

5462142 CITY LAW DEPT.

Appendix "A" to Report PED15070 / LS15015

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O930278
 R840150
 R840352
 O890062
 0900127
 0910145
 0950071

FINAL
SIGNED

Post-it Fax Note	7671E	Date	Feb 18/97	# of pages	11
To	J. BROOKFIELD	From	CLYDY VITALI		
Co./Dept.	HHC	Co.	HAM LAW DEPT.		
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Board
 ipales de l'Ontario

At the request of Hamilton Harbour Commissioners the Regional Municipality of Hamilton-Wentworth has referred to the Ontario Municipal Board under subsection 17(11) of the Planning Act, 1983, proposed Amendment No. 113 of the City of Hamilton

O.M.B. File No.: O930278

Region's File No.: 25-OP-HA-113

- and -

An application made to the Ontario Municipal Board by the Corporation of the City of Hamilton under Section 39 of the Planning Act, R.S.O. 1980, c.379 for approval of Restricted Area By-law Nos. 83-321, as amended by 83-257, 83-232, 83-234 as it applies to this part of Block 1 that consists of all of pier 8 and the Marine Dockyard, 83-239 and 83-240 as amended by 83-259 in the City of Hamilton

O.M.B. File No.: R840150

- and -

Hamilton Harbour Commissioners have appealed to the Ontario Municipal Board under subsection 3(18) of the Planning Act, 1983 against By-law 84-97 of the City of Hamilton

O.M.B. File No.: R840352

- and -

At the request of the Hamilton Harbour Commissioners, the Minister of Municipal Affairs has referred portions to the Ontario Municipal Board under subsection 17(11) of the Planning Act, 1983 for consideration of the following portions of Official Plan for the City of Hamilton:

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- i) Section A.2.7.2, page 39, being Deferral No. 8 insofar as it applies to the area identified as D1(i) on Schedule A, Land Use Concept Plan; and
- ii) Schedule A, Land Use Concept Plan, the "Utilities" designation of the lands identified as D1(i)

Minister's File No.: 25-OP-0058

O.M.B. File No.: O890062

- and -

At the request of CN Railway and the Hamilton Harbour Commissioners, the Regional Municipality of Hamilton-Wentworth has referred to the Ontario Municipal Board under subsection 17(11) of the Planning Act, 1983, proposed Amendment No. 66 to the Official Plan for the City of Hamilton.

O.M.B. File No.: O900127

Region's File No.: 25-OP-HA-066

- and -

At the request of the Hamilton Harbour Commissioners and the Hamilton Region Conservation Authority, the Regional Municipality of Hamilton-Wentworth has referred to the Ontario Municipal Board under subsection 17(11) of the Planning Act, 1983, proposed Amendment No. 87 of the City of Hamilton.

O.M.B. File No.: O910145

Region's File No.: 25-OP-HA-087

- and -

At the request of the Hamilton Harbour Commissioners, the Regional Municipality of Hamilton-Wentworth has referred to the Ontario Municipal Board under subsection 17(11) of the Planning Act, 1990, R.S.O. c. P.13 proposed Amendment No. 80 to the Official Plan of the City of Hamilton.

O.M.B. File No.: O950071

Region's File No.: 25-OP-HA-080

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COUNSEL:

W.I.C. Binnie
Art Zuidema

for City of Hamilton

S.M. Makuch

for Hamilton Harbour Commissioners

MINUTES OF SETTLEMENT

The Corporation of the City of Hamilton and The Hamilton Harbour Commissioners hereby confirm the Agreement reached at the mediation before Member J.R. Mills at Hamilton on Monday, February 17, 1997 to settle the differences between the parties in respect of the matters in dispute in these proceedings on the following terms and conditions:

