To:  
Chair and Members  
Economic Development and Planning Committee

From:  
Tim McCabe  
General Manager  
Planning and Economic Development Department

Date:  
September 14, 2009

Re:  
City of Hamilton Comprehensive Zoning By-law: New Industrial Zones and Public Consultation (City Wide) (PED09260)

Council Direction:

Update on new Industrial Zones for the City of Hamilton's Comprehensive Zoning By-law 05-200.

Information:

The purpose of this Report is to update Members of the Economic Development and Planning Committee on the status of the new Industrial Zoning component for the City of Hamilton's Comprehensive Zoning By-law 05-200, and to receive the information prior to its presentation at Public Information Centres for review and comment.

1.0 Background

The City of Hamilton's new Comprehensive Zoning By-law 05-200, came into effect on May 25, 2005, and is being implemented in stages. The first stage represented the Downtown Zones. The second stage brought forward the Open Space and Parks Zones and the third stage brought forward the Institutional Zones. In February 2007, the first Industrial Zone, Research and Development (M1) Zone, was approved by Council and represented the start of the fourth stage of the new By-law. The Zoning By-law Reform team has now completed work on the remainder of the Industrial Zones, and will be presenting the draft Zones to the Public at a series of Public Information Centres (PICs), scheduled for November 2009.

2.0 Development and Intent of New Industrial Zones

The intent of the new Zoning By-law is to be a “living document”, which is flexible, user friendly and responsive to the needs of industry and the community. The new Industrial Zones establish a consistent approach to the management of the City’s Employment
In developing the zones, staff conducted extensive background research in order to help shape the direction of Industrial Zoning within the new Comprehensive Zoning By-law. Existing planning legislation, including the Provincial Policy Statement and the Grow Growth Plan for the Greater Golden Horseshoe, existing Zoning By-laws, other municipal Zoning By-laws, existing site specific zoning as well as current trends in industrial development were evaluated in the development of the new Industrial Zones.

The former Municipal Zoning By-laws permitted a wide range of uses within an Industrial Area, from very specific types of manufacturing uses defined by Standard Industrial Classification (SIC) codes to commercial recreational uses (e.g. Gymnastics Studios) to large-format retail uses to institutional uses (e.g. Place of Worship). Recent changes to Provincial legislation, which place an emphasis on the preservation of Employment Lands for employment uses, requires a shift in municipal planning for these areas. Under the Places to Grow Growth Plan, municipalities are required to plan for, protect and preserve employment areas for current and future uses. The Plan makes the distinction between what are considered to be appropriate uses within an employment area (industrial uses) and those which are not (non-industrial uses), for the purpose of conversion. Employment uses include: manufacturing, warehousing, equipment repair and service, and other uses which have the potential to impact surrounding land uses (such as residential) through noise, odour, truck traffic, and outdoor storage requirements and which must be appropriately setback from sensitive land uses. Examples of non-employment uses include: commercial recreation facilities, dance studios, places of worship and major retail establishments, which do not have the same impacts on adjacent land uses, and therefore do not require a separation from sensitive land uses. The Growth Plan does not support the conversion of employment lands to non-employment (i.e. commercial uses) outside of a municipal comprehensive review. It is important to note that ancillary commercial uses (such as a bank or restaurant) which support employment areas are permitted through the Growth Plan. Therefore, the uses permitted within the existing Municipal Zoning By-laws must be scoped to permit employment uses, and remove the as-of-right permissions for major retail, commercial and institutional uses to locate on industrial lands. In developing the new Industrial Zones, staff also conducted a number of site visits in order to better understand the existing character of the City’s Employment Lands and to see how the new zones would be applied.

The new Urban Hamilton Official Plan was adopted by City Council on July 9, 2009. The goal of the new Official Plan is to establish compact, complete communities where citizens can live, work, shop, play and learn. One component of achieving this goal is through the designation and maintenance of an adequate supply of zoned and serviced employment land. The goal of the new Employment Area policies is to:

- Protect Employment Area designations from non-employment functions;
- Minimize land use conflicts between heavy industrial uses and sensitive land uses; and,
- Provide for enhanced design to ensure compatibility for areas adjacent to major expressways, arterial roads and sensitive land uses.

There are a total of four Employment Area designations: Industrial Land designation, Business Park designation, Airport Business Park designation and Shipping and
Navigation designation, each of which has a distinct purpose and intent. The Industrial Land designation is applied to the older industrial areas of the City and allows for a wide range of employment activity. The Business Park designation is applied to the existing Business Parks, outside of the Airport Business Park, and permits a wide range of industrial activity as well as ancillary uses that support employees and businesses (i.e. Office). The Airport Business Park designation is applied to the existing boundary of the Airport and permits airport-related industrial and support uses. Finally, the Shipping and Navigation designation is applied to Port Authority owned lands and permits port-related uses, such as the movement, management and carriage of goods. The new Industrial Zones are only applicable to the Industrial Land and Business Park designations. New zoning will be brought forward in conjunction with the Airport Employment Growth District Secondary Plan at a future date. Zoning for Port Authority owned lands will also be brought forward at a later date, following the completion of meetings with the Port Authority.

The new Industrial Zones take their direction from the Employment Area policies contained within the City’s new Urban Hamilton Official Plan. There are a total of five new Industrial Zones that are broken down into two main categories: Business Park Zones (M2 to M4 Zones) and Industrial Land Zones (M5 and M6 Zones), attached as Appendix “A” to Information Report PED09260. The three Business Park Zones will be applied to each of the City’s existing Business Parks which include: Ancaster Business Park; Flamborough Business Park; North Glanbrook Business Park; East Mountain Business Park; and, Stoney Creek (including East Hamilton) Business Park. The two Industrial Land Zones will be applied to the City’s traditional Industrial Areas, including: Bayfront Industrial Area; Dundas Industrial Area; Glen Road/Tope Crescent Industrial Area; and, Upper Wellington Street/Hester Street Industrial Area. The new Industrial Zones provide for a range of employment-type uses, permit limited support commercial uses, where appropriate, and establish clear and consistent regulations for these uses throughout the City’s existing Employment Lands.

2.1 Business Park Zones - Summary

There are three new Business Park Zones, which are being brought forward for consideration at upcoming Public Information Centres: General Business Park (M2) Zone, Prestige Business Park (M3) Zone and Business Park Support (M4) Zone. The permitted uses, prohibited uses and zoning regulations were developed based on the existing character of the Business Park and the potential impact to surrounding land uses, ensuring conformity with Provincial legislation as well as the new Urban Official Plan policies.

The General Business Park (M2) Zone allows for a variety of Employment uses, including heavier industrial activities, and is applied to the interior of the City’s existing Business Parks. The performance standards were developed to allow for greater flexibility for new development on a site, provide for compatibility with the inclusion of transition uses and to remove obstacles to encourage new development.

