

CITY OF HAMILTON

BY-LAW NO. 09-131

**To Amend Zoning By-law 87-57 (Ancaster), Zoning By-law 3581-86
(Dundas), Zoning By-law 90-145-Z (Flamborough), Zoning By-law 464
(Glanbrook), Zoning By-law 6593 (Hamilton), and Zoning By-law 3692-92
(Stoney Creek)
Respecting Waste Management Facilities**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Town of Ancaster", "The Corporation of the Town of Dundas", "The Corporation of the Town of Flamborough", "The Corporation of the Township of Glanbrook", "The Corporation of the City of Hamilton", and "The Corporation of the City of Stoney Creek", and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 87-57 (Ancaster) was enacted on the 22nd day of June, 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS Zoning By-law 3581-86 (Dundas) was enacted on the 22nd day of May, 1986, and approved by the Ontario Municipal Board on the 10th day of May, 1988;

AND WHEREAS the Council of the Corporation of the Town of Flamborough passed Zoning By-law No. 90-145-Z (Flamborough) on the 5th day of November, 1990, which by-law was approved by the Ontario Municipal Board by Order dated the 21st day of December, 1992;

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AND WHEREAS Zoning By-law No. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May 1993;

AND WHEREAS Zoning By-law No. 6593 (Hamilton) was enacted on the 25th day of July, 1950;

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS this By-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Ancaster, the Official Plan of the former Town of Dundas, the Official Plan of the former Town of Flamborough, the Official Plan of the former Township of Glanbrook, the Official Plan of the former City of Hamilton, and the Official Plan of the former City of Stoney Creek) upon approval of the upon approval of

Official Plan Amendment No. 34 to the former Regional Municipality of Hamilton-Wentworth Official Plan;

Official Plan Amendment No. 126 to the former Town of Ancaster Official Plan;

Official Plan Amendment No. 17 to the former Town of Dundas Official Plan;

Official Plan Amendment No. 117 to the former Town of Flamborough Official Plan;

Official Plan Amendment No. 74 to the former Township of Glanbrook Official Plan;

Official Plan Amendment No. 218 to the former City of Hamilton Official Plan;

Official Plan Amendment No. 148 to the former City of Stoney Creek Official Plan;

proposed by the City of Hamilton, but not yet approved in accordance with the provisions of the Planning Act;

AND WHEREAS this By-law creates a consistent approach to the regulation of waste management facilities within the appropriate industrial and public use zones of Zoning By-law 87-57 (Ancaster), Zoning By-law 3581-86 (Dundas), Zoning By-law 90-145-Z (Flamborough), Zoning By-law 464 (Glanbrook), Zoning By-law 6593 (Hamilton), and Zoning By-law 3692-92 (Stoney Creek), as hereinafter described;

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

Town of Ancaster

1. That SECTION 3: DEFINITIONS of Zoning By-law No. 87-57 (former Town of Ancaster), is hereby amended by adding the following definitions and renumbering the existing definitions accordingly:

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“3.62 Hazardous Waste

means materials that are defined as hazardous waste under Ontario Regulation 347 to the Environmental Protection Act.

3.63 Hazardous Waste Management Facility

means 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.

3.139 Thermal Treatment

means 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.

3.147 Waste

means materials that are defined as waste under Part V of the Environmental Protection Act.

3.148 Waste Disposal Facility

means 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.

3.149 Waste Management Facility

means 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.

3.150 Waste Processing Facility

means 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,

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open-air or in-vessel organics processing, wood waste recycling, construction and demolition waste recycling and/or a Co-generation Energy Facility, but shall not include a Motor vehicle Wrecking Establishment or a Salvage Yard.

3.151 Waste Transfer Facility

means the use of land, building, structure or part thereof, for the temporary storage and collection of 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.”

