



Hamilton

**CITY OF HAMILTON**
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
*Planning Division*

<b>TO:</b> Chair and Members Planning Committee	<b>WARD(S) AFFECTED:</b> WARD 4
<b>COMMITTEE DATE:</b> July 10, 2012	
<b>SUBJECT/REPORT NO:</b> Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Property Located at 586 Beach Road (Hamilton) (PED12118) (Ward 4)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> Greg Macdonald (905) 546-2424 Ext. 4283
<b>SIGNATURE:</b> 	

**RECOMMENDATION:**

That approval be given to **Zoning Application ZAR-11-071, by Posner Processing Ltd., Owner**, for a change in zoning from the Light Industrial (M6) Zone to the Light Industrial (M6, 447, H48) Zone, with a Special Exception and Holding Provision, in Hamilton Zoning By-law No. 05-200, in order to permit the expansion of the existing Salvage Yard at 610 Beach Road onto 586 Beach Road (Hamilton), as shown on Appendix "A" to Report PED12118, on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED12118, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (ii) That the change in zoning conforms to the Hamilton-Wentworth Official Plan and the Hamilton Official Plan.

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**EXECUTIVE SUMMARY**

The purpose of this application is to amend City of Hamilton Zoning By-law No. 05-200, in order to permit the expansion of the existing Salvage Yard on the property at 610 Beach Road onto the adjacent property to the west at 586 Beach Road (Hamilton) (see Appendix "A"). The subject lands have no formally established use, but some incidental storage for Posner Processing is occurring. The last use of the subject lands was as a lumber yard. No new buildings are proposed as part of the expansion, and the lands would be used for additional material storage and processing. A noise study and an emissions study were submitted with the application. There will be no impact on surrounding land uses from air emissions and noise impacts on the small, industrially zoned, residential enclave to the west, as impacts are mitigated by a proposed 5m high combined berm and acoustical fence, together with a restriction on certain processing operations within 55m of the westerly side lot line. All shipments of materials to or from the site would be from the existing entrance at 610 Beach Road.

The proposal has merit and can be supported, as the application is consistent with the Provincial Policy Statement and conforms to the Places to Grow Plan, the Hamilton-Wentworth Official Plan, the Hamilton Official Plan, and the Ministry Approved Urban Hamilton Official Plan. The proposed expansion would allow for the expansion of an existing facility onto an adjacent industrial property, last used as a lumber yard, the use of which is functionally similar to the proposed Salvage Yard.

*Alternatives for Consideration - See Page 13.*

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS**

**Financial:** N/A.

**Staffing:** N/A.

**Legal:** As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Zoning By-law Amendment.

**HISTORICAL BACKGROUND**

**Proposal**

The applicant has applied for a change in zoning from the Light Industrial (M6) Zone to the Light Industrial (M6, 447, H48) Zone in Hamilton Zoning By-law No. 05-200 in order to permit the expansion of the existing Salvage Yard at 610 Beach Road onto 586 Beach Road.

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**Chronology:**

- April 13, 2011: Development Review Committee Meeting for Formal Consultation Application FC-11-023 (586 Beach Road). Proposal was to permit the expansion of the Salvage Yard at 610 Beach Road onto 586 Beach Road.
- October 31, 2011: Submission of Application ZAR-11-071 by Posner Processing.
- November 16, 2011: Application ZAR-11-071 is deemed complete.
- November 25, 2011: Circulation of Notice of Complete Application for Application ZAR-11-071 to all property owners and tenants within 120 metres of the subject lands.
- June 22, 2012: Circulation of Notice of Public Meeting to all residents within 120 metres of the subject lands.

**Details of Submitted Applications:**

- Location:** 586 Beach Road (Hamilton)
- Owner/Applicant:** Posner Processing
- Agent:** WEBB Planning Consultants

**Property Description (of 586 Rennie Street):**

- Area: 1.45 hectares
- Frontage: 72.2 metres (on Beach Road)
- Depth: 173.25 metres (east property line)

- Servicing:** Full Municipal Services

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**EXISTING LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<b><u>Subject Lands:</u></b>	Vacant	Light Industrial (M6) Zone
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Industrial	Light Industrial (M6) Zone
<b>South</b>	CN Rail Tracks, Hydro Corridor and Operations of ArcelorMittal Dofasco Inc.	Light Industrial (M6, 350) Zone
<b>East</b>	Salvage Yard	General Industrial (M5) Zone
<b>West</b>	Mixed Industrial and Residential	Light Industrial (M6, 375) Zone

**POLICY IMPLICATIONS**

**Provincial Policy Statement:**

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with Policy 1.1.3.1, which focuses growth in Settlement Areas, and with Policy 1.3.1, which promotes economic development by providing for an appropriate mix and range of employment (including industrial, commercial, and institutional uses) to meet long-term needs. Policy 1.7.1(e) is addressed in that a noise study and an emissions study have been completed, and demonstrate that the expansion is compatible with the adjacent sensitive land use. More specifically, the noise study demonstrates that with a 5m noise barrier (proposed as a combination of a minimum 2m high berm and acoustical fence), and subject to a restriction to only permit storage of finished product within 55m of the westerly property line, the noise levels in the residential area would be the same as existing, or only marginally increased.