A. Zoning By-law Provisions

1. Piers 3-7 to be zoned F-1 (Waterfront Recreational):
 - i) provided offices to be permitted on Piers 5-7 in accordance with F-1 performance standards;
 - ii) provided that any ship chandler engaged in the supply or outfitting of ships or recreational boats is permitted on Piers 5, 6 and 7;
 - iii) Hamilton Harbour continues to be zoned F-2 provided that apart from Piers 1 and 2, the zone shall be called "Harbour" and except in Piers 1 and 2 there shall be added to the permitted uses, the words "shipping, navigation, boating and open space".
2. Pier 8 to be zoned F-4 (modified) to include the uses attached hereto as Schedule 1 subject to the following:
 - i) the uses listed from "general freight trucking industry" to "freight forwarding industry" inclusive shall only be permitted for up to 7 years from the signing of this agreement and for no more than 50 trucks per day.
 - ii) the word "recreational" to be added at the beginning of "motor vehicle and equipment repair shops except paint and auto body repair shops".

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- (iii) delete "liquid bulk storage except for fuel storage depot"
3. Pier 10 to be rezoned "J".
 4. Piers 11 to 14 to be rezoned "K".
 5. Piers 25 to 27 to be rezoned to F-4 (modified) to include the attached uses in Schedule II subject to the following:
 - a) F-4 performance standards; and
 - b) subject to the site plan approval process as follows:
 1. an application for site plan approval will be made to a Joint Committee consisting of
 - (a) the Chairman of the Hamilton Harbour Commissioners designate;
 - (b) the Chairman of the Planning and Development Committee or designate;
 - (c) a third member chosen by the foregoing,
 2. such application will be reviewed jointly by the staff of the Hamilton Harbour Commissioners and the City of Hamilton and a joint report made to the Joint Committee within 15 days of receipt of the application;
 3. the Joint Committee shall, within 15 days of receipt of the foregoing report, dispose of the application. If the decision is to approve the site plan no further approvals are required. If the Joint Committee rejects the site plan, the applicant may appeal the rejection to City of Hamilton Council who must deal with the matter at its next scheduled Council meeting;
 4. in the event that Council also rejects the application, the applicant may appeal to the Ontario Municipal Board in the ordinary way;
 5. in the event no decision is made within the foregoing time limits, the applicant may treat such default as a refusal of the application for appeal purposes;
 6. the City of Hamilton and the Hamilton Harbour Commissioners will endeavour to develop joint site plan guidelines.
 6. With respect to the east and west sides of Windermere basin, the City of Hamilton

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committed to complete the staff report by June 30, 1997. Thereafter the Commissioners shall be at liberty to continue the Hearing of this issue before the Board.

7. A Restaurant is to be a permitted use in the Hamilton Harbour Commissioners' Office building.
8. The City of Hamilton's harbour baseline is to correspond to the Hamilton Harbour Commissioners headline between Piers 4 to 8 and 10 to 27 inclusive.
9. General Provisions clause in zoning by-laws as follows:

(i) "This By-law does not apply to uses regulated for the purposes of shipping and navigation or uses incidental thereto authorized by the Hamilton Harbour Commissioners Act or by any by-law, regulation, or other provision adopted pursuant to the Hamilton Harbour Commissioners Act or other federal legislation."

B Official Plan Provisions

1. Compatibility clause

"Council shall ensure that other land uses which are proposed and which abut the areas designated on Schedule "A" as Shipping and Navigation Uses are compatible with those uses set out in policy 2.1.11 and will protect the uses set out in policy 2.1.11 from other uses or other adverse impacts through the provision of adequate separation, screening, barriers, fencing and landscaping or other like measures."

2. Transportation clause

"In order to enhance the viability of the Shipping and Navigation Uses designation, Council, where feasible and deemed appropriate, shall encourage and assist in the establishment and/or maintenance of the Port through the provision of highways, arterial roads, rail and public transit services."

3. Landfill Constraint areas

- i) The area referred to as the Birch Landfill Constraint Area is deleted; and
- ii) the City of Hamilton will provide evidence to the Hamilton Harbour Commissioners in support of the designation of Eastwood Park and Victoria/Wellington

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as closed landfill sites. In default of such evidence being provided by March 31, 1997 the Hamilton Harbour Commissioners may continue the hearing of this issue before the Ontario Municipal Board.