2. That SECTION 26 – INDUSTRIAL “M1” Zone of Zoning By-law No. 87-57 (former Town of Ancaster), is hereby amended as follows:

- a) SECTION 26.1 (a) – Permitted Uses, is hereby amended by adding the words “Waste transfer facility, Waste processing facility” between the words “wholesaling uses” and “and any manufacturing”;
- b) SECTION 26.2 – Regulations, is hereby amended by adding the following regulation:

“(o) Waste Transfer Facility and Waste Processing Facility

In addition to the regulations of Section 26.2, any building, structure or land used for a Waste Transfer Facility or a Waste Processing Facility, shall be located a minimum of 300 metres from a Residentially Zoned or Institutionally Zoned property lot line.”

- c) SECTION 26.2 – Regulations, is hereby amended by adding the following regulation:

“(p) Prior Existing Uses

In addition to the uses permitted in SECTION 26.1, the Waste Management Facility, as existing at the time of passing of By-law 09-131, shall also be permitted on the following property:

1574 Wilson Street West, Units 1, 2 and 3”

3. That SECTION 27 – PRESTIGE INDUSTRIAL “M2” ZONE, LIGHT INDUSTRIAL “M3” ZONE, GENERAL INDUSTRIAL “M4” ZONE of Zoning

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By-law No. 87-57 (former Town of Ancaster), is hereby amended as follows:

- a) SECTION 27.1 – Permitted Uses, is hereby amended by adding the following words “Waste transfer facility” and “Waste processing facility” after the words “Recreation facilities”.
- b) SECTION 27.2 – Regulations, is hereby amended by adding the following regulation:

“(i) Waste Transfer Facility and Waste Processing Facility

In addition to the regulations of Section 27, any building, structure or land used for a Waste Transfer Facility or a Waste Processing Facility, shall be located a minimum of 300 metres from a Residentially Zoned or Institutionally Zoned property lot line.”

- 4. That SECTION 31: PUBLIC “P” Zone of Zoning By-law No. 87-57 (former Town of Ancaster), is hereby amended as follows:

- a) SECTION 31.1 – Permitted Uses, is hereby amended as follows:

- i) by renumbering section “(c)” to “(d)”; and,

- ii) by adding a subsection as follows:

“(c) Waste transfer facility, Waste processing facility.”

- b) SECTION 31.2 – Regulations, is hereby amended by adding following regulation:

“(g) Waste Transfer Facility and Waste Processing Facility

In addition to the regulations of Section 31, any building, structure or land used for a Waste Transfer Facility or a Waste Processing Facility, shall be located a minimum of 300 metres from a Residentially Zoned or Institutionally Zoned property lot line.”

Town of Dundas

- 5. That SECTION 3.2: DEFINITIONS of Zoning By-law No. 3581-86 (former Town of Dundas), is hereby amended by adding the following definitions and renumbering the existing definitions accordingly:

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“3.2.38 HAZARDOUS WASTE

Means materials that are defined as hazardous waste under Ontario Regulation 347 to the Environmental Protection Act.

3.2.39 HAZARDOUS WASTE MANAGEMENT FACILITY

Means 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.

3.2.94 THERMAL TREATMENT

Means 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.

3.2.101 WASTE

Means materials that are defined as waste under Part V of the Environmental Protection Act.

3.2.102 WASTE DISPOSAL FACILITY

Means 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.

3.2.103 WASTE MANAGEMENT FACILITY

Means 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.

3.2.104 WASTE PROCESSING FACILITY

Means 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,

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open-air or in-vessel organics processing, wood waste recycling, construction and demolition waste recycling and/or a Co-generation Energy Facility, but shall not include a Motor vehicle Wrecking Establishment or a Salvage Yard.

3.2.105 WASTE TRANSFER FACILITY

Means the use of land, building, structure or part thereof, for the temporary storage and collection of 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.”

6. That SECTION 21.2 – REGULATIONS FOR INDUSTRIAL USES, of Zoning By-law No. 3581-86 (former Town of Dundas), is hereby amended by adding the following regulation:

“21.2.7 WASTE TRANSFER FACILITY AND WASTE PROCESSING FACILITY

In addition to the Regulations of SECTION 21.2, any building, structure or land used for a Waste Transfer Facility or a Waste Processing Facility, shall be located a minimum of 300 metres from a Residentially Zoned or Institutionally Zoned property lot line.”