**Growth Plan for the Greater Golden Horseshoe (Places to Grow):**

The subject lands are located within a built-up area, as defined by Places to Grow. Policy 2.2.2.1 states that population and employment growth will be accommodated through the development of mixed-use urban environments, and encourages Cities to develop as complete communities. Places to Grow also promotes economic development by requiring municipalities to provide for an appropriate mix of

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employment uses including industrial, commercial, and institutional on employment lands. The proposal conforms to Places to Grow.

**Hamilton-Wentworth Official Plan:**

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. Therefore, as the proposal is the expansion of an existing industrial facility permitted within the “Urban Area” designation, the proposal conforms to the Hamilton-Wentworth Official Plan.

**Hamilton Official Plan:**

The subject lands are designated “Industrial” on Schedule ‘A’ - Land Use Concept in the Hamilton Official Plan. The following policies, among others, are applicable to the subject lands:

“A.2.3.1 Uses permitted on lands designated Industrial on Schedule “A” shall include clusters of business and economic activities such as, manufacturing, research and development, transport terminal, building or contracting supply establishment, tradesperson’s shop, warehousing, waste management facilities, private power generation, office, and accessory uses. Ancillary uses, which primarily support business and employees within the Industrial area, shall also be permitted.

**General and Heavy Industrial Classification**

A.2.3.6 The following uses shall be permitted on lands designated Industrial on Schedule “A”:

- i) A full range of manufacturing uses, warehousing, repair service, building or contracting supply establishments, transport terminals, research and development, communication establishment, private power generation, dry cleaning plants, salvage/storage yards, and motor vehicle repair and wrecking;

A.2.3.7 Council will ensure that non-industrial land uses abutting the GENERAL AND HEAVY INDUSTRIAL CLASSIFICATION areas are protected from adverse impacts through the provision of adequate separation, screening, barriers, fencing and landscaping, or other like measures.

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- A.2.3.23 New INDUSTRIAL USES may be permitted in areas designated INDUSTRIAL, provided that the proposed uses comply with all provincial standards with respect to the emission of sounds and vibrations, permissible concentrations of air contaminants such as dust, smoke, fumes, odours and other particulates, water quality control and waste control, including the quality of discharge and run-off.
- A.2.3.26 INDUSTRIAL USES that are proposed to be developed adjacent to existing INDUSTRIAL USES will be encouraged to integrate the design and dimensions of structures, parking areas, and access points with those of the adjacent uses.
- A.2.3.33 Where existing INDUSTRIAL and Residential Uses are located in close proximity to each other, Neighbourhood Plans may be prepared, as set out in Sub-section D.2, to identify potentially viable Residential areas, INDUSTRIAL areas, and areas where a mix of Residential and INDUSTRIAL USES may be tolerated in the short term. Council's long term planning objective will be for the removal of Residential Uses from established INDUSTRIAL USE areas.
- A.2.3.34 Where existing INDUSTRIAL and Residential Uses are located in close proximity to each other, new INDUSTRIAL buildings may be permitted if adequate separations between uses, buffering, barriers, and special construction techniques are provided to minimize conflicts between the land uses, to the satisfaction of Council. Further, within these areas, Council may permit the establishment of a selective range of new INDUSTRIAL USES to be defined in the implementing Zoning By-law."

Based on the above, the proposed expansion to the existing salvage yard would be permitted within the "Industrial" designation as salvage yards are explicitly noted as a permitted use within the General and Heavy Industry Classification hierarchy. The expansion would be integrated with the design, access points, and parking areas of the existing facility at 610 Beach Road. Matters pertaining to provincial standards were addressed through the review and approval of a noise study and an emissions report, which noted no impact from emissions and no increase in noise from the existing operation subject to implementation of mitigation measures (noise barrier and restriction on use of the lands within 55m of the westerly side lot line). Implementation of these measures will be through Site Plan Control and site-specific provisions within the implementing By-law. Based on the foregoing, the proposal conforms to the Hamilton Official Plan.

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**Urban Hamilton Official Plan**

The new Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011, and, therefore, can no longer be modified. The final decision on the Urban Hamilton Official Plan has been appealed.

The new Urban Hamilton Official Plan designates the subject lands as "Employment Area - Industrial Land" on Schedule "E-1" Urban Land Use designations. This designation permits salvage yards through Policy E.5.3.2. As the Urban Hamilton Official Plan permits salvage yards within this designation, the proposal would conform to the new Urban Hamilton Official Plan.

**Industrial Sector "F" Neighbourhood Plan**

There is no approved Neighbourhood Plan for the Industrial Sector "F" Neighbourhood.

**RELEVANT CONSULTATION**

The following Departments and Agencies had no comments or objections:

- Forestry and Horticulture Section, Public Works Department.
- Traffic Engineering Section, Public Works Department.
- Hamilton Municipal Parking System.
- Ministry of the Environment.