The Prestige Business Park (M3) Zone is applied to the exterior of a Business Park, along major arterials, and has higher urban design standards. In this zone, buildings are required to be brought forward to the property line through the establishment of
minimum and maximum setbacks and larger required landscaped areas. The M3 Zone allows for a range of industrial uses including manufacturing, research and development and limited office which help foster the development of a prestige Employment Area. To maintain the “prestige” image of the M3 zone, as well as to promote compatibility in locations with proximity to residential designated areas, this Zone also has a number of prohibited uses. Because of its location, the M3 Zone functions as a transition between adjacent residential neighbourhoods outside of the Business Park and the heavier industrial uses permitted on the interior of the park through the M2 Zone. Within this zone, regulations were developed to require minimum separation distances between Manufacturing uses and sensitive land uses within proximity of the Business Park.

The Business Park Support (M4) Zone is a unique Employment Zone that is applied at strategic locations along the exterior of a Business Park, and allows for the same range of employment uses as that of the M3 Zone, but also permits limited commercial uses which are seen as support uses for employees and businesses within the Business Park. These uses include: restaurants, limited retail, financial establishment and personal services. This zone includes the same regulations and urban design standards as required in the M3 Zone. Because it is applied in the same way as the M3 Zone along the exterior of the Business Park, regulations requiring minimum setbacks for manufacturing uses from sensitive land uses have also been included. It is not intended that this zone will be used in every Business Park, as many of the existing parks are located in close proximity to designated commercial areas that serve the same function. For some of the Business Parks, the existing form of development (e.g. plazas) and/or existing uses, lent themselves well to being Zoned M4.

2.2 Industrial Land Zones - Summary

There are two new Industrial Land Zones: General Industrial (M5) Zone and Light Industrial (M6) Zone. The permitted uses, prohibited uses and zoning regulations were developed based on the historic character of the Industrial Land areas and the potential impact of permitted uses to surrounding neighbourhoods and existing land uses.

The General Industrial (M5) Zone is the most permissive of the new Industrial Zones, and allows all forms of manufacturing activity. This zone is applied to the interior of the Bayfront Industrial Area, and replaces the existing “K” District of the former City of Hamilton’s Zoning By-law 6593. In addition to having the widest range of employment-type uses, the M5 Zone has the least restrictive regulations. This was done to reflect the existing character of the Bayfront Area, and to allow opportunities for re-use and/or redevelopment on these sites. This zone is well buffered from existing residential areas by the Light Industrial (M6) Zone.

The Light Industrial (M6) Zone is applied as a transitional industrial zone, and buffers heavier industrial activity permitted within the interior of the Bayfront Industrial Area with the adjacent residential areas or in the older industrial areas of Dundas, Glen Road/Tope Crescent in Westdale and the Upper Wellington Street/Hester Street Industrial Area on the Hamilton Mountain. This Zone permits a range of light industrial uses, along with a variety of transitional uses, such as Conference or Convention Centre, Financial Establishment, Hotel, Medical Office and Medical Clinic, Office, Personal Services and Restaurants. Within this zone, regulations were developed to
establish a maximum building height and minimum separation distances between Manufacturing uses and sensitive land uses within proximity of the Employment Area.

2.3 Permitted Uses

The new Industrial Zones permit a wide range of Employment type uses. However, in comparison to the uses contained within the existing Municipal Zoning By-laws, the list of permitted uses is significantly shorter. This is due to the development of uses and definitions which are designed to be more inclusive, flexible and which broaden the scope of the permitted use. The definitions applicable to the new Industrial Zones are attached to Information Report PED09260 as Appendix “B”. The following uses are worth highlighting for how they are proposed to be defined and interpreted through Zoning By-law 05-200.

**Manufacturing**

Shall mean the production, fabrication, compounding, processing, packaging, crafting, bottling, packing, recycling or assembling of raw, semi-processed or fully-processed goods or materials, and shall include but not be limited to a Biotechnological Establishment, Computer, Electronic and Data Processing Establishment, Pharmaceutical and Medical Establishment, Printing Establishment and/or a Science and Technology Establishment. Manufacturing may also include a Private Power Generation Facility as an accessory use, but shall not include a Waste Management Facility.

The new definition of *Manufacturing* represents a significant departure from how it is currently defined, particularly within the former City of Hamilton and former Town of Dundas Zoning By-laws. Often, the Standard Industrial Classification (SIC) Codes were used to differentiate manufacturing activities from each other, and only specific SIC codes were permitted within each Industrial zone. This new approach of having a broad definition may reduce the number of site specific zonianings where specific manufacturing uses are added as a permitted use on a specific property. Therefore, any operation that involves the types of activities included within the definition would be interpreted as a *Manufacturing* use. For example, a bottling operation or a cabinet maker would both be considered *Manufacturing* uses. However, with this broad approach to definition, there is a need to also identify specific manufacturing activities which may not be appropriate in all zones. This has been achieved through the identification of specific prohibited uses associated with manufacturing. These prohibited uses were developed in order to protect sensitive land uses within proximity of the industrial area, and generally correspond to the Ministry of the Environment’s D-Series Guidelines.

**Building and Contracting Supply Establishment**

Shall mean the use of land, building or structure, or part thereof, in which building, construction or home improvement materials are stored and/or offered for wholesale or retail sale.
While this is a new term, it is a use that has traditionally been associated with industrial areas. With time, this use has evolved, and now includes some retail commercial aspects inherent in the operation. Examples include: small scale lumber yards (i.e. Turkstra Lumber), construction contractors (i.e. Hamilton Builder Supply) through to large-format retailers such as a Home Depot or Rona. This use will also accommodate the varied tile, carpet, lighting uses which primarily cater to contractors but are also open to the public (e.g. Nebo Road in the Hamilton Mountain Business Park). Because of its nature, this use is still considered to be an appropriate use within an Employment Area, based on the types of materials sold and the variety of establishments that may be permitted under this definition.

**Warehouse**

Shall mean the use of land, building or structure, or part thereof, for the bulk storage and/or distribution of goods to industrial, commercial or institutional business users or other wholesalers, but shall not include the retailing of goods to the general public. A Warehouse shall not include a Waste Management Facility.

The definition of Warehouse has been altered for the new Zoning By-law to include wholesaling as a component of the use due to the similarities in how each use functions (both require large facilities to store and distribute materials to other businesses). Also included is an explicit prohibition on the retailing of goods to the general public. This distinction was made to avoid a wholesale establishment from becoming a major-retail use within the Employment Area (similar to what a Costco could have been interpreted as in the past).

### 2.4 Prohibited Uses

The new Industrial Zones contain a series of prohibited uses related to Manufacturing. Because the definition of Manufacturing is so broad, components of this use need to be restricted due to the potential impact on and proximity to sensitive land uses. Within the M3, M4 (applicable to the exterior of a Business Park) and M6 Zones (applicable to the exterior of the Bayfront and other older Industrial Areas), the prohibited uses were designed to permit Class I and a limited range of Class II industries. Examples of prohibited uses include: Manufacturing of Asbestos, Phosphate or Sulphur Products; Processing or Refining of Petroleum or Coal; and, Smelting or Extruding of Ore or Metal. Within these Zones, the types of manufacturing uses are prohibited, even as accessory uses. Within the M2 Zone (applicable to the interior of a Business Park), the types of manufacturing uses prohibited are similar to those applicable to the exterior of an Employment Area, however, they are permitted if considered accessory to another permitted manufacturing use. Finally, within the M5 Zone (applicable to the interior of the Bayfront), there are no prohibited uses associated with manufacturing. This zone allows for the widest range of manufacturing activity.