7. That SECTION 22.2 – REGULATIONS FOR INDUSTRIAL USES, of Zoning By-law No. 3581-86 (former Town of Dundas), is hereby amended by adding the following regulation:

“22.2.7 WASTE TRANSFER FACILITY AND WASTE PROCESSING FACILITY

In addition to the Regulations of SECTION 22.2, any building, structure or land used for a Waste Transfer Facility or a Waste Processing Facility, shall be located a minimum of 300 metres from a Residentially Zoned or Institutionally Zoned property lot line.”

8. That SECTION 24: USES PERMITTED IN INDUSTRIAL ZONES of Zoning By-law No. 3581-86 (former Town of Dundas), by adding the following subsection:

“10. WASTE TRANSFER FACILITY AND WASTE PROCESSING FACILITY

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- 10.1 Waste Transfer Facility
- 10.2 Waste Processing Facility”

and that notations be shown that Waste Transfer Facility and Waste Processing Facility are permitted uses within the Light Industrial Zone (I.L.) and General Industrial Zone (I.G.).

9. That SECTION 28: PUBLIC UTILITIES ZONE (U) of Zoning By-law No. 3581-86 (former Town of Dundas), is hereby amended as follows:

a) SECTION 28.1 – PERMITTED USES, is hereby amended by deleting subsections 28.1.4 and 28.1.5 and replacing with the following:

“28.1.4 WASTE TRANSFER FACILITY
28.1.5 WASTE PROCESSING FACILITY”

b) by adding a regulation as follows:

“28.3 WASTE TRANSFER FACILITY AND WASTE PROCESSING FACILITY

Notwithstanding SECTION 28.2, any building, structure or land used for a Waste Transfer Facility or a Waste Processing Facility, shall be located a minimum of 300 metres from a Residentially Zoned or Institutionally Zoned property lot line.”

c) by adding a regulation as follows:

“28.4 PRIOR EXISTING USES

Notwithstanding SECTION 28.1 and SECTION 28.3 above, the Waste Management Facility, as existing at the time of passing of By-law 09-131, shall also be permitted on the following property:

27 Olympic Drive”

Town of Flamborough

10. That SECTION 3 – DEFINITIONS, of Zoning By-law 90-145-Z (former Town of Flamborough), is hereby amended by adding the following subsection to the definition of **Public Use** as follows:

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“(c) waste management facility.”

11. That SECTION 3 – DEFINITIONS, of Zoning By-law 90-145-Z (former Town of Flamborough), is hereby amended by adding the following:

“Hazardous Waste shall mean materials that are defined as hazardous waste under Ontario Regulation 347 to the Environmental Protection Act.

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.

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.

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

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

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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, construction and demolition 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 of 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.”

12. That SECTION 23 – Public Use Zone (P) of Zoning By-law 90-145-Z (former Town of Flamborough), is hereby amended by adding the following regulation:

“(l) Waste Transfer Facility and Waste Processing Facility

In addition to the regulations of SECTION 23, any building, structure or land used for a Waste Transfer Facility or a Waste Processing Facility, shall be located a minimum of 300 metres from a Residentially Zoned or Institutionally Zoned property lot line.”

13. That SECTION 29 – Prestige Industrial Zone (M1) of Zoning By-law 90-145-Z (former Town of Flamborough), is hereby amended as follows:

- a) SECTION 29.1 – PERMITTED USES, is hereby amended by adding the following subsections:

“(o) Waste Transfer Facility
(p) Waste Processing Facility”

- b) SECTION 29.2 – ZONE PROVISIONS, is hereby amended by adding the following regulation:

“(n) Waste Transfer Facility and Waste Processing Facility

In addition to the regulations of SECTION 29, any building, structure or land used for a Waste Transfer Facility or a Waste Processing Facility, shall be located a minimum of 300 metres from a Residentially Zoned or Institutionally Zoned property lot line.”