**Public Consultation**

In accordance with the new provisions of the Planning Act and the Council Approved Public Participation Policy, Notices of Complete Application and Preliminary Circulation were circulated to 57 property owners and tenants within 120 metres of the subject property on November 25, 2011, requesting public input on the application. A Public Notice sign was also posted on the property on November 25, 2011, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act. To date, one letter from a business located nearby was received, which was also signed by additional local residents or business owners. The concerns raised included health and safety, pest control, noise, property access, property value, and loss of residential rental income. A review of these concerns is contained within the Analysis/Rationale for Recommendation section of this Report.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

1. The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement and conforms to the Places to Grow Plan (Growth Plan for the Greater Golden Horseshoe);
  - (ii) It conforms to the Hamilton-Wentworth Official Plan and the "Industrial" designation in the Hamilton Official Plan;
  - (iii) It provides for the expansion of an existing salvage yard onto the subject property, the impacts of which on the adjacent mixed-use enclave can be suitably mitigated; and,
  - (iv) The proposal conforms to the "Employment Areas - Industrial Land" designation in the new Urban Hamilton Official Plan.
  
2. The proposed expansion to the existing salvage yard would not alter how the existing facility operates. Non-hazardous scrap metal will still be received at the existing entrance to the facility at 610 Beach Road, where it is weighed and sorted by type. Limited processing occurs in the form of cutting to smaller sizes before being stockpiled by metal type until they are then shipped from the site for further recycling or industrial uses. By acquiring the adjacent property, the operation has more room for the storage of materials awaiting shipment, although limited processing could still occur on the easterly portion of 586 Beach Road. This is similar to the previous lumber yard use of 586 Beach Road. In this regard, the use of 586 Beach Road as a salvage yard would be similar to the functionality of its former use as a lumber yard, which also consisted of material storage, loading and unloading, and minor processing and cutting activities. No new building is proposed, and the existing building at 586 Beach Road will still be utilized for offices, administering the weigh scale, coordinating loading of trucks, and material processing and storage.
  
3. The City of Hamilton passed By-law No. 10-128 on May 26, 2010, to add employment (industrial) lands into the new City of Hamilton Zoning By-law No. 05-200. Updated Official Plan policies were also introduced at this time. Prior to this date, both the existing salvage yard at 610 Beach Road and the subject lands at 586 Beach Road were zoned "K" (Heavy Industry, Etc.) District within Zoning By-law No. 6593. This zone permitted salvage yards as-of-right. Posner Processing finalized its purchase of 586 Beach Road in late 2010, just after the new Zoning By-law was implemented. If Posner Processing had purchased the property earlier in the same year and updated its salvage yard license to add 586 Beach Road as part of the license at 610 Beach Road, then no zoning approvals

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would have been required as the use would have been established prior to Zoning By-law No. 05-200 being implemented and the salvage yard use would have continued to be permitted as a legally established, non-conforming use, or recognized as a permitted use within the new Zoning By-law.

4. When the City of Hamilton was implementing new zoning regulations for the industrial zones in the lower City of Hamilton, two new zones were created, the General Industrial (M5) Zone and the Light Industrial (M6) Zone. The main difference between them is that the Light Industrial (M6) Zone would not permit the heaviest industrial uses and certain performance measures are also different. Salvage Yards are permitted in the General Industrial (M5) Zone, but not the Light Industrial (M6) Zone. In determining which of the existing industrial lands in the City of Hamilton were to be zoned (M5) or (M6), the City of Hamilton considered the intent of *Ministry of Environment (MOE) Guideline D-6 - Compatibility Between Industrial Facilities and Sensitive Land Uses*. In this regard, the MOE Guideline provides that the heaviest industrial uses should be separated 300m from a sensitive land use (such as a residential use), and if they are located closer, then mitigation measures may be needed. This would mean that residential areas would have a 300m buffer containing lighter industrial uses before the heavier industrial uses would be permitted.
5. There is a small enclave of mixed-uses to the west of 586 Beach Road, including single detached dwellings, industrial and commercial uses, and mixed-use buildings that are zoned and designated for industrial purposes. This enclave was not considered as part of the determination of the appropriate locations for the General Industrial (M5) Zone, as it is intended that the existing residential uses cease over time. This enclave is designated "Employment Area - Industrial Land" in the Urban Hamilton Official Plan. The existing Salvage Yard at 610 Beach Road was included within the General Industrial (M5) Zone, as it is greater than 300m from properties zoned "D" and "H" (for residential and commercial uses) off Kenilworth Avenue North. However, 586 Beach Road is located approximately 260m from these residentially and commercially zoned properties to the southwest that are on the west side of Kenilworth Avenue North (see Appendix "A").
6. There is no impact from the expansion of the Salvage Yard on the residential lands located approximately 260m west of the subject lands. The subject lands are separated from this residential district by a CN Rail line, by a major facility of ArcelorMittal Dofasco Inc., and by Kenilworth Avenue North. The new Urban Hamilton Official Plan only contains policy direction to protect sensitive land uses within the Neighbourhoods, Institutional or Commercial and Mixed-Use designations. The enclave of remnant, industrially zoned, and designated homes to the west of the subject lands are not part of this policy directive. However, the Urban Hamilton Official Plan is under appeal, and is not yet in effect. The

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Hamilton Official Plan, which is still in effect, includes Policy A.2.3.7 to ensure non-industrial land uses abutting industrial areas are protected from adverse impacts through the provision of adequate separation, screening, barriers, fencing and landscaping, or other like measures. In this regard, the applicant has submitted an emissions study to review impacts from airborne particulate and a noise study to review noise and vibration impacts on surrounding land uses.