4. General Provisions clause

"Uses regulated for the purpose of Shipping and Navigation or uses incidental thereto, authorized by the Hamilton Harbour Commissioners Act or any bylaw, regulation or other provision adopted pursuant to the Hamilton Harbour Commissioners Act or other federal legislation, or any bylaw, regulation or other provision adopted pursuant to the Hamilton Harbour Commissioners Act or other federal legislation, in accordance with subsection D.8."

5. Policy D.8.4 is to be deleted and replaced by the following:

"This Plan does not prohibit or otherwise attempt to regulate the use of land or Hamilton Harbour by the Hamilton Harbour Commissioners in respect of Uses regulated for the purpose of Shipping and Navigation or uses incidental thereto, authorized by the Hamilton Harbour Commissioners Act or any bylaw, regulation or other provision adopted pursuant to the Hamilton Harbour Commissioners Act or other federal legislation.

6. Policy D.8.5 is amended by deleting the word "bona fide".

7. Shipping and Navigation Uses.

"Council recognizes that the Port and harbour are integral and important elements of the social and economic fabric of the City of Hamilton and surrounding region and accordingly, it is the general intent of this Plan to recognize the role of the Port in this respect and in particular the activities of the Hamilton Harbour Commissioners in carrying out its mandate of shipping and navigation.

"The primary uses permitted on lands designated Shipping and Navigation Uses on lands owned by the Hamilton Harbour Commissioners on Piers 5 to 15 inclusive and Piers 23 to 27 inclusive plus the canal reserve lands south of the Burlington Ship Canal, all as shown on Schedule "A" of this Plan, shall include, but are not limited to those uses which relate to the movement, management, safety and convenience of ships; uses involving the carriage of goods or passengers to other modes of transportation; related storage and processing; vessel and barge docks; industry and commerce related to, or

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incidental to or necessary to the port; recreational boat facilities; and, the provision of services such as security, employment, immigration, labour, administration, technical, food, fuel and maintenance.

"The Hamilton Harbour Commissioners commit to develop Piers 25 to pier 27 in an aesthetically pleasing manner.

"Notwithstanding the forgoing,

"On Pier 8, it is the intent of this Plan that heavy industry and open bulk storage will be prohibited and the focus will be on uses that are not incompatible with the uses on Piers 5, 6 and 7; and

"upon agreement between the City of Hamilton and the Hamilton Harbour Commissioners that shipping and Navigation uses have ceased then the designation on Pier 8 is Open Space. If no agreement is reached this paragraph does not affect the right of the City of Hamilton to redesignate Pier 8.

The City of Hamilton agrees to prior consultation with the Hamilton Harbour Commissioners prior to any future official plan amendments or rezonings within this designation."

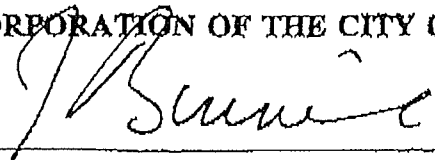
C Termination of Proceedings

Subject to the above, the Hamilton Harbour Commissioners agree to withdraw their appeals and referral requests pending before the Ontario Municipal Board Hearing scheduled to commence February 19, 1997 and the City of Hamilton agrees to withdraw Court action initiated in the Ontario Court (General Division) as Court File No. 10760/95 in October 23, 1995.

DATED at Hamilton this 18th day of February, 1997.