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14. That SECTION 30 – General Industrial Zone (M2) of Zoning By-law 90-145-Z (former Town of Flamborough), is hereby amended as follows:

a) SECTION 30.1 – PERMITTED USES, is hereby amended by adding the following additional uses:

- “(o) Waste Transfer Facility
- “(p) Waste Processing Facility”

b) SECTION 30.2 – ZONE PROVISIONS, is hereby amended by adding the following regulation:

- “(n) Waste Transfer Facility and Waste Processing Facility

In addition to the regulations of SECTION 30, any building, structure or land used for a Waste Transfer Facility or a Waste Processing Facility, shall be located a minimum of 300 metres from a Residentially Zoned or Institutionally Zoned property lot line.”

Township of Glanbrook

15. That SECTION 4: **DEFINITIONS**, of Zoning By-law 464 (former Township of Glanbrook), is hereby amended by adding the following definitions in:

“HAZARDOUS WASTE’ means materials that are defined as hazardous waste under Ontario Regulation 347 to the Environmental Protection Act.

‘HAZARDOUS WASTE MANAGEMENT FACILITY’ means 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.

‘THERMAL TREATMENT’ means 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.

‘WASTE’ means materials that are defined as waste under Part V of the Environmental Protection Act.

‘WASTE DISPOSAL FACILITY’ means the use of land for the placement or final disposal of waste under controlled conditions in order to protect

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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' means 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' means 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, construction and demolition 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' means the use of land, building, structure or part thereof, for the temporary storage and collection of 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."

16. That SECTION 30: PRESTIGE BUSINESS/INDUSTRIAL "M1" ZONE of Zoning By-law 464 (former Township of Glanbrook), is hereby amended as follows:
- a) SECTION 30.1 – PERMITTED USES, is hereby amended by adding the subsection:
 - "(m) Waste Transfer Facility, Waste Processing Facility."
 - b) by adding the following regulation:
 - "30.5 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (m) OF SUBSECTION 30.1 (WASTE TRANSFER FACILITY, WASTE PROCESSING FACILITY)"

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In addition to the regulations of SECTIONS 30.2 and 30.3, any building, structure or land used for a Waste Transfer Facility or a Waste Processing Facility, shall be located a minimum of 300 metres from a Residentially Zoned or Institutionally Zoned property lot line.”

17. That SECTION 31: GENERAL INDUSTRIAL “M2” ZONE of Zoning By-law 464 (former Township of Glanbrook), is hereby amended as follows:

a) SECTION 31.1 – PERMITTED USES, is hereby amended by adding the following subsection:

“(o) Waste Transfer Facility, Waste Processing Facility.”

b) by adding the following regulation:

“31.6 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (o) OF SUBSECTION 31.1 (WASTE TRANSFER FACILITY, WASTE PROCESSING FACILITY)”

In addition to the regulations of SECTIONS 31.2, 31.3 and 31.4, any building, structure or land used for a Waste Transfer Facility or a Waste Processing Facility, shall be located a minimum of 300 metres from a Residentially Zoned or Institutionally Zoned property lot line.”

18. That SECTION 32: AIRPORT-RELATED PRESTIGE INDUSTRIAL “M3” ZONE of Zoning By-law 464 (former Township of Glanbrook), is hereby amended as follows:

a) Section 32.1 (a) is hereby amended by deleting the words “storage of non-hazardous materials in enclosed buildings”.

b) SECTION 32.1 – PERMITTED USES, is hereby amended by adding the following subsection:

“(i) Waste Transfer Facility, Waste Processing Facility.”

c) by adding the following regulation:

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**“32.5 REGULATIONS FOR USES PERMITTED IN PARAGRAPH
(i) OF SUBSECTION 32.1 (WASTE TRANSFER FACILITY,
WASTE PROCESSING FACILITY)”**

In addition to the regulations of SECTIONS 32.2 and 32.3, any building, structure or land used for a Waste Transfer Facility or a Waste Processing Facility, shall be located a minimum of 300 metres from a Residentially Zoned or Institutionally Zoned property lot line.”