The emissions study noted that the existing facility, together with the expansion onto 586 Beach Road, would not result in any contaminant emissions and that Total Suspended Particulate (TSP) is within Ministry of the Environment Guidelines for the abutting sensitive land uses. The noise study indicates that with certain mitigation measures, the expanded facility will generate no greater noise than the existing facility, which meets Ministry of Environment Noise Assessment Guidelines for reviewing impacts from such facilities. In this regard, the main activity generating noise is from a grappler that sorts mixed scrap metal and drops material into sorted piles. This activity is undertaken at the existing facility at 610 Beach Road. The noise study recommends that this activity can occur on the expanded property, but only further than 55m from the westerly property line that abuts the residential properties. Within this 55m, storage of baled, finished products would be stored, which does not create the same noise impacts as such activities as those undertaken by forklifts and/or bobcats, not a grappler. In addition to the restriction on use within 55m of the westerly lot line abutting the residential dwellings, a 5m noise barrier is required to be erected between the two land uses (proposed as a 2m high berm combined with an acoustical fence).

The implementing Zoning By-law will include the required restriction on operations within 55m of the westerly property line and the requirement for the noise barrier. However, it is not desirable for the 5m noise barrier to be erected directly on the westerly property lot line. Even though a public, un-assumed 3.5m wide alley separates the dwellings on Beatty Avenue from the subject lands, this alley has been incorporated as part of the rear yard amenity areas for the local residents. A 5m wall right on this westerly property line (which is the lot line that abuts 6 to 22 Beatty Avenue) could create a shadowing and visual impact on the rear amenity areas of these properties. Therefore, it is prudent that for the portion of the westerly property line that abuts the residential properties, that a combination of a minimum 2.0m high berm, together with an acoustical noise barrier fence for a combined height of 5.0m should be required. As berms require a 3:1 slope (6m total berm width with the noise barrier in the middle for a 1m high berm), even with only a minimum 2m high berm, this would provide an additional 6m setback from the noise wall. Coupled with the 3.5m wide alleyway, this would provide sufficient separation between the tallest point of the wall and berm and the residential uses. Along the northerly side line a 5m

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noise wall is also required, but no requirement for a berm is included as it does not abut sensitive land uses. This is consistent with the Light Industrial (M6) Zone, which does not require building setbacks along side or rear lot lines.

7. The Public Consultation section of this Report noted that one letter was received from an area business owner, which was also signed by other local residents (see Appendix "D"). The letter expressed concerns with regard to health and safety, pest control, noise, property access, property value, and loss of residential rental income. The letter writer owns a courier/shipping company. A review of the concerns from the public is discussed below:

Health and Safety

Concerns were raised that there could be impacts from the spillage of oils through the salvage of private vehicles creating fumes, which could impact the abutting properties as well as tire punctures due to scrap metal in the road. In this regard, the receiving and initial processing of salvaged materials would occur on the existing salvage yard property at 610 Beach Road. A zoning restriction would ensure that no processing would occur on the portion of the expanded property within 55m of the residential uses. This would also ensure that no processing could occur near the shipping company on Beach Road, which is also separated from the subject lands by a 15m wide public road (Conrad Avenue). As noted above, a berm with an acoustical fence would provide further buffering. Oil and gasoline is removed from vehicles and disposed of in accordance with all provincial regulations prior to vehicles being broken down. The Zoning By-law and Site Plan Control cannot regulate activities on the municipal roadway.

Noise

Concerns were raised that noise from the operations would impact the operations of the courier business. The courier business on the property on the west side of Conrad Avenue is not a sensitive land use that Ministry of Environment Noise Guidelines would apply to. However, the noise study submitted by the applicants indicated that noise levels on the sensitive land uses further west would be no higher than the existing situation. A 5m noise barrier would be constructed along the southerly side of the mutual property line between the subject lands and the courier business. For the property line between the subject lands and the residential uses, a combination berm and noise barrier will be constructed.

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Pest Control

The Light Industrial (M6) Zone permits a broad range of industrial uses, including manufacturing, warehousing, shipping and receiving, motor vehicle collision establishments, transportation depots, and lumber, building, or contracting establishments. The salvage yard use would not be any more likely to attract pests than many uses permitted as-of-right within the existing zoning.

Property Access

The letter writer expressed concerns that if Posner Processing is permitted to expand, then their trucks would block access to the courier business on Beach Road, and would park trucks on Conrad Avenue. Conrad Avenue is not proposed to be utilized as an access point to the property. No changes in access to the site are proposed, as scrap delivery and shipping would continue to occur from the existing, easterly access driveway to 610 Beach Road. If any changes are needed as part of the change in operations, they will be reviewed through the subsequent Site Plan Control Application, as well as through the review of an access permit by the Public Works Department. Should 586 Beach Road have been developed as a separate industrial manufacturing use or as a major warehouse facility, a much greater possibility of access driveway conflicts would occur. The expansion of the scrap yard would reduce the likelihood of driveway conflicts on Conrad Avenue or westerly along Beach Road.