In all Zones, a Dwelling Unit has been prohibited. This is due to the fact that the introduction of a sensitive land use can have significant impacts on the range of Employment uses permitted within a business park. This is a departure from the existing Municipal Zoning By-laws which, in some cases, permitted an accessory dwelling unit for janitorial or security staff.
2.5 Lot Area

The new Industrial Zones have established minimum lot areas: 4000 square metres within a Business Park Zone and 3000 square metres within the Industrial Land Zones. These minimum areas were developed through consultation with the City’s Economic Development and Real Estate Division. The minimum sizes were established in order to meet the needs of new industrial developments, and to provide the opportunity for facility expansion to occur on the same property. Although this new regulation is larger than what is currently contained within the existing Municipal Zoning By-laws, the intent is to avoid the creation of many small lots, of which there is an adequate supply existing within the City’s Employment Areas.

2.6 Parking

New parking standards will be brought forward which respond to the shift in manufacturing to an increasingly automated workforce. For example, it is proposed that the parking requirement for manufacturing uses will use the gross floor area of the office component within the industrial development in its calculation, rather than the gross floor area devoted to the entire use (which, in the past has lead to a higher requirement than what it needed). Loading space requirements have not been included within the new Zoning By-law as loading needs can vary substantially depending on the type of industrial use.

2.7 General Provisions - Special Setbacks

A series of Special Setbacks will be established for developments adjacent to Provincial Highway Right-of-Ways, Railway Right-of-Ways and the TransCanada Pipeline. These requirements will be amended into Section 4 - General Provisions of Zoning By-law 05-200, and will be applicable to all Zones.

2.8 Site Specific and Holding Provisions: Evaluations

Following the development of the new Industrial Zones and associated performance standards, a comprehensive review was conducted of all existing and recently approved site specific exceptions within the former Municipal Zoning By-laws. Each site specific was evaluated against the new Zones, and a series of criteria were established which helped provide the rationale for which site specific permissions would be carried forward and which would not. Where a site specific was adding a use, staff compared the use against the new Industrial Zones. Where a site specific was adding additional use(s) or amending existing regulations, staff again compared the use against the new Zone Regulations. Staff evaluated whether the use was permitted within the new broader definitions and whether the site specific regulations were required to continue. In some cases, new site specifics were created in order to recognize specific uses which are no longer permitted as-of-right through the new Industrial Zones, but for which there is merit in recognizing the use. Examples include: Restaurants and Motor Vehicle Service Station. The same evaluation process was used for Holding Provisions as well. In some instances, there was no information available detailing the requirements necessary to satisfy the holding provision. In these instances, the decision was made to not carry it forward. There are only four Holding provisions being carried forward.
Approximately 60 site specifics are being proposed as part of the new Industrial Zoning. This number may increase based on one-on-one meetings with property owners and through an evaluation of the merits of recognizing the use on a site by site basis. In some cases, where a use was previously permitted as of right through the existing zoning and is no longer permitted through the new Industrial Zones (i.e. Commercial Recreation, including a dance studio or indoor activity centre) that existing use will become legal non-conforming. A legal non-conforming use is a use that is not permitted under the Zoning By-law, but which lawfully existed prior to the new Zoning By-law being approved. Under the Planning Act, these uses have a right to continue and cannot be “zoned” out of existence. The Planning Act also contains provisions for expansion or change of use under legal non-conforming status. However, the long term intent is for that legal non-conforming use to cease and be replaced by a use that conforms to the Zoning By-law and Official Plan.

2.9 Waste Management Facilities

Based on the recent approvals by Council of the new Official Plan and amendments to the existing Zoning By-laws, the same use permissions and regulations have been included within the new Industrial zones.

3.0 Airport Employment Growth District (AEGD)

Although separate from this process, staff are working concurrently with the policy direction being proposed for the Airport Employment Growth District to review how the new Industrial Zones can fit within the AEGD Secondary Plan. Staff will be bringing forward zoning applicable to the AEGD concurrently with the recommendations of the Secondary Planning exercise.

4.0 Consultation To-Date

The new Industrial Zones have been in development since 2006. In June 2006, a letter was sent to all industrial property owners notifying them of the commencement of the industrial zoning study and asking for their participation. This was followed up with a series of Public Information Centres held in February 2007. In March 2008, a presentation was made to the Chamber of Commerce and the Industrial Commercial and Investments (IC&I) Real Estate Brokers to discuss the direction for the City’s new Employment Land Official Plan policies. New Official Plan policies were drafted and a Report (PED08146) was brought to Planning Committee in June 2008 requesting authorization to begin consultation with the public and stakeholders. Two Open Houses were held in September 2008 which presented the new Official Plan policies for comment. Follow-up consultation with the ICI Brokers and the Chamber of Commerce occurred in October and December respectively. The new Official Plan policies were presented to Economic Development and Planning Committee on November 27, 2008 (PED08146(a)) and were subsequently endorsed by Council. As part of that Report, the new Industrial Zones were attached as an Appendix. The draft Industrial Zones were presented at Public Information Centres in January 2009, in conjunction with the new Official Plan. Staff met with the Departmental Management Team (DMT) in February 2009 to review the new Zones and address any issues. Following from that, staff made presentation to Development Planning staff and Building Engineering and Zoning staff
in order to outline the intent of the new Industrial Zones and to get comments from the staff who would be interpreting the new regulations.

5.0 Next Steps and Timing

With the completion of the new draft zones, staff will now commence a final round of formal consultation, both with internal departments and external agencies, beginning in September 2009. A direct mailing to all property owners of industrially zoned land will occur in October, and meetings will be held with stakeholders and interested property owners through the end of November. Staff will be holding three Public Information Centres in November to obtain public feedback on the proposed Industrial Zones. In addition, staff will be proactive with local stakeholder groups to present and seek input on the new zones. It is staff's intent to bring forward the new Industrial Zones for Economic Development and Planning Committee approval in the first quarter of 2010.

The Zoning By-law Reform team welcomes any input or direction from Economic Development and Planning Committee and Council, particularly as it relates to any additional consultation preferred or the identification of stakeholders who would be interested in learning more about the proposed new Industrial Zones.

