximity to a port facility such as manufacturing and warehousing. For example, raw materials such as coal, iron ore, and manufactured parts can only be transported by marine vessels, and the proximity of a manufacturing facility to the port supports its supply chain. A Transport Terminal, Bulk Fuel and Oil Storage Establishment, and Warehouse are permitted in the proposed zone as materials such as bulk fuel and lubricant, salt, sand, and raw food material such as flour, are shipped to the port and are unloaded into warehouses and transported to their final destination by rail or trucks as part of the overall logistics network. Landscape requirements which were absent in

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Hamilton Zoning By-law No. 6593 are required in the M13 Zone to provide an attractive and inviting streetscape, and also some buffering between the street and the industrial use.

Other permitted industrial uses include Research and Development Establishment, Waste Processing Facility, and Waste Transfer Facility which may require close proximity to a port.

Limited commercial uses such as laboratory, office, repair service, and catering service are permitted either as accessory to an industrial use (i.e. Office and Industrial Administrative Office) or are vital to the port activity (i.e. Catering Service and Repair Service). Accessory retail and showroom areas are permitted in conjunction with an industrial use, and are limited to a maximum of 25% of the Gross Floor Area or 500 sq m, whichever is lesser. The Zone permits a small retail store or a showroom alongside the principal industrial use but the size is restricted so the accessory use does not dominate the industrial use. As with other Industrial Zones in Hamilton Zoning By-law No. 05-200, residential uses and day nurseries are prohibited within this zone.

A regulation restricts the location of a Waste Processing Facility and Waste Transfer Facility to be located a minimum of 300 m from a Residential Zone or Institutional Zone. This regulation ensures impacts from these uses, such as odour, noise, vibration, vermin, and soil and water pollution are minimized.

1.3.1.2 Storage of Stockpiles

To ensure stockpiles of soils and salts are properly and securely stored without exposure to weather elements, a regulation has been added to the M13 Zone to restrict the location of stockpiles of soils and to a minimum of 250 m from the lot line abutting a Residential Zone or an Institutional Zone. Furthermore, a regulation requires that the stockpiles be secured and protected with a roofed structure with a minimum of three walls, or the use of tarpaulin or other materials.

1.3.2 Shipping and Navigation (East Port) (M14) Zone

The proposed Zone is based on the existing Prestige Business Park (M3) Zone in Hamilton Zoning By-law No. 05-200. The M14 Zone will permit marine related uses and other industrial uses that depend on the commercial shipping industry for its logistics, and other marine uses that cater to recreational boating, such as Marine Service and Marina uses. This is in addition to a limited number of permitted industrial uses as identified in the Letters Patent, such as Manufacturing, Warehouse, Transport Terminal, Private Power Generation Facility, and Research and Development Establishment.

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1.3.2.1 Permitted Uses

Similar to the existing Prestige Business Park (M3) Zone, certain manufacturing uses that may have adverse impacts on the surrounding lands are prohibited, such as Rock Crushing, Petroleum Refineries, and Salvage Yard. The intent of this zone is to permit prestige industrial uses that do not necessarily require large amounts of land for intensive manufacturing activities. Furthermore, in accordance to the HPA Land Use Plan (2017), the long term vision for Piers 25 to 27 includes attracting the agriculture and agri-food processing sector, and for long term protection of the Windermere Basin from more intensive development.

1.3.2.2 Design Regulations

The proposed M14 Zone requires a greater degree of landscaping and overall design due to the close proximity of the Eastport lands to the Queen Elizabeth Way and Red Hill Expressway. This is consistent with the existing industrial zones in Hamilton Zoning By-law No. 05-200 whereby the zones applied to lands along major arterial roads require a higher design standards with respect to landscaping, screening, and location of outdoor storage.