Property Value / Loss of Residential Tenancy Income

The subject lands last contained a lumber yard. The change to a scrap yard, with restrictions to finished product storage on the west side and with the addition of noise barriers and berming, would ensure that the operation of the subject lands would be no more intensive than the previous lumber yard use or than other uses permitted as-of-right that would not have triggered implementation of noise mitigation techniques. No information is available to substantiate the concern that the expanded scrap yard would impact property values. In this regard, and in response to the concern over loss of residential tenancy income, it is policy direction that the residential uses to the west should cease over time and be converted to the employment uses permitted under the Light Industrial (M6) Zone.

8. Industrial development is subject to Site Plan Control. As the proposed expansion of the existing salvage yard does not result in the construction of any building needing a building permit, there would be nothing to trigger such a requirement. The noise study submitted by the applicants requires a noise barrier in a certain location, which is being required in the implementing By-law. In addition, a restriction on processing uses is also being included in the

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implementing By-law within 55m of the westerly property line abutting the residential uses, and other screening of outdoor storage activities is required to be implemented through standard zoning provisions of the Light Industrial (M6) Zone. In order to implement these provisions, the restriction on use, and to ensure that the noise barrier (with berm) is constructed to municipal standards, the subject lands are being placed into a 'H' Holding Provision, which would not be removed until the applicant has applied for and received final approval of a Site Plan Control application.

**ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, the lands could be developed in accordance with the current Light Industrial (M6) Zone, which permits a broad range of employment related uses.

**CORPORATE STRATEGIC PLAN**

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

**Financial Sustainability**

- ◆ Generate assessment growth/non-tax revenues.

**Growing Our Economy**

- ◆ Newly created or revitalized employment sites.

**Environmental Stewardship**

- ◆ Reduce the impact of Hamilton's industrial, commercial Private and Public operations on the environment.

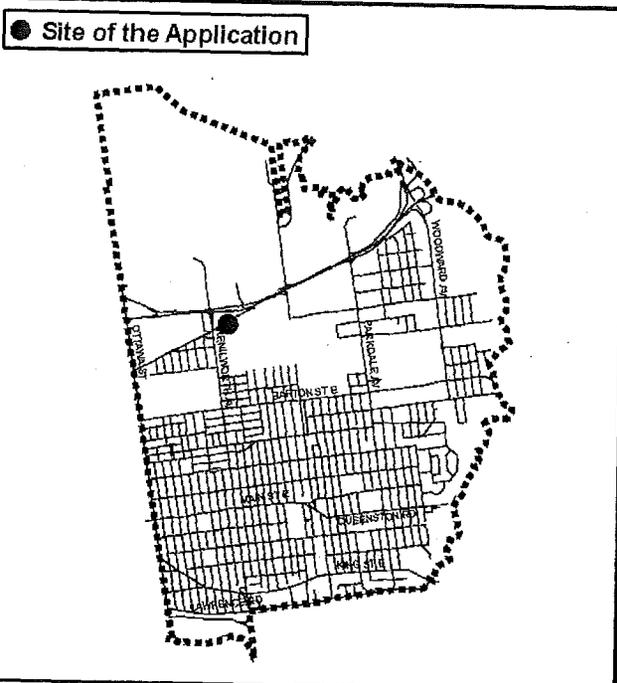
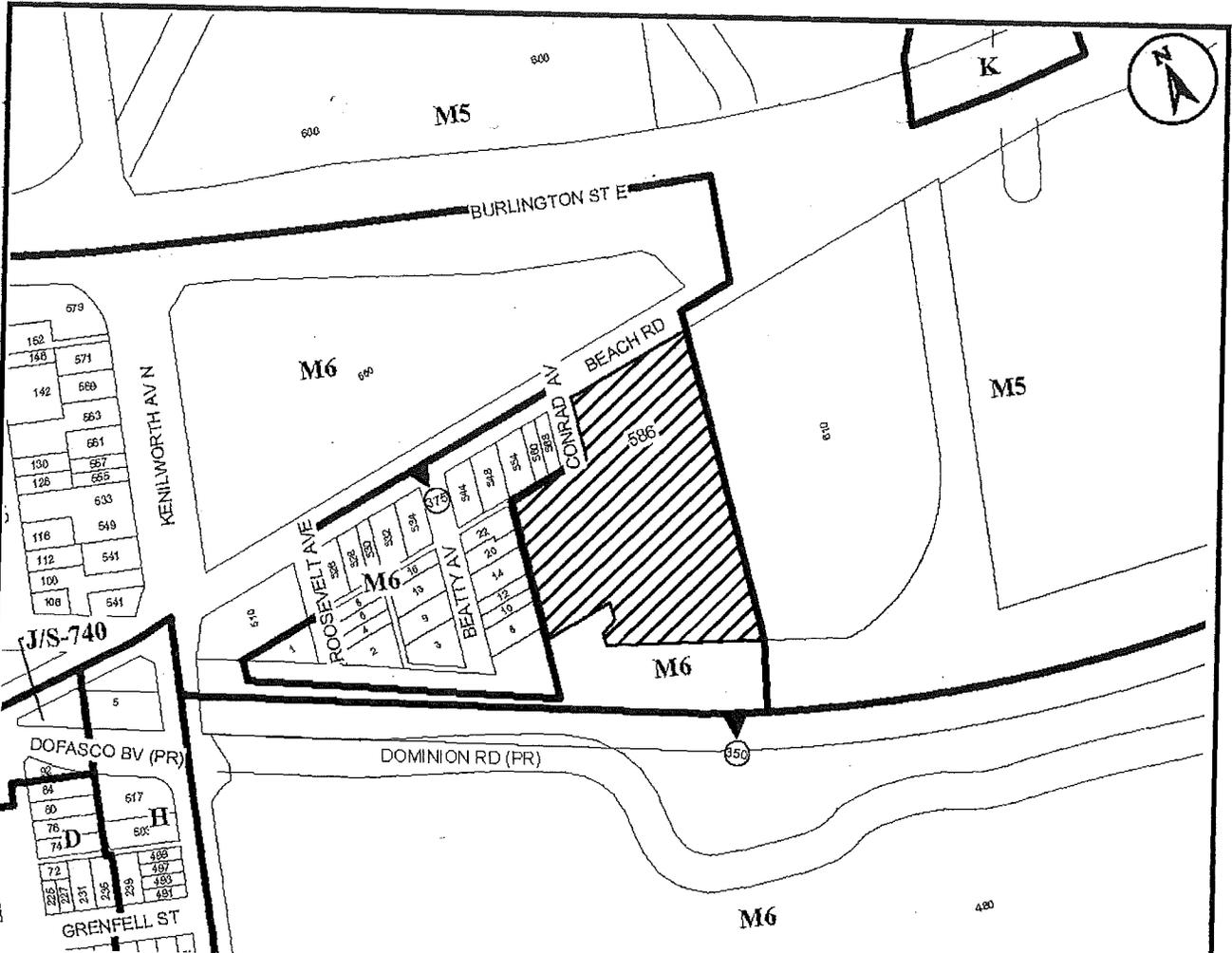
**Healthy Community**