19. That **SECTION 33: AIRPORT-RELATED GENERAL INDUSTRIAL “M4” ZONE** of Zoning By-law 464 (former Township of Glanbrook), is hereby amended as follows:

a) Section 33.1 (a) is hereby amended by deleting the words “storage of non-hazardous materials in enclosed buildings”.

b) **SECTION 33.1 – PERMITTED USES**, is hereby amended by adding the following subsection:

“(i) Waste Transfer Facility, Waste Processing Facility.”

c) by adding the following regulation:

**“33.6 REGULATIONS FOR USES PERMITTED IN PARAGRAPH
(i) OF SUBSECTION 33.1 (WASTE TRANSFER FACILITY,
WASTE PROCESSING FACILITY)”**

In addition to the regulations of SECTIONS 33.2, 33.3 and 33.4, any building, structure or land used for a Waste Transfer Facility or a Waste Processing Facility, shall be located a minimum of 300 metres from a Residentially Zoned or Institutionally Zoned property lot line.”

20. That **SECTION 34: AIRPORT-RELATED BUSINESS “M5” ZONE** of Zoning By-law 464 (former Township of Glanbrook), is hereby amended as follows:

a) Section 34.1(a) is hereby amended by deleting the words “storage of non-hazardous materials in enclosed buildings”.

b) **SECTION 34.1 – PERMITTED USES**, is hereby amended by adding the following subsection:

“(g) Waste Transfer Facility, Waste Processing Facility.”

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- c) by adding the following regulation:

**“34.5 REGULATIONS FOR USES PERMITTED IN PARAGRAPH
(g) OF SUBSECTION 34.1 (WASTE TRANSFER FACILITY,
WASTE PROCESSING FACILITY)**

In addition to the regulations of SECTIONS 34.2 and 34.3, any building, structure or land used for a Waste Transfer Facility or a Waste Processing Facility, shall be located a minimum of 300 metres from a Residentially Zoned or Institutionally Zoned property lot line.”

21. That SECTION 40: PUBLIC “P” ZONE of Zoning By-law 464 (former Township of Glanbrook), is hereby amended as follows:

- a) SECTION 40.1 – PERMITTED USES, is hereby amended as follows:

- i) by adding the words “waste transfer facility, waste processing facility” between the words “sewage treatment facilities” and “and works yards.”; and,
- ii) by deleting the words “Solid waste disposal and landfill operations shall not be permitted.”

- b) SECTION 40.2: REGULATIONS FOR USES PERMITTED IN SUBSECTION 40.1 is hereby amended by adding the following regulation:

- “(i) Waste Transfer Facility and Waste Processing Facility

In addition to the regulations of SECTION 40.2, any building, structure or land used for a Waste Transfer Facility or a Waste Processing Facility, shall be located a minimum of 300 metres from a Residentially Zoned or Institutionally Zoned property lot line.”

City of Hamilton

22. That Section 2.(2) E. – INTERPRETATION AND DEFINITIONS, of Zoning By-law No. 6593 (former City of Hamilton), is hereby amended as follows:

- a) by adding a new subsection as follows:

“10. Waste Management Facilities”

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- b) by adding the following subsections as follows:

“Waste Management Facilities

- (xviii) **Hazardous Waste** shall mean materials that are defined as hazardous waste under Ontario Regulation 347 to the Environmental Protection Act.
- (xix) **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.
- (xx) **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.
- (xxi) **Waste** shall mean materials that are defined as waste under Part V of the Environmental Protection Act.
- (xxii) **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.
- (xxiii) **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.

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Waste management facilities shall include the following uses: waste processing facilities; waste transfer facilities; hazardous waste management facilities; and, waste disposal facilities.