The proposed M14 Zone also incorporates design elements similar to the Prestige Business Park (M3) Zone. For example there is a maximum building setback abutting the street of 27.0 m, which ensures buildings are constructed close to the street. Furthermore, a minimum ground floor façade is required to be built between the minimum and maximum yard setback abutting the street to provide a street presence. Furthermore, landscape requirements which were absent in Hamilton Zoning By-law No. 6593 are required in the M13 Zone to provide an attractive and inviting streetscape, and also some buffering between the street and the industrial use.

Furthermore, a wide Landscape Area with restricted outdoor storage is required abutting the street, which is a greater requirement compared to the M13 Zone. This regulation ensures enhanced landscaping for a more attractive and inviting streetscape.

1.3.2.3 Storage of Stockpiles

Existing operations in Piers 25 and 26 include cargo ships loading and unloading of bulk materials onto the dock surface, followed by the transferring of these materials to covered stockpile storage. The bulk materials are stored in dome structure until needed where these materials are safe from wind patterns. Based on this operation, most of the particles become airborne when the bulk material is transferred from the ship and

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onto the dock surface. Bulk materials are already being stored in enclosed dome structures and are a normal port operation.

To ensure stockpiles of salts and soils are properly and securely stored without exposing to weather elements, a regulation has been added to the M14 Zone to restrict the location of stockpiles of aggregate, topsoil, or other materials to a minimum of 250 m from the lot line abutting a Residential Zone or an Institutional Zone. Furthermore, a regulation requires that the stockpiles be secured and protected with a roofed structure with a minimum of three walls, or the use of tarpaulin or other materials.

1.4 Holding Provision for Shipping and Navigation (M13) Zone

A Waste Processing Facility and a Waste Transfer Facility are permitted uses in the M13 Zone, as its zone regulations such as a minimum 300 m separation distance of these uses from a Residential Zone are based on the General Industrial (M5) Zone. The vision of the M13 Zone is to permit a variety of industrial uses such as manufacturing and warehousing that would also be permitted in the M5 Zone. Often, lands within the M13 Zone abut lands within an M5 Zone. As stated above, the main distinction of the two zones is the addition of a Marine Service use for the M13 Zone to reflect the shipping and navigation characteristic of the zone.

A Holding Provision has been added to lands within the Shipping and Navigation (M13) Zone. This Holding Provision is required for any development resulting in the construction of a Waste Processing Facility and a Waste Transfer Facility as these are considered as more intensive industrial uses. These uses cannot be constructed without the approval of the following studies:

- Air Quality Study;
- Functional Servicing Report;
- Transportation Impact Study;
- Hydrogeological Study;
- Acoustical Report; and,
- Human Health Risk Assessment.

This Holding Provision is the result of a previous proposal to construct a waste to energy facility at Pier 15. The proposal was subject to a Class Environmental Assessment.

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The concerns that were raised in response to the proposal includes:

- Air quality concerns due to the emissions of burning waste material, and measures to reduce air emission through various technologies and monitoring. These contaminants may affect the surrounding residential neighbourhood;
- Stormwater management concerns with respect to surface runoff and the potential for pollutants to run off to Hamilton Harbour, and also the amount of water used during the incineration process, and the wastewater produced by this process;
- Traffic concerns and how waste would be transported to the facility. If wastes are transported by trucks, where the truck routes are located and the potential impact of the truck routes on the residential neighbourhood with respect to traffic safety, traffic congestion, and external factors associated with truck traffic such as vibration and noise;
- Pollutants seeping into the groundwater supply and whether the geology of the bedrock underneath and surrounding the facility could support the infiltration of potential pollutants;
- Potential acoustic concerns from the facility itself and measures to reduce noise from the source with the surrounding community; and,
- Potential impacts of the facility to human health, such as the effects of certain pollutants on human health, which would be determined through an assessment of pollutants on the health of residents in the surrounding community.