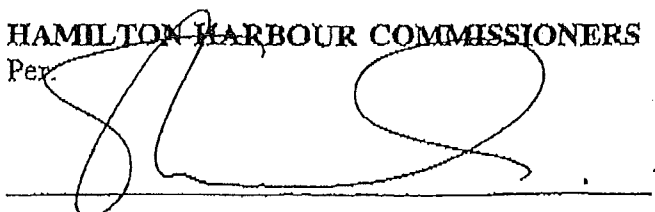
THE CORPORATION OF THE CITY OF HAMILTON

Per:



HAMILTON HARBOUR COMMISSIONERS

Per:



SCHEDULE 1 Annex "A" to Report PED15070 / LS15015

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PIER & USES

Freight and Passenger Water Transport Industries
 Ferry Industries
 Marine Towing Industries
 Ship Chartering Industries
 Other Water Transport Industries
 Marine Cargo Handling Industries
 Harbour and Port Operation Industries
 Piloting Service, Water Transport Industries
 Marine Shipping Agencies Industries
 Shipbuilding and Repair Industries
 Boatbuilding and Repair Industries

Labour Organizations
 General Freight Trucking Industry
 Bulk Liquids Trucking Industry
 Dry Bulk Materials Trucking Industry
 Forest Products Trucking Industry
 Other Truck Transport Industry
 Used Goods Moving and Storage Industries
 Freight Forwarding Industries
 Refrigerated Warehousing Industries
 Other Storage and Warehousing
 Other Products n.e.c. Wholesale Limited to Chandler
 Customs Brokers
 Restaurants
 Take-Out Food Services
 Caterers
 Taverns, Bars and Night Clubs
 Retail stores, or showrooms or sample rooms, for the sale of jewellery, crafts,
 gifts and souvenirs, clothing, flowers, photographic equipment, teas, coffees,
 spices and specialty foods, imported goods bazaar, fish, antiques, or any chandler
 Banks, trust companies or credit unions
 Photographer's or artist's studios
 Marine related commercial schools
 Amusement parks
 Establishments for the sale of bait, and the sale and rental or recreational equipment
 including the charter or rental of boats, canoes or bicycles, but not motorcycles and snowmobiles
 Business offices, professional offices
 Laboratories
 Railway Transport Industries
 Boat Rental and Marinas
 Ticket and Travel Agencies
 Tour Wholesalers and Operators
 Shipping, Transshipping or Distribution Depot
 Recreational Motor Vehicle and Equipment Repair Shops except paint
 and auto body repair shops
 Depot
 Day Nursery
 Research Establishment/Laboratory
 Telecommunications Broadcasting Industries
 Heliports and Scaplane Operations
 Postal and Courier Service Industries
 Uses accessory to the foregoing

EAST FORT (PIERS 25-27) & WINDERMERE BASIN

USES

Schedule 2



Freight and Passenger Water Transport Industries
 Ferry Industries
 Marine Towing Industries
 Ship Charring Industries
 Other Water Transport Industries
 Marine Cargo Handling Industries
 Harbour and Port Operation Industries

Railway Transport Industries
 Boat Rental and Marinas
 Ticket and Travel Agencies
 Tour Wholesalers and Operators

Marine Salvage Industries

Shipping, Transshipping and
 Distributing Depot
 Motor Vehicle and Equipment Repair
 Shops except paint and auto body
 repair shops
 Liquid Bulk Storage including for
 fuel storage depot
 Day Nursery
 Research Establishment/Laboratory
 Telecommunications Broadcasting
 Industries
 Helicopters and Seaplane Operations
 Postal and Courier Service Industries

Piloting Service, Water Transport Industries

Marine Shipping Agencies Industries
 Shipbuilding and Repair Industries
 Boatbuilding and Repair Industries

Labour Organizations
 General Freight Trucking Industry
 Bulk Liquids Trucking Industry
 Dry Bulk Materials Trucking Industry
 Forest Products Trucking Industry
 Other Truck Transport Industry
 Used Goods Moving and Storage Industries
 Freight Forwarding Industries
 Grain Elevator Industries
 Refrigerated Warehouse Industries

Leather and Allied Products
 Industries except Leather Tanneries
 Clothing Industry

Other storage and Warehousing
 Other Products n.e.c. Wholesale limited to:
 Chandler

Customs Brokers
 Restaurants
 Take-Out Food Services

Paper Box, Bag and Other Converted
 Paper Products Industry
 Printing, Publishing and Allied
 Industry
 Fabricated Metal Products Industry