- ◆ Plan and manage the built environment.

**APPENDICES / SCHEDULES**

- Appendix "A": Location Map
- Appendix "B": Draft Zoning By-law Amendment
- Appendix "C": Site Operations Plan
- Appendix "D": Public Comments

:GM - Attachs. (4)



Ward 4 Key Map

N.T.S.

## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAR-11-071

Date:  
May 4, 2012

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
GM/NB

### Subject Property

586 Beach Road, Hamilton

Change in Zoning from the Light Industrial (M6) Zone to the Light Industrial (M6, 447, H48) Zone

**Authority:** Item [REDACTED]  
Planning Committee  
Report: 12-[REDACTED] (PED12118)  
CM: [REDACTED]  
  
Bill No. [REDACTED]

**CITY OF HAMILTON**

**BY-LAW NO. [REDACTED]**

**To Amend Zoning By-law No. 05-200,  
Respecting Lands Located at 586 Beach Road (Hamilton)**

**WHEREAS** the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

**AND WHEREAS** the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

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

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 12-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2012, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

**AND WHEREAS** this By-law is in conformity with the Official Plan of the City of Hamilton, in accordance with the provisions of the Planning Act;

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

1. That Maps 958 and 959 of Schedule "A" - Zoning Maps, of Zoning By-law No. 05-200, be amended by changing the zoning from the Light Industrial (M6) Zone to the Light Industrial (M6, 447, H48) Zone, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" to this By-law.

2. That Schedule "C" - Special Exceptions, of By-law No. 05-200, is hereby amended by adding the following Sub-section:

"447 Notwithstanding Sections 9.6.1, 9.6.2 and 9.6.3 of this By-law, on those lands zoned Light Industrial (M6) Zone, as identified on Map Nos. 958 and 959 of Schedule "A" - Zoning Maps, and described as 586 Beach Road (Hamilton), the following special requirements shall apply:

- (a) A Salvage Yard, only in conjunction with the existing Salvage Yard at 610 Beach Road, shall also be permitted;
- (b) A combination of a minimum 2.0m high berm, together with an acoustical noise barrier fence for a combined height of 5.0m, shall be provided and maintained along the westerly side lot line that measures 74.98m in length;
- (c) A 5.0m high acoustical noise barrier fence or berm, or combination of acoustical noise barrier fence and berm, shall be provided and maintained along the northerly side lot line that measures 44.5m in length; and,
- (d) The lands located within 55m of the westerly side lot line that measures 74.98m in length shall only be used for the storage of finished sorted product, and no processing activity shall be permitted in this area."

3. That Schedule "D" - Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provision as follows:

"48 Notwithstanding Section 9.6 of this By-law, within the lands zoned Light Industrial (M6, 447) Zone, on Map Nos. 958 and 959 of Schedule "A" - Zoning Maps, and described as 586 Beach Road (Hamilton), no development or change of use shall be permitted until such time as:

- (a) The owner has applied for and received final approval of a Site Plan Control Application, to the satisfaction of the Manager of Development Planning."