Studies to address these concerns are part of the ECR from the Province. The studies identified in the Holding Provision represent minimum requirements that are required to be satisfied prior to the City of Hamilton removing the Holding Provision and the use being permitted. Through the establishment of a Holding Provision, the City of Hamilton is being transparent, and provides clarity to the process and requirements on a go-forward basis.

2.0 Industrial Zone Review

Lands with industrial zoning found within the former municipal zoning by-laws can be found predominantly in the Industrial area along Hamilton Harbour and generally in the older parts of the City. Over time, these remnant industrial zoned properties are to be incorporated into Hamilton Zoning By-law No. 05-200 to provide consistency between

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zoning and Official Plan designations. The Commercial and Mixed Use Zone project incorporated many of the remnant industrial lands into Hamilton Zoning By-law No. 05-200 by establishing new commercial and mixed use zones for those properties that were designated primarily Neighbourhoods and Mixed Use Medium Designation in the UHOP, but given a Local Commercial Zone or a Mixed Use Medium Density (C5) Zone in Hamilton Zoning By-law No. 05-200.

An inventory of the remnant industrial zoned properties was conducted to determine their designations and proposed zoning, and the majority of these lands will be addressed in future amendments to Hamilton Zoning By-law No. 05-200 such as through the Residential Zoning project and a review of the Institutional Zones. These parcels can be grouped into the following themes:

- Properties located in the Setting Sail Secondary Plan of the former Hamilton Official Plan, including the Hamilton Wentworth Detention Centre located at 165 Barton Street East have existing Industrial Districts in Hamilton Zoning By-law No. 6593. These lands will be addressed as a future amendment when the West Harbour Secondary Plan in the UHOP is resolved by the Ontario Municipal Board and is brought into the UHOP. This will include extensive public consultation to address any concerns by the public.
- The Pier 9 lands located at 650 – 658 Catharine Street North are currently zoned “F-1” (Waterfront Recreational) District in Hamilton Zoning By-law No. 6593 and permits recreational uses such as a marina, passive and active recreation, and commercial uses. Existing uses include the HMCS Haida, which is considered as a Museum as defined in Hamilton Zoning By-law No. 05-200, and the existing HMSC Star and the Department of National Defence facility which is considered as a public use. Pier 9 is not part of this process as these lands are located in the Setting Sail Secondary Plan. Once the Setting Sail Secondary Plan has been incorporated into the UHOP, a comprehensive zoning amendment will introduce zones within Hamilton Zoning By-law No. 05-200 into the Secondary Plan area, and this process includes public consultations.
- Open Spaces and transportation corridors such as along the Chedoke Creek and the Highway 403 corridor, Mount Albion, and remnant portions near Cootes Paradise are zoned with an industrial District in Hamilton Zoning By-law No. 6593. A future amendment to the Hamilton Zoning By-law No. 05-200 will address these remnant industrial lands to an Open Space Zone.
- Numerous industrial properties with existing Industrial Districts in Hamilton Zoning By-law No. 6593 are located within the Centennial Neighbourhoods

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Secondary Plan and along Centennial Parkway North and are designated Mixed Use Medium Density – Pedestrian Focus under the Secondary Plan. A zoning amendment to change the zoning to a Mixed Use Medium Density – Pedestrian Focus (C5a) Zone in Hamilton Zoning By-law No. 05-200 will be undertaken in the future.

- Numerous railway lines and corridors currently have an industrial zoning in Hamilton Zoning By-law No. 6593, such as the shunting yard located south of Bayfront Park, and portions of the railway corridor north of Barton Street. A future amendment will include the zoning of these transportation corridors to a Utility Zone in Hamilton Zoning By-law No. 05-200.
- Numerous industrial properties in Dundas along Spencer Creek have retained the former industrial zones from Dundas Zoning By-law No. 1964 and predate the existing Dundas Zoning By-law No. 3581-86. Many of these properties are currently vacant and over time have been naturalized. Furthermore, many of these properties may be prone to flooding and have varying elevation changes which makes industrial development infeasible. A future review of this area will be conducted to determine the most appropriate zoning to be applied to these lands.