(xxiv) **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, construction and demolition waste recycling and/or a Co-generation Energy Facility, but shall not include a Motor vehicle Wrecking Establishment or a Salvage Yard.

(xxv) **Waste Transfer Facility** shall mean the use of land, building, structure or part thereof, for the temporary storage and collection of 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.”

23. That Section 16 - “J” (Light and Limited Heavy Industry, Etc.) District of Zoning By-law No. 6593 (former City of Hamilton), is hereby amended as follows:

a) Section 16(1) – **INDUSTRIAL USES**, is hereby amended by adding the following subsection:

“(xb) Waste Transfer Facility, Waste Processing Facility;”

b) by adding the following regulations:

“(8) In addition to the regulations of Section 16 above, any building, structure or land used for a Waste Transfer Facility or a Waste Processing Facility, shall be located a minimum of 300 metres from a Residentially Zoned property lot line, or the lot line of a property used for an institutional use.

PRIOR EXISTING USES

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- (9) Notwithstanding SECTION 16(8) above, the Waste Management Facility, as existing at the time of passing of By-law 09-131, shall also be permitted on the following property:

464 Rennie Street”

24. That Section 16A - “JJ” (Restricted Light Industrial) District of Zoning By-law No. 6593 (former City of Hamilton), is hereby amended as follows:

- a) Section 16A(1) – **COMMERCIAL OR INDUSTRIAL USES**, is hereby amended by adding the following subsection:

“(ef) Waste Transfer Facility, Waste Processing Facility;”

- b) by adding the following regulation:

“(9) In addition to the regulations of Section 16A above, any building, structure or land used for a Waste Transfer Facility or a Waste Processing Facility, shall be located a minimum of 300 metres from a Residentially Zoned property lot line, or the lot line of a property used for an institutional use.”

25. That Section 17 - “K” (Heavy Industry, Etc.) District of Zoning By-law No. 6593 (former City of Hamilton), is hereby amended as follows:

- a) Section 17(1) – **INDUSTRIAL USES**, is hereby amended by adding the following subsection:

“(xiv) Waste Transfer Facility, Waste Processing Facility;”

- b) by adding the following regulations:

“(8) In addition to the regulations of Section 17 above, any building, structure or land used for a Waste Transfer Facility or a Waste Processing Facility, shall be located a minimum of 300 metres from a Residentially Zoned property lot line, or the lot line of a property used for an institutional use.

PRIOR EXISTING USES

- (9) Notwithstanding SECTION 17(1) and SECTION 17(8) above, the Waste Management Facility, as existing at the time of passing of By-law 09-131, shall also be permitted on the following properties:

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77 Brant Street
227 Brant Street
15 Biggar Avenue
239 Lottridge Street
245 Lottridge Street
480 Kenilworth Avenue North
560 Ottawa Street North
52 Imperial Street

- (10) Notwithstanding SECTION 17(8) above, a Waste Transfer Facility shall also be permitted on the following properties:

217-223 Lottridge Street, 103 Clinton Street

- (11) Notwithstanding SECTION 17(8) above, for the property located at 70 Brant Street and 6 Hillyard Street, a Waste Processing Facility shall also be permitted, subject to the following:

- i) the waste processing facility shall be limited to the processing of latex paint; and,
- ii) the waste processing facility shall only be permitted within the existing building.”

26. That Section 17A - “KK” (Restricted Heavy Industrial) District of Zoning By-law No. 6593 (former City of Hamilton), is hereby amended as follows:

- a) Section 17A(1) – **COMMERCIAL OR INDUSTRIAL USES**, is hereby amended by adding the following subsection:

“(bc) Waste Transfer Facility, Waste Processing Facility;”

- b) By adding the following regulations:

“(9) In addition to the regulations of Section 17A above, any building, structure or land used for a Waste Transfer Facility or a Waste Processing Facility, shall be located a minimum of 300 metres from a Residentially Zoned property lot line, or the lot line of a property used for an institutional use.