4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

5. That this By-law No. [REDACTED] shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

**PASSED and ENACTED** this [REDACTED] day of [REDACTED], 2012.

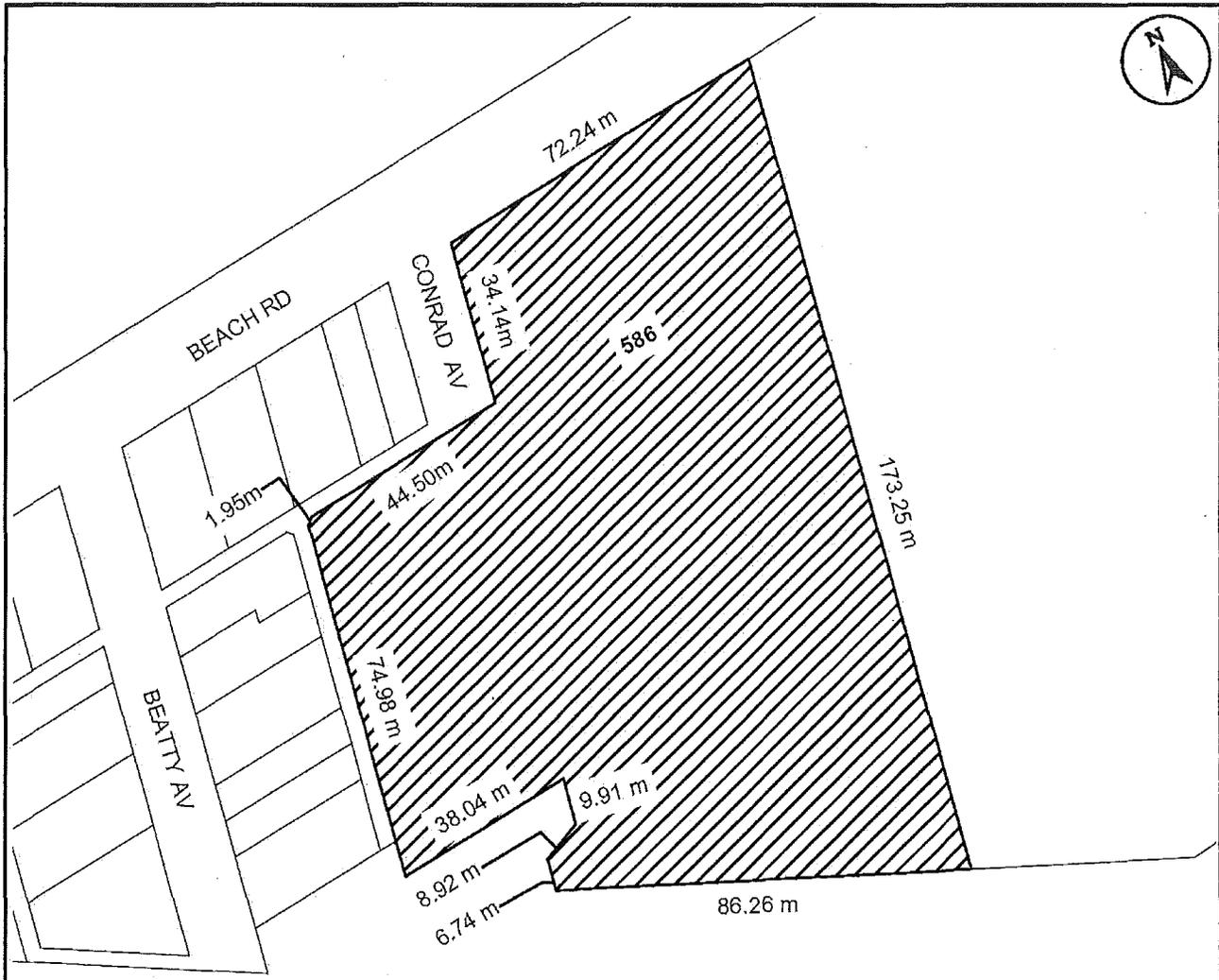
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R. Bratina  
Mayor

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Rose Caterini  
Clerk

ZAR-11-071



This is Schedule "A" to By-Law No. 12-

Passed the ..... day of ....., 2012

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Mayor

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Clerk

## Schedule "A"

Map Forming Part of  
By-Law No. 12-\_\_\_\_\_

to Amend By-law No. 05-200  
Map 958 and 959

### Subject Property

586 Beach Road, Hamilton.



Change in Zoning from the Light Industrial (M6) Zone  
to the Light Industrial (M6, 447, H48) Zone

Scale:  
N.T.S.