The following subsections provide a discussion on the changes to the zoning for Windemere Basin and the former Otis Elevator/Studebaker Office lands. The lands proposed to be added to Hamilton Zoning By-law No. 05-200 are shown in the Location Map in Appendix “D1” to Report PED18064.

2.1 440 Victoria Avenue North (Former Otis Elevator/Studebaker Office lands)

A council resolution approved in 2010 deferred certain industrial properties such as 440 Victoria Avenue North from the new Industrial Zones proposed in Hamilton Zoning By-law No. 05-200. This ensured the existing “K” District in Hamilton Zoning By-law No. 6593 remained in effect. In 2010, the prospective purchaser was pursuing a sports and entertainment complex on the subject lands while the current owner is proceeding with industrial and office development for the subject lands. The proposed Zoning By-law brings forward updated Industrial Zones into the Hamilton Zoning By-law No. 05-200 and includes 440 Victoria Avenue North (see Appendix “C” to Report PED18064). This change in zoning to the Light Industrial (M6) Zone also removes many of the heavy industrial uses such as a rendering plant from being established abutting existing residential uses.

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A Plan of Subdivision (25T-201208) was registered on October 5, 2017 for the former Otis Elevator/Studebaker Office lands located at 440 Victoria Avenue North, located south of Burlington Street East. A Site Plan Application (DA-17-155) was submitted in August 2017 and received conditional approval on October 19, 2017. The Site Plan Application facilitates the development of an office park consisting of numerous office buildings of various gross floor area, with the maximum size of 3,300 sq m. The development is to be built in phases, and the Site Plan Application affects only the western half of the subject property.

The designation of the subject property is Employment Area – Industrial Land on Schedule “E-1” – Urban Land Use Designation in Volume 1 of the UHOP, and permits the proposed office use. The proposed Light Industrial (M6) Zone implements the policies of the Employment Area – Industrial Land designation with respect to the proposed Office Use. The Light Industrial (M6) Zone also permits other commercial uses such as personal service, hotel, and financial establishment to provide services to abutting employment areas.

Furthermore, Special Exception 678 addresses the following special regulations (see Appendix “C” to Report PED18064):

- Increase in the maximum Gross Floor Area for an Office use within an individual building to 3,500 sq m, whereas the parent regulation restricts Office use to 3,000 sq m per individual building;
- Reduction in the minimum yard setback abutting Victoria Avenue to 0.0 m to recognize the existing building located on the subject lands;
- Increase in the maximum height when abutting a Residential or Institutional Zone to 16.0 m, whereas the current maximum height is 11.0 m; and,
- Reduction in the minimum parking space size and barrier free parking space size dimension to recognize in the smaller parking space size as originally proposed in Site Plan Application DA-17-155.

2.2 Windemere Basin

Windemere Basin is an ecologically protected body of water and is the drainage basin for Red Hill Creek. Lands surrounding Windemere Basin are currently zoned Open Space (P4) Zone and Red Hill Creek is zoned Conservation/Hazard Lands (P5) Zone in the Hamilton Zoning By-law No. 05-200. However, Windemere Basin is currently zoned Planned Development Special Study Area (L-s) District in Hamilton Zoning By-law No.

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6593. Appendix “C” to Report PED18064 zones Windemere Basin as Conservation/Hazard Lands (P5) Zone in Hamilton Zoning By-law No. 05-200 which is appropriate and consistent with the waters of the Red Hill Creek. The Conservation/Hazard Lands (P5) Zone is appropriate to recognize the need for the conservation of the Basin and restrict permitted uses to conservation and erosion. In addition, the zone restricts uses to allow for flood control.