CATERING

Taverns, Bars and Night Clubs
 Cereal Grain Flour Industries
 Prepared Flour Mixes and Prepared Cereal
 Foods Industries
 Feed Industries

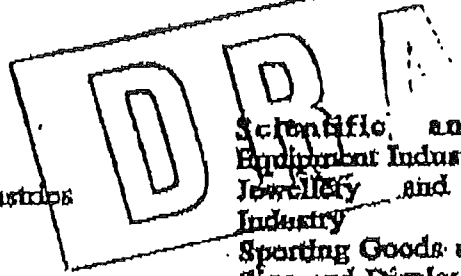
Electrical Products Industry

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EASTPORT (CONT'D)



Vegetable Industries (except corn oil)
 Cane and Beet Sugar Industries
 Chewing Gum Industries
 Sugar and Chocolate Confectionary Industries
 Tea and Coffee Industries
 Dry Pasta Products Industries
 Potato Culp, Pretzel and Popcorn Industries
 Malt and Flour Industries
 Other Food Products Industries
 Soft Drink Industries

Scientific and Professional
 Equipment Industry
 Jewellery and Precious Metal
 Industry
 Sporting Goods and Toy Industry
 Sign and Display Industry

Manufactured Products Industry
 Industrial and Heavy (Engineering)
 Construction Industries

Trade Contracting Industries

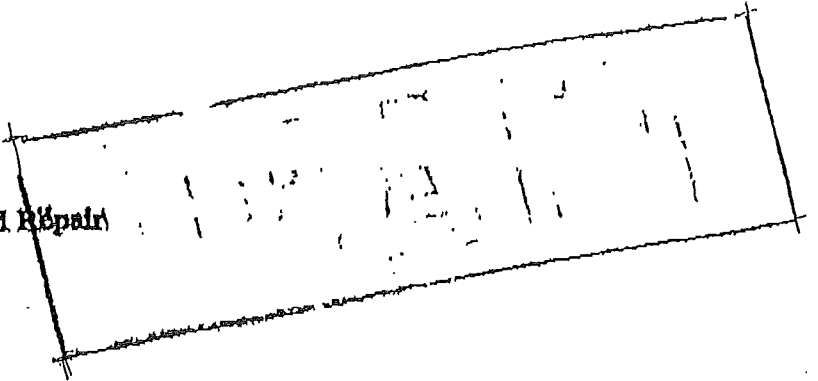
Distillery Products Industries
 Brewery Products Industries
 Wine Industries
 Hydraulic Cement Industries
 Ready Mix Concrete Industries
 Other Petroleum and Coal Products Industries
 Any ship chandler engaged in the supply or outfitting of boats
 Banks, trust companies or credit unions
 Marine related commercial schools
 Sale and rental of recreational equipment including the charter
 or rental of boats, canoes or bicycles, but not motorcycles
 and snowmobiles
 Accessory business offices
 Laboratories

Uses necessary to the foregoing

Goes to end of list.

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JRS

EAST PORT (CONFID)



- recycling Industries
- Truck, Machinery and Equipment Sales, Rental and Repair
- Vegetable Products Industries
- Textiles and Textile Products Industries
- Food and Lumber Treatment Industries
- Fruit and Vegetable Industry
- Dairy Products Industry
- Bakery Products Industry
- Rubber and Plastic Products Industry
- Millwork Industry
- Wooden Buildings Industry
- Wood Products Factory
- Furniture Industry
- Machinery Industry
- Transportation Equipment Industry
- Electronic Products Industry
- Clay Products Industry
- Concrete Products Industry
- Glass Products Industry
- Dye, Molds and Patterns Industry
- Small Metal Wares Factory
- Retail stores, or showrooms or sample rooms,
for the sale of jewellery, crafts, gifts
and souvenirs, clothing, flowers, photographic
equipment, teas, coffees, spices and specialty
foods, imported goods bazaar, fish, antiques,
photographer's or artist's studios
- Amusement parks
- Establishments for the sale of bait
- Ice Industries