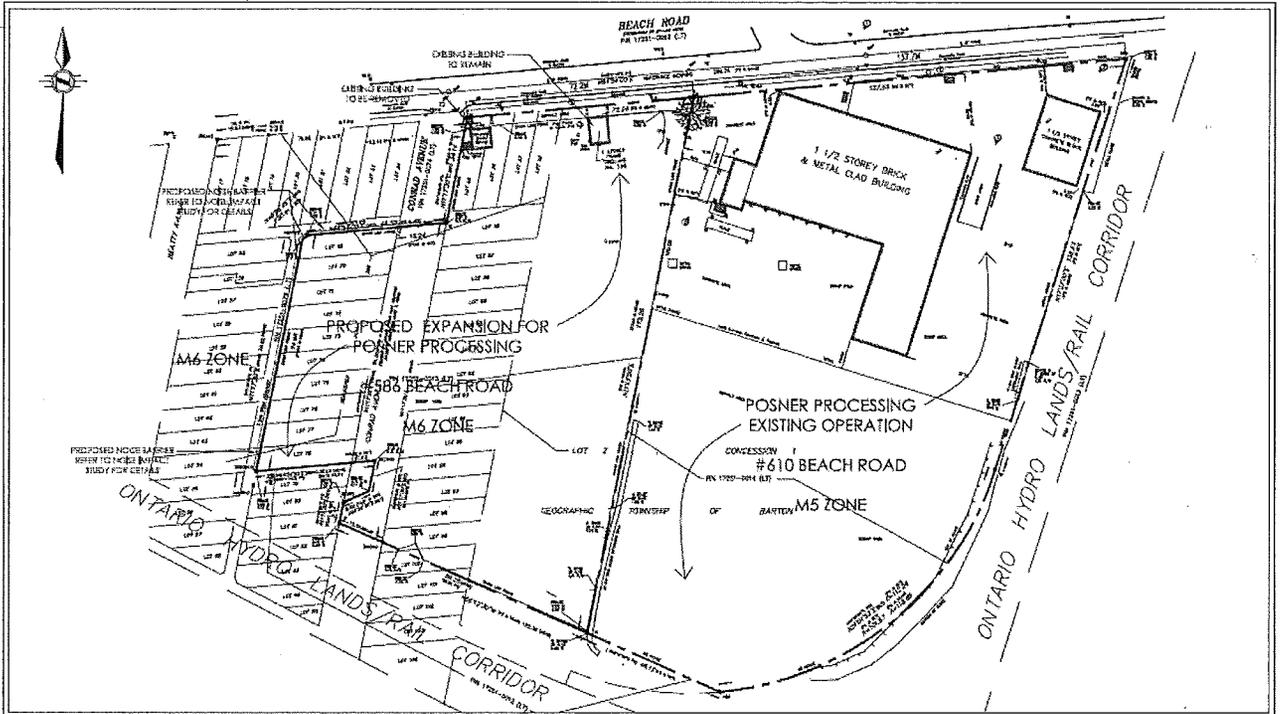
File Name/Number:  
ZAR-11-071

Date:  
May 14, 2012

Planner/Technician:  
GM/KA



**Hamilton**



**WEBB**  
 PLANNING CONSULTANTS  
 244 James Street South Hamilton, ON L8P 3R3  
 P. 905 527 7526 F. 905 527 7327

Proposed Expansion  
 Posner Processing  
 586 & 610 Beach Road,  
 City of Hamilton

Source: MACKAY  
 MACKAY  
 & PETERSON  
 CONSULTANTS  
 SCALE: N.T.S.  
 DATE: OCTOBER 20, 2011



December 7, 2011

Greg MacDonald  
71 Main Street  
Hamilton, ON  
L8P 4Y5

Re: File No: ZAR-11-071 –Zoning By-law Amendment by Posner Processing Ltd., on lands located at 586 Beach Road, Hamilton

Dear Greg:

The following points outline my issues with respect to the application for a Zoning By-Law Amendment that will permit expansion of the existing salvage yard at 610 Beach Road onto the adjacent property at 586 Beach Road.

- Health & Safety concerns – there is leftover oil and fluids in the vehicles that are being scrapped, therefore resulting in contaminated material. The odor from this material will enter our building through open windows and normal access to and from the building.
- Noise – the noise made while loading and unloading trucks will impair my dispatchers hearing over the phone while assisting customers.
- Pollution and rats. I am already a customer of Abell pest control.
- Access to my property – the road adjacent to my building is a city road that permits access to my parking lot. If Posner's moves over beside my building, which would be allowed if this amendment is approved, it will enable them to park their vehicles along Beach Road and now Conrade St. which would then block access to my yard and my parking lot. We already have this type of issue now, but the drive way is further down allowing for a line up to occur before blocking our lane way. Fortunately, we only experience this problem if the price of scrap is up.

Appendix "D" to Report PED12118 (Page 2 of 2)

- Flat tires – due to scrap on the roadway. I have had 2 flats in a day from pieces of scrap steel stuck in my tire. I would not be surprised if other residents have experienced this problem as well.
- Property value – I will be unable to sell my property once this disgusting scrap yard is on top of it. The value of the property will definitely decrease.
- Loss of income due to my renters moving. The fellow upstairs has a young daughter and would not continue to rent from me if they move right beside my property.

One very important aspect that should be addressed in reviewing this amendment request is that although Beach Road is part of the industrial area of the city there are also many homeowners and renters with small children living in and around the vicinity of Postner's business and their rights to a clean and healthy environment should also be respected.

If you have any further questions regarding my concerns I would like to be contacted at 905- [REDACTED] or via email at [REDACTED] prior to the by-law being passed.

Sincerely,

Shannon Kemp  
President/CEO

By signing below we have read and agree with the Zoning By-law concerns in our neighborhood as stated above:

Name	Address	Date
Lisa + Rob Vaughan	548 Beach rd <sup>hamilton</sup> on	Dec 12/11
Margaret Mysak	20 Beatty	Dec 12/11
Raymond Penland	10 BEATTY	Dec 12-11
Norm Smith	8 Beatty Ave	Dec 12/11
Ken Larrow	560 Beach Rd	Dec 12/11
Mike Joruback	544 RD <sup>905</sup> 804 6501	Dec 12/11
Wendy Hazzard	568 Beach Rd.	Dec 14/11