In addition to Windemere Basin, Appendix “C” to Report PED18064 also changes the zoning for a thin sliver of land located to the northwest of Windemere Basin that is currently zoned Conservation Open Space – Park and Recreation (A/S-1450a) District, modified of Hamilton Zoning By-law No. 6593. This parent District regulation permits conservation, passive recreation, and cemetery use, and the special exception further permits an existing private road access for pier access.

The change in zone from the existing zoning under Hamilton Zoning By-law No. 6593 to Open Space (P4) Zone in Hamilton Zoning By-law No. 05-200 on this sliver of land is consistent with lands that surrounds Windemere Basin which is also zoned Open Space (P4) Zone which provides conservation and passive recreation uses. This is different from the P5 Zone for Windemere Basin as the zone is more restrictive as recreation is not permitted. Further, a special exception has been included (Special Exception 671) to permit the existing private access road which provides private trucking access between Piers 24 and 25, and is not accessible to the general public (see Appendix “C” to Report PED18064).

3.0 Repealing Zoning in Hamilton Harbour

The final component of the City Initiative is to address the existing zoning of the waters of Hamilton Harbour in Hamilton Zoning By-law No. 6593. The UHOP does not designate Hamilton Harbour as the Harbour is federally controlled by Transport Canada. Furthermore, the Harbour is generally used primarily for shipping and navigation of cargo and recreational vessels, and recreational open space. Dredging and filling of Hamilton Harbour is strictly prohibited and any activity is regulated and approved by the Federal Government. No other uses are permitted on water.

Currently there are two Harbour Zones found on the waters of Hamilton Harbour that are in Hamilton Zoning By-law No. 6593. Section 12B identifies “F-2” (Open Space Harbour) District which permits Recreational Open Space and is found to the west of Bayfront Park and on the north of the Waterfront Trail. Section 12B-1 identifies “F-2A” (Harbour) District, and permits limited uses such as Recreational Open Space, Shipping and Navigation, Boating, and Open Space. A location map identifying the two Harbour zones is contained in Appendix “D1” to Report PED18064.

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A draft Zoning By-law (see Appendix “D” to Report PED18064) repeals both the “F-2” (Open Space Harbour) District and the “F-2A” (Harbour) District from Hamilton Zoning By-law No. 6593. Furthermore, the draft Zoning By-law removes Appendix 3 and 4 of the Zoning By-law that references the two Harbour Zones.

However, the removal of these Districts does not remove the use of the Harbour as primarily for Shipping and Navigation, Boating, and Open Space.

ALTERNATIVES FOR CONSIDERATION

City Council would not adopt the OPA and the zoning by-law amendment. The existing UHOP and the Shipping and Navigation policies remains in effect. The existing industrial zoning within the former municipal zoning by-laws will remain in effect. The option is not preferred because the existing industrial zoning does not implement the policies of the Shipping and Navigation designation of the UHOP.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Official Plan Amendment
- Appendix “B”: Zoning By-law Amendment to add Shipping and Navigation Zones to Hamilton Zoning By-law No. 05-200
- Appendix “C”: Zoning By-law Amendment to Add an Industrial Zone for 440 Victoria Avenue North and Update Open Space Zones on lands around Windemere Basin to Hamilton Zoning By-law No. 05-200
- Appendix “D”: Zoning By-law Amendment to Repeal “F-2” (Open Space Harbour) District and “F-2A” (Harbour) District from Hamilton Zoning By-law No. 6593

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- Appendix “D1”: Location Map of Hamilton Harbour and waters zoned “F-2” (Open Space Harbour) District and “F-2A” (Harbour) District of Hamilton Zoning By-law No. 6593, and Updates to add an Industrial Zone for 440 Victoria Avenue North to Hamilton Zoning By-law No. 05-200
- Appendix “D2” Location Map of Windemere Basin and Updates to the Open Space Zones to Hamilton Zoning By-law No. 05-200
- Appendix “E”: Letter by the Hamilton Port Authority regarding the Draft Shipping and Navigation Zones.

TL:mo