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Tim McCabe
General Manager
Planning and Economic Development Department

JS:dkm
Attachs. (2)
SECTION 9: INDUSTRIAL ZONES

9.2 GENERAL BUSINESS PARK (M2) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within an Industrial M2 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:

9.2.1 PERMITTED USES

- Building or Contracting Supply Establishment
- Commercial Motor Vehicle Sales, Rental and Service Establishment
- Communications Establishment
- Dry Cleaning Plant
- Equipment and Machinery Sales, Rental and Service Establishment
- Industrial Administrative Office
- Labour Association Hall
- Landscape Contracting Establishment
- Manufacturing
- Motor Vehicle Collision Repair Establishment
- Private Power Generation Facility
- Research and Development Establishment
- Surveying, Engineering, Planning or Design Business
- Trade School
- Tradesperson’s Shop
- Transport Terminal
- Warehouse
- Waste Processing Facility
- Waste Transfer Facility

9.2.2 PROHIBITED USES

i) Notwithstanding Section 9.2.1, the following types of manufacturing uses are prohibited, except if these uses are considered only as an accessory use to another permitted manufacturing use:

- Beverage Distillation
- Breweries
- Manufacturing of Asbestos, Phosphate or Sulphur
Products
Primary Production of Chemicals,
Synthetic Rubber or Plastic
Processing or Refining of
Petroleum or Coal
Processing, Milling or Packaging of
Animal Feed
Salvage, Recycling or Scrap Yard
Slaughtering, Eviscerating,
Rendering or Cleaning of
Meat, Poultry or Fish or by-
products thereof
Smelting or Extruding of Ore or
Metal
Tanning or Chemical Processing of
Pelts or Leather
Vulcanizing of Rubber or Rubber
Products
Explosives Manufacturing
Pulp and Paper Mills

ii) Notwithstanding Section 9.2.1, the
following use is prohibited, even as
an accessory use:
Dwelling Unit

9.2.3 REGULATIONS

a) Minimum Lot Area 4000.0 square metres
b) Maximum Floor Area Ratio 0.6 of the lot area
   for all Buildings and Structures
c) Minimum Lot Width 60.0 metres
d) Minimum Front Yard 3.0 metres
e) Minimum Flankage Yard 3.0 metres
SECTION 9: INDUSTRIAL ZONES

f) Landscaped Area Abutting a Street
Minimum 3.0 metre width shall be provided and maintained abutting a street, except for points of ingress and egress, and shall not include outdoor display areas.

g) Location and Screening of Outdoor Storage and Outdoor Assembly
Outdoor Storage and Outdoor Assembly of goods, materials or equipment shall be permitted only as an accessory use and the following regulations shall apply:

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 be screened from view from any abutting street by a Visual Barrier in accordance with Section 4.19 of this By-law.

h) Location and Size of Outdoor Display
Outdoor Display of goods, materials or equipment shall be permitted only as an accessory use on a lot where the principal use is contained within a building having a minimum gross floor area of 500 square metres.

i) Location Restriction of Waste Processing Facility and Waste Transfer Facility
In addition to the Regulations of Section 9.2.3, any building, structure or land used for a Waste Processing Facility or a Waste Transfer Facility, shall be located a minimum of 300 metres from a Residentially Zoned or Institutionally Zoned property lot line.

j) Maximum Gross Floor Area for Industrial Administrative Office or Surveying, Engineering, Planning or Design Business
i) No building solely used for an Industrial Administrative Office or a Surveying, Engineering, Planning or Design Business shall have a gross floor area of 10,000 square metres or greater.
SECTION 9: INDUSTRIAL ZONES

ii) Notwithstanding i) above, where an Industrial Administrative Office or a Surveying, Engineering, Planning or Design Business are located within a multi-tenant building, the maximum gross floor area shall be restricted to 2,000 square metres per building.

k) Maximum Combined Gross Floor Area for Accessory Retail and Showroom Area 25% of the gross floor area of the principal use or 500 square metres gross floor area, whichever is the lesser.

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

m) Accessory Buildings In accordance with the requirements of Section 9.2.3 of this By-law.
9.3 PRESTIGE BUSINESS PARK (M3) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within an Industrial M3 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:

9.3.1 PERMITTED USES

Building or Contracting Supply Establishment
Commercial Motor Vehicle Sales, Rental and Service Establishment
Communications Establishment
Conference or Convention Centre
Equipment and Machinery Sales, Rental and Service Establishment
Hotel
Industrial Administrative Office
Labour Association Hall
Manufacturing
Motor Vehicle Service Station
Office
Research and Development Establishment
Surveying, Engineering, Planning or Design Business
Trade School
Tradesperson’s Shop
Transportation Depot
Warehouse

9.3.2 PROHIBITED USES

i) Notwithstanding Section 9.3.1, the following types of manufacturing uses are prohibited, even as an accessory use:

Beverage Distillation
Breweries
Manufacturing of Asbestos, Phosphate or Sulphur Products
SECTION 9: INDUSTRIAL ZONES

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
Salvage, Recycling or Scrap Yard
Slaughtering, Eviscerating, Rendering or Cleaning of Meat, Poultry or Fish or by-products thereof
Smelting or Extruding of Ore or Metal
Tanning or Chemical Processing of Pelts or Leather
Vulcanizing of Rubber or Rubber Products
Explosives Manufacturing
Pulp and Paper Mills

ii) Notwithstanding Section 9.3.1, the following use is prohibited, even as an accessory use:

Dwelling Unit

9.3.3 REGULATIONS

a) Minimum Lot Area 4000.0 square metres
b) Maximum Floor Area Ratio 0.6 of the lot area
c) Minimum Lot Width 60.0 metres
d) Front Yard i) Minimum 6.0 metres;
ii) Maximum 25.0 metres.
e) Flankage Yard i) Minimum 6.0 metres;
ii) Maximum 25.0 metres.
f) Minimum Yard Abutting a Residential Zone or an Institutional Zone
   6.0 metres from any portion of a property lot line abutting a property lot line within a Residential Zone or an Institutional Zone.

g) Maximum Building Height Abutting a Residential Zone or an Institutional Zone
   i) 11.0 metres;
   ii) In addition to i) above, maximum building height may be equivalently increased as yard increases beyond minimum yard requirements established in 9.3.3d) i), 9.3.3e) i) and 9.3.3 f) above.

h) Location Restriction of Manufacturing Uses
   Any building or structure used for Manufacturing shall be setback a minimum 20.0 metres from any portion of a property lot line abutting a property lot line within a Residential Zone or an Institutional Zone.

i) Maximum Gross Floor Area for Office Use
   i) Where an individual building is solely used for an Office use or other non-manufacturing use, the maximum gross floor area shall be restricted to 2,000 square metres;
   ii) Within a Planned Business Centre, Office use shall be restricted to a maximum gross floor area of 2,000 square metres per building.

j) Maximum Gross Floor Area for Industrial Administrative Office or Surveying, Engineering, Planning or Design Business
   i) No Building solely used for an Industrial Administrative office or a Surveying, Engineering, Planning or Design Business shall have a gross floor area of 10,00 square metres or greater.
SECTION 9: INDUSTRIAL ZONES

ii) Notwithstanding i) above, where an Industrial Administrative Office or a Surveying, Engineering, Planning or Design Business are located within a multi-tenant building, the provisions of 9.3.3 ii) above shall apply.

k) Landscaped Area

i) Minimum 6.0 metre width shall be provided and maintained abutting a street, except for points of ingress and egress, and shall not include outdoor display;

ii) In addition to i) above, for properties adjacent to Trinity Church Road, south of Rymal Road East, a minimum 6 metre wide Landscaped Area shall be provided and maintained;

iii) Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone, a minimum 3.0 metre wide Landscaped Area shall be provided and maintained.

l) Visual Barrier

i) Shall be provided along that portion of a property lot line abutting a Residential Zone or an Institutional Zone, in accordance with Section 4.19 of this By-law;

ii) In addition to i) above, for properties adjacent to Trinity Church Road, south of Rymal Road East, a Visual Barrier shall be required within the Landscaped Area provided in Section 9.3.3 j) above.
m) Location and Screening of Outdoor Storage and Outdoor Assembly

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

i) Outdoor Storage and Outdoor Assembly shall not be permitted in a Front Yard, a required Flankage Yard or a Flankage Yard along the following roads:

- Barton Street/Barton Street East
- Dickenson Road East
- Garner Road West
- Highway No. 5 West
- Highway No. 6
- Rymal Road East
- Shaver Road
- South Service Road
- Stone Church Road East
- Trinity Church Road Extension (N/A)
- Trinity Road
- Upper Ottawa Street
- Wilson Street West

ii) Outdoor Storage and Outdoor Assembly shall be set back a minimum of 70 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;

iii) Outdoor Storage and Outdoor Assembly shall be screened from view from any abutting street by a Visual Barrier in accordance with Section 4.19 of this By-law.
n) 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 only be permitted on a lot where the principal use is contained within a building having a minimum gross floor area of 500 square metres;

ii) Outdoor Display shall be permitted in a Front Yard or a Flankage Yard, but shall be no closer than 3.0 metres to the lot line;

iii) In addition to ii) above, the area devoted to Outdoor Display shall be limited to a combined maximum of 25% of the Front Yard and Flankage Yard.

o) Maximum Gross Floor Area for Accessory Retail and Showroom Area

25% of the gross floor area of the principal use or 500 square metres gross floor area, whichever is the lesser.

p) Restriction of Access to Trinity Church Road

Access to Trinity Church Road, south of Rymal Road East, shall be prohibited for all new development.

q) Parking

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

r) Accessory Buildings

i) In accordance with the requirements of Section 9.3.3 of this By-law;

ii) Notwithstanding i) above, Section 9.3.3 d) ii) and 9.3.3 e) ii) shall not apply.
9.4 BUSINESS PARK SUPPORT (M4) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within an Industrial M4 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:

9.4.1 PERMITTED USES

Building or Contracting Supply Establishment
Commercial Motor Vehicle Sales, Rental and Service Establishment
Communications Establishment
Conference or Convention Centre
Equipment and Machinery Sales, Rental and Service Establishment
Financial Establishment
Hotel
Labour Association Hall
Manufacturing
Medical Clinic
Medical Office
Motor Vehicle Service Station
Office
Personal Services
Research and Development Establishment
Restaurant
Retail
Surveying, Engineering, Planning or Design Business
Trade School
Tradesperson’s Shop
Warehouse

9.4.2 PROHIBITED USES

i) Notwithstanding Section 9.4.1, the following types of manufacturing uses are prohibited, even as an accessory use:

Beverage Distillation
Breweries
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
Salvage, Recycling or Scrap Yard
Slaughtering, Eviscerating, Rendering or Cleaning of Meat, Poultry or Fish or by-products thereof
Smelting or Extruding of Ore or Metal
Tanning or Chemical Processing of Pelts or Leather
Vulcanizing of Rubber or Rubber Products
Explosives Manufacturing
Pulp and Paper Mills

ii) Notwithstanding Section 9.4.1, the following uses are prohibited, even as accessory uses:

Dry Cleaning Plant
Dwelling Unit

9.4.3 REGULATIONS

a) Minimum Lot Area 4000.0 square metres

b) Maximum Floor Area Ratio 0.6 of the lot area

c) Minimum Lot Width 60.0 metres
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d) Front Yard
   i) Minimum 6.0 metres;
   ii) Maximum 25.0 metres.

e) Flankage Yard
   i) Minimum 6.0 metres;
   ii) Maximum 25.0 metres.

f) Minimum Yard Abutting a Residential Zone or an Institutional Zone
   6.0 metres from any portion of a property lot line abutting a property lot line within a Residential Zone or an Institutional Zone.

g) Maximum Building Height Abutting a Residential Zone or an Institutional Zone
   i) 11.0 metres;
   ii) In addition to i) above, maximum building height may be equivalently increased as yard increases beyond minimum yard requirements established in 9.4.3d) i), 9.4.3e) i) and 9.4.3f) above.

h) Location Restriction of Manufacturing Uses
   Any building or structure used for Manufacturing shall be setback a minimum 20.0 metres from any portion of a property lot line abutting a property lot line within a Residential Zone or an Institutional Zone.

i) Maximum Combined Gross Floor Area for Medical Clinic and Medical Office
   Shall be limited to a combined total of 2,000 square metres within a single building or between multiple buildings on a property.

j) Maximum Gross Floor Area for Office Use
   i) Where an individual building is solely used for an Office use or other non-manufacturing use, the maximum gross floor area shall be restricted to 2,000 square metres;
   ii) Within a Planned Business Centre, Office use shall be restricted to a maximum gross floor area of 2,000 square metres per building.
k) Maximum Gross Floor Area for Industrial Administrative Office and Surveying, Engineering, Planning or Design Business

i) No building solely used for an Industrial Administrative Office or a Surveying, Engineering, Planning or Design Business shall have a gross floor area of 10,000 square metres or greater.

ii) Notwithstanding i) above, where an Industrial Administrative Office or a Surveying, Engineering, Planning or Design Business are located within a multi-tenant building, the provisions of 9.4.3 j) ii) above shall apply.

l) Size and Location Restriction for Supportive Commercial Uses

i) The following uses shall only be permitted on the ground floor of a building or be located at grade on any lot:

- Financial Establishment
- Personal Services
- Restaurant
- Retail

ii) An individual Retail Establishment shall be restricted to a maximum gross floor area of 500 square metres.

m) Landscaped Area

i) Minimum 6.0 metre width shall be provided and maintained abutting a street, except for points of ingress and egress, and shall not include outdoor display;

ii) Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone, a minimum 3.0 metre wide Landscaped Area shall be provided and maintained.
**n) Visual Barrier**

Shall be provided along that portion of a property lot line abutting a Residential Zone or an Institutional Zone, in accordance with Section 4.19 of this By-law.

**o) Location and Screening of Outdoor Storage and Outdoor Assembly**

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

i) Outdoor Storage and Outdoor Assembly shall not be permitted in a Front Yard, a required Flankage Yard or a Flankage Yard along the following roads:
   - Barton Street/Barton Street East
   - Dickenson Road East
   - Garner Road West
   - Highway No. 5 West
   - Highway No. 6
   - Rymal Road East
   - Shaver Road
   - South Service Road
   - Stone Church Road East
   - Trinity Church Road Extension (N/A)
   - Trinity Road
   - Upper Ottawa Street
   - Wilson Street West

ii) Outdoor Storage and Outdoor Assembly shall be set back a minimum of 70 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;
iii) Outdoor Storage and Outdoor Assembly shall be screened from view from any abutting street by a Visual Barrier in accordance with Section 4.19 of this By-law.

p) 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 only be permitted on a lot where the principal use is contained within a building having a minimum gross floor area of 500 square metres;

ii) Outdoor Display shall be permitted in a Front Yard or a Flankage Yard, but shall be no closer than 3.0 metres to the lot line;

iii) In addition to ii) above, the area devoted to Outdoor Display shall be limited to a combined maximum of 25% of the Front Yard and Flankage Yard.

q) Maximum Gross Floor Area for Accessory Retail and Showroom Area

25% of the gross floor area of the principal use or 500 square metres gross floor area, whichever is the lesser.

r) Parking

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

s) Accessory Buildings

i) In accordance with the requirements of Section 9.4.3 of this By-law;

ii) Notwithstanding i) above, Section 9.4.3 d) ii) and Section 9.4.3 e) ii) shall not apply.
9.5 GENERAL INDUSTRIAL (M5) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within an Industrial M5 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:

9.5.1 PERMITTED USES

- Building or Contracting Supply Establishment
- Bulk Fuel and Oil Storage
- Commercial Motor Vehicle Sales, Rental and Service Establishment
- Commercial Motor Vehicle Washing Establishment
- Commercial Parking Facility
- Communications Establishment
- Dry Cleaning Plant
- Equipment and Machinery Sales, Rental and Service Establishment
- Financial Establishment
- Labour Association Hall
- Landscape Contracting Establishment
- Manufacturing
- Motor Vehicle Collision Repair Establishment
- Motor Vehicle Service Station
- Motor Vehicle Washing Establishment
- Motor Vehicle Wrecking Establishment
- Office
- Private Power Generation Facility
- Research and Development Establishment
- Restaurant
- Salvage Yard
- Surveying, Engineering, Planning or Design Business
- Towing Establishment
- Trade School
- Tradesperson’s Shop
- Transport Terminal
- Warehouse
- Waste Processing Facility
- Waste Transfer Facility
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9.5.2 PROHIBITED USES

Notwithstanding Section 9.5.1, the following use is prohibited, even as an accessory use:

Dwelling Unit

9.5.3 REGULATIONS

a) Minimum Lot Area

3000.0 square metres

b) Maximum Floor Area Ratio

0.6 of the lot area

c) Minimum Lot Width

45.0 metres

d) Yard Abutting a Street

Minimum 3.0 metres

e) Landscaped Area Abutting a Street

Minimum 3.0 metre width shall be provided and maintained abutting a street, except for points of ingress and egress, and shall not include outdoor display.

f) Maximum Gross Floor Area for Office Use

i) Where an individual building is solely used for an Office use or other non-manufacturing use, the maximum gross floor area shall be restricted to 2,000 square metres;

ii) Within a Planned Business Centre, Office use shall be restricted to a maximum gross floor area of 2,000 square metres per individual unit.

g) Maximum Gross Floor Area for Surveying, Engineering, Planning or Design Business

i) No building solely used for a Surveying, Engineering, Planning or Design Business shall have a gross floor area of 10,000 square metres or greater.

ii) Notwithstanding i) above, where a Surveying, Engineering, Planning or Design Business is located within a multi-tenant building, the provisions of 9.5.3 f) ii) above shall apply.
h) Location Restriction of Waste Processing Facility and Waste Transfer Facility
In addition to the regulations of Section 9.5.3, any building, structure or land used for a Waste Processing Facility or a Waste Transfer Facility, shall be located a minimum of 300 metres from a Residentially Zoned or Institutionally Zoned property lot line.

i) Maximum Gross Floor Area for Accessory Retail and Showroom Area
25% of the gross floor area of the principal use or 500 square metres gross floor area, whichever is the lesser.

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

k) Accessory Buildings
In accordance with the requirements of Section 9.5.3 of this By-law.
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9.6 LIGHT INDUSTRIAL (M6) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within an Industrial M6 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:

9.6.1 PERMITTED USES

Building or Contracting Supply Establishment
Commercial Motor Vehicle Sales, Rental and Service Establishment
Commercial Parking Facility
Communications Establishment
Conference or Convention Centre
Equipment and Machinery Sales, Rental and Service Establishment
Financial Establishment
Hotel
Labour Association Hall
Manufacturing
Medical Clinic
Medical Office
Motor Vehicle Service Station
Motor Vehicle Washing Establishment
Office
Personal Services
Research and Development Establishment
Restaurant
Surveying, Engineering, Planning or Design Business
Trade School
Tradesperson’s Shop
Transportation Depot
Warehouse

9.6.2 PROHIBITED USES

i) Notwithstanding Section 9.6.1, the following types of manufacturing uses are prohibited, even as an accessory use:

Beverage Distillation
Breweries
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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
Salvage, Recycling or Scrap Yard
Slaughtering, Eviscerating, Rendering or Cleaning of Meat, Poultry or Fish or by-products thereof
Smelting or Extruding of Ore or Metal
Tanning or Chemical Processing of Pelts or Leather
Vulcanizing of Rubber or Rubber Products
Explosives Manufacturing
Pulp and Paper Mills

ii) Notwithstanding Section 9.6.1, the following uses are prohibited, even as accessory uses:

Dry Cleaning Plant
Dwelling Unit

9.6.3 REGULATIONS

a) Minimum Lot Area 3000.0 square metres
b) Maximum Floor Area Ratio 0.6 of the lot area
c) Minimum Lot Width 45.0 metres
d) Minimum Front Yard 3.0 metres
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e) Minimum Flankage Yard 3.0 metres

f) Minimum Yard Abutting a Residential Zone or an Institutional Zone 6.0 metres from any portion of a property lot line abutting a property lot line within a Residential Zone or an Institutional Zone.

g) Maximum Building Height Abutting a Residential Zone or an Institutional Zone
   i) 11.0 metres;
   ii) In addition to i) above, maximum building height may be equivalently increased as yard increases beyond minimum yard requirements established in 9.6.3d), 9.6.3e) and 9.6.3f) above.

h) Location Restriction of Manufacturing Uses Any building or structure used for Manufacturing shall be setback a minimum 20.0 metres from any portion of a property lot line abutting a property lot line within a Residential Zone or an Institutional Zone.

i) Maximum Combined Gross Floor Area for Medical Clinic and Medical Office Shall be limited to a combined total of 2,000 square metres within a single building or between multiple buildings on a property.

j) Maximum Gross Floor Area for Office Use
   i) Where an individual building is solely used for an Office use or other non-manufacturing use, the maximum gross floor area shall be restricted to 2,000 square metres;
   ii) Within a Planned Business Centre, Office use shall be restricted to a maximum gross floor area of 2,000 square metres per building.
k) Maximum Gross Floor Area for Surveying, Engineering, Planning or Design Business

i) No building solely used for Surveying, Engineering, Planning or Design Business shall have a gross floor area of 10,000 square metres or greater.

ii) Notwithstanding i) above, where a Surveying, Engineering, Planning or Design Business are located within a multi-tenant building, the provisions of 9.3.3 j) ii) above shall apply.

l) Landscaped Area

i) Minimum 3.0 metre width shall be provided and maintained abutting a street, except for points of ingress and egress, and shall not include outdoor display;

ii) Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone, a minimum 3.0 metre wide Landscaped Area shall be provided and maintained.

m) Visual Barrier

Shall be provided along that portion of a property lot line abutting a Residential Zone or an Institutional Zone, in accordance with Section 4.19 of this By-law.

n) Location and Screening of Outdoor Storage and Outdoor Assembly

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

i) Outdoor Storage and Outdoor Assembly shall not be permitted in a Front Yard, a required Flankage Yard or a Flankage Yard along Barton Street/Barton Street East;
ii) Outdoor Storage and Outdoor Assembly shall be set back a minimum of 70 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;

iii) Outdoor Storage and Outdoor Assembly shall be screened from view from any abutting street by a Visual Barrier in accordance with Section 4.19 of this By-law.

o) Location and Size of Outdoor Display

Outdoor Display of goods, materials or equipment shall be permitted only as an accessory use on a lot where the principal use is contained within a building having a minimum gross floor area of 500 square metres.

p) Maximum Gross Floor Area for Accessory Retail and Showroom Area

25% of the gross floor area of the principal use or 500 square metres gross floor area, whichever is the lesser.

q) Parking

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

r) Accessory Buildings

In accordance with the requirements of Section 9.6.3 of this By-law.
Section 3: Definitions

Note: Definitions identified by *italics* are either new or are existing within Zoning By-law 05-200, but which are being amended as part of the new Industrial Zones.

**Building or Contracting Supply Establishment**

Shall mean the use of land, building or structure, or part thereof, in which building, construction or home improvement materials are stored and/or offered for wholesale or retail sale.

**Biotechnological Establishment**

Shall mean an establishment used for the research, development, application, prototypical manufacturing and production of bio-organisms, which may or may not be used in a manufacturing process, and shall in no way be construed to be the slaughtering, eviscerating, rendering, or cleaning of meat, poultry, or fish or by-products thereof, or animal husbandry, or the raising of animals.

**Bulk Fuel and Oil Storage Establishment**

Shall mean the use of land, building or structure, or part thereof, for the bulk storage or wholesale distribution of gasoline, oil, petroleum products or other flammable liquids, but shall not include a Motor Vehicle Service Station or a Motor Vehicle Gas Bar.

**Commercial Motor Vehicle Sales, Rental and Service Establishment**

Shall mean the use of land, building or structure, or part thereof, where commercial motor vehicles are stored and displayed for the purpose of sale, lease or rental and shall include facilities for the storage and sale of parts accessory to such vehicles, together with the repair, painting and service of the vehicles.
Commercial Parking Facility

Shall mean all or part of a parcel of land or building, other than a street or a laneway, used for the parking of motor vehicles for compensation, but shall not include an accessory parking lot to a principal use of the property located on the same lot. Parking spaces may be designed to include the use of stacked parking where a parking attendant is on site or a valet service is provided.

Communications Establishment

Shall mean an establishment used for the broadcasting and production of information through various media, and shall include but not be limited to print, television, radio and electronic media and which may include facilities for the printing or broadcasting of information but shall not include a call centre.

Computer, Electronic and Data Processing Establishment

Shall mean an establishment used for the research, development, input, prototypical manufacturing, processing and printing of data and which may include the design, manufacturing and distribution of electronic equipment and/or software.

Conference or Convention Centre

Shall mean an establishment, which is not a hotel, where facilities are provided for meetings, seminars, workshops, social gatherings and other similar activities including an exhibition facility, all which may include dining facilities for the exclusive use of conference or convention participants.

Dry Cleaning Plant

Shall mean a building where dry cleaning, dry dyeing, washing or pressing of articles of clothing is conducted.
**Equipment and Machinery Sales, Rental and Service Establishment**

Shall mean the use of land, building or structure, or part thereof, for the display, sale, lease or rental of commercial or industrial equipment and machinery and shall include facilities for the storage and sale of parts accessory to such equipment and machinery, together with the repair, painting and service of such equipment and machinery.

**Financial Establishment**

Shall mean a use where money is deposited, kept, lent and exchanged, and shall include but not be limited to banks, credit unions, trust companies or other similar banking services.

**Hazardous Waste Management Facility**

Shall mean a Waste Transfer Facility, a Waste Processing Facility or a Waste Disposal Facility that handles Hazardous Waste and for which a Certificate of Approval for such purpose under Part V of the Environmental Protection Act is required. A Hazardous Waste Management Facility may also include the storage, transfer or processing of non-hazardous waste.

**Hazardous Waste**

Shall mean materials that are defined as Hazardous Waste under Ontario Regulation 347 to the Environmental Protection Act.

**Hotel**

Shall mean a commercial establishment used for the temporary rental sleeping accommodation for travelers and which may offer other facilities such as personal service establishments, restaurants, retail stores, conference or convention facilities, exhibition facilities, commercial entertainment or commercial recreation and for the purposes of this By-law, a motel, motor hotel or an apartment hotel shall be deemed to be a “hotel”.
Industrial Administrative Office

Shall mean an office for the management or administration of manufacturing establishments.

Labour Association Hall

Shall mean a building or part thereof, used as a meeting place by labour or trade unions and which is operated for the exclusive use of members and their guests and is not open to the general public on an equal basis, and may include but not be limited to administrative offices, training facilities and meeting rooms. A Labour Association Hall may also include a Trade School.

Landscape Contracting Establishment

Shall mean the use of land, building or structure, or part thereof, where soil, mulch, rock, screening and other similar landscape materials are stored and offered for sale on a wholesale basis, and which may also include the storage of related equipment. Accessory snow removal equipment and storage shall also be permitted.

Lot Line

Side Lot Line – shall mean any lot line other than a front or rear lot line. The hypotenuse of a Daylight Triangle shall also be a side lot line.

Manufacturing

Shall mean the production, fabrication, compounding, processing, packaging, crafting, bottling, packing, recycling or assembling of raw or semi-processed or fully-processed goods or materials, and shall include but not be limited to a Biotechnological Establishment, Computer, Electronic and Data Processing Establishment, Pharmaceutical and Medical Establishment, Printing Establishment and/or a Science and Technology Establishment. Manufacturing may also include a Private Power Generation Facility as an accessory use, but shall
not include a Waste Management Facility.

**Medical Clinic**

Shall mean a building, or part thereof, which is used jointly by three or more health professionals for the purpose of consultation, diagnosis and/or treatment of persons and shall include but not be limited to laboratories, dispensaries or other similar facilities, but shall not include overnight accommodation for in-patient care resulting from surgery.

**Medical Office**

Shall mean a building, or part thereof, in which a maximum of two health professionals provide consultative, diagnostic and treatment services.

**Motor Vehicle Collision Repair Establishment**

Shall mean a building or structure, or part thereof, used for the repair of damage to a motor vehicle caused by collision, accident, corrosion or age, and which may also include the reconstruction of motor vehicles, the painting or repainting of motor vehicles, the rebuilding or conversion of automotive engines or engine parts and which may also include an accessory Towing Establishment, but shall not include a Motor Vehicle Gas Bar, Motor Vehicle Service Station, Motor Vehicle Washing Establishment or Motor Vehicle Wrecking Establishment.

**Motor Vehicle Service Station**

Shall mean an establishment used for the sale of fuel, automotive accessories and/or convenience goods, the repair or replacement of parts in a motor vehicle and shall include but not be limited to the repair or replacement of mufflers, exhaust systems, shock absorbers, transmissions, gears, brakes, clutch assemblies, steering systems, tires, wheels, windshields, windows and other mechanical or electrical parts or systems, the installation of
undercoating, engine tuning, lubrication and engine conversion or replacement but shall not include Motor Vehicle Repair, Motor Vehicle Sales and Service, Motor Vehicle Washing Establishment, and/or a Motor Vehicle Wrecking Establishment.

**Motor Vehicle Wrecking Establishment**

Shall mean the use of land, building or structure, or part thereof, for the storage, dismantling, crushing or demolition of unlicensed, inoperable or derelict Motor Vehicles or Commercial Motor Vehicles and which may include the storage and sale of salvaged material or parts obtained therefrom, but shall not include a Motor Vehicle Repair Establishment, Motor Vehicle Service Station, Motor Vehicle Washing Establishment or a Salvage or Storage Yard.

**Office**

Shall mean a building or part of a building in which management, clerical, administrative, consulting, advisory or training services are offered or performed and shall include an Industrial Administrative Office, but shall not include a Medical Clinic, Medical Office or a Surveying, Engineering, Planning or Design Business.

**Personal Services**

Shall mean the provision of services involving the health, beauty or grooming of a person or the maintenance or cleaning of apparel, but shall not include a Dry Cleaning Plant or Body Rub Parlour.

**Pharmaceutical and Medical Establishment**

Shall mean an establishment or part thereof, where research, investigation, development, manufacturing and/or technical experimentation, related to the medical field, is carried out and shall include but not be limited to clinical
testing, prototype production facilities and overnight patient accommodation related to such research, clinical trials, investigation or experimentation.

**Planned Business Centre**

Shall mean a group of business establishments which is planned, developed, managed and operated as a unit with shared on-site parking, and containing four or more separated spaces for lease or occupancy.

**Planting Strip**

Shall mean an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a buffer.

**Private Club or Lodge**

Shall mean a building or part of a building used for social, literary, cultural, political, educational, or recreational purposes which is operated for the exclusive use of members and their guests and not open to the general public on an equal basis, but shall not include a fitness club or a Labour Association Hall.

**Private Power Generation Facility**

Shall mean the use of land, building or structure, or part thereof, for the generation and transmission of heat, steam and electricity, and which may include the sale of electricity back into the grid, but shall not include a Waste Management Facility.

**Research and Development Establishment**

Shall mean an establishment or part thereof, used for the purpose of conducting pure and applied research, analysis and experimentation in any field of science, medicine, technology and manufacturing and shall include but not be limited to facilities such as lecture rooms, administrative offices, laboratories, training facilities, display rooms, pilot plants, prototypical
manufacturing, simulating equipment and the like, and service and machine shops to serve the Research and Development Establishment. A Research and Development Establishment shall also include but not be limited to a Biotechnological Establishment, Computer, Electronic and Data Processing Establishment, Laboratory, Pharmaceutical and Medical Establishment, and/or a Science and Technology Establishment.

**Restaurant**

Shall mean a building where food and/or drink is prepared and sold for immediate consumption, either on or off site, and which may offer commercial entertainment only if the premises are licensed under the Liquor Licence Act.

**Retail**

Shall mean the sale or rental of goods or materials to the ultimate consumer including “convenience retail” goods, but shall not include a restaurant or the sale or rental of motor vehicles, motor vehicle fuel or major recreational equipment.

**Salvage Yard**

Shall mean the use of land, building or structure, or part thereof, for storing, wrecking, dismantling and selling used goods, wares, materials and which may include, but not be limited to household items, clothing, furniture, paper, bottles, building materials, scrap metal, machinery, heavy equipment or parts thereof, but shall not include a Motor Vehicle Wrecking Establishment.

**Science and Technology Establishment**

Shall mean an establishment where scientific and technological research, investigation, development, manufacturing and/or technical experimentation is carried out and shall include but not be limited to facilities
such as laboratories, pilot plants and prototype manufacturing.

**Surveying, Engineering, Planning or Design Business**

Shall mean a building or part of a building in which professionals in the field of surveying, engineering, planning or design provide technical consultation, analysis, advisory or administrative services.

**Thermal Treatment**

Shall mean the processing of waste into a waste-based fuel and/or the disposal of waste under controlled conditions by heating or combusting the materials and shall include refuse derived fuel manufacturing and energy from waste activities.

**Towing Establishment**

Shall mean the use of land, building or structure, or part thereof, for the keeping of tow trucks, and to which disabled or impounded motor vehicles or mobile equipment are taken or towed and stored temporarily until reclaimed, but shall not include a Motor Vehicle Wrecking Establishment or Salvage Yard.

**Trade School**

Shall mean a school in which specialized instruction in a skilled trade is provided and which may include but not be limited to construction, industrial and motive power trades and Commercial Motor Vehicle training and which is operated on a financial profit basis, but shall not include a Commercial School or an Educational Establishment.

**Tradesperson’s Shop**

Shall mean a building in which is provided to the public a non-personal service or trade, and shall include but not be limited to, a carpenter’s shop, contractor’s shop, electrician shop, painters shop, plumbers shop and other
shops that provide an installation service.

**Transport Terminal**

Shall mean the use of land, building or structure, or part thereof where commercial motor vehicles, trucks, trailers, rail cars, boats and/or containers are loaded, unloaded, temporarily stored, dispatched or parked for remuneration and may include freight handling facilities related to the trans-shipment of goods, materials or products.

**Transportation Depot**

Shall mean the use of land where commercial motor vehicles pick up and discharge fare-paying passengers or dispatch vehicles for such purpose and shall also include courier service facilities.

**Warehouse**

Shall mean the use of land, building or structure, or part thereof, for the bulk storage and/or distribution of goods to industrial, commercial or institutional business users or other wholesalers, but shall not include the retailing of goods to the general public. A Warehouse shall not include a Waste Management Facility.

**Waste Disposal Facility**

Shall mean the use of land for the placement or final disposal of Waste under controlled conditions in order to protect environmental and human health and for which a Certificate of Approval for such purpose under Part V of the Environmental Protection Act is required, and shall include but not be limited to: sanitary landfills; Industrial, Commercial and Institutional (ICI) landfills; and, Demolition and Construction (DC) landfills. A waste disposal facility may also include accessory uses including, but not limited to energy from waste activities.
**Waste Management Facility**

Shall mean the use of land, building, structure, or part thereof, for the storage, processing or disposition of Waste or Hazardous Waste and for which a Certificate of Approval for such purpose under Part V of the Environmental Protection Act is required. Waste Management Facilities shall include the following uses: Waste Processing Facilities; Waste Transfer Facilities; Hazardous Waste Management Facilities; and, Waste Disposal Facilities.

**Waste Processing Facility**

Shall mean the use of land, building, structure, or part thereof, for the sorting and processing of waste and recyclable materials and for which a Certificate of Approval for such purpose under Part V of the Environmental Protection Act is required. Waste Processing Facilities shall include but not be limited to: thermal treatment, blue box recyclable recovery facilities, open-air or in-vessel organics processing, wood waste recycling and/or a co-generation energy facility, but shall not include a Motor Vehicle Wrecking Establishment or a Salvage Yard.

**Waste Transfer Facility**

Shall mean the use of land, building, structure or part thereof, for the temporary storage and collection waste and for which a Certificate of Approval for such purpose under Part V of the Environmental Protection Act is required. A Waste Transfer Facility may also include limited sorting of such waste prior to its transport.

**Waste**

Shall mean materials that are defined as Waste under Part V of the Environmental Protection Act.