PRIOR EXISTING USES

- (10) Notwithstanding SECTION 17A(1) and SECTION 17A(9) above, the Waste Management Facility, as existing at the time of

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passing of By-law 09-131, shall also be permitted on the following property:

460 Kenora Avenue”

27. That Section 17D - “M-12” (Prestige Industrial) District of Zoning By-law No. 6593 (former City of Hamilton), is hereby amended as follows:

a) Section 17D(2)(i) – **Distance Requirements**, is hereby amended by adding the following regulation:

“4. In addition to the regulations of Section 17D above, any building, structure or land used for a Waste Transfer Facility or a Waste Processing Facility, shall be located a minimum of 300 metres from a Residentially Zoned property lot line, or the lot line of a property used for an institutional use.”

28. That Section 17E - “M-13” (Prestige Industrial) District of Zoning By-law No. 6593 (former City of Hamilton), is hereby amended as follows:

a) Section 17E(2)(i) – **Distance Requirements**, is hereby amended by adding the following regulation:

“4. In addition to the regulations of Section 17E above, any building, structure or land used for a Waste Transfer Facility or a Waste Processing Facility, shall be located a minimum of 300 metres from a Residentially Zoned property lot line, or the lot line of a property used for an institutional use.”

29. That Section 17F(2)(i) – **Distance Requirements** of Zoning By-law No. 6593 (former City of Hamilton), is hereby amended by adding the following regulation:

“2. In addition to the regulations of Section 17F above, any building, structure or land used for a Waste Transfer Facility or a Waste Processing Facility, shall be located a minimum of 300 metres from a Residentially Zoned property lot line, or the lot line of a property used for an institutional use.”

30. That Section 17G - “M-15” (Prestige Industrial) District of Zoning By-law No. 6593 (former City of Hamilton), is hereby amended as follows:

a) Section 17G(2)(i) – **Distance Requirements**, is hereby amended by adding the following regulations:

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“2. In addition to the regulations of Section 17G above, any building, structure or land used for a Waste Transfer Facility or a Waste Processing Facility, shall be located a minimum of 300 metres from a Residentially Zoned property lot line, or the lot line of a property used for an institutional use.”

b) Section 17G(2) – **Distance Requirements**, is hereby amended by adding the following regulation:

“(j) **Prior Existing Uses**

Notwithstanding SECTION 17G(1) and SECTION 17G(2)(i)(2) above, the Waste Management Facility, as existing at the time of passing of By-law 09-131, shall also be permitted on the following properties:

37 Kilbride Road
1650 Upper Ottawa Street”

31. That Section 17T, “Table 5” – INDUSTRIAL USES of Zoning By-law No. 6593 (former City of Hamilton), is hereby amended by adding the following words after “Trade Contracting Industries”:

“Waste Transfer Facility
Waste Processing Facility”

and that notations be shown in Table 5 that a Waste Transfer Facility and Waste Processing Facility are permitted uses within the “M-12” District, “M-13” District, “M-14” District, M-15 District.

City of Stoney Creek

32. That PART 2 – DEFINITIONS, of Zoning By-law 3692-92 (former City of Stoney Creek), is hereby amended by adding the following definitions in:

“Hazardous Waste

Means materials that are defined as hazardous waste under Ontario Regulation 347 to the Environmental Protection Act.

Hazardous Waste Management Facility

Means 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.

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Thermal Treatment

Means 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.

Waste

Means materials that are defined as waste under Part V of the Environmental Protection Act.

Waste Disposal Facility

Means 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

Means 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

Means 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, construction and demolition 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

Means the use of land, building, structure or part thereof, for the temporary storage and collection of waste and for which a Certificate of Approval for such purpose under Part V of the Environmental Protection

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Act is required. A waste transfer facility may also include limited sorting of such waste prior to its transport.”

33. That SECTION 9.1 – **GENERAL PROVISIONS FOR INDUSTRIAL ZONES** of Zoning By-law 3692-92 (former City of Stoney Creek), is hereby amended by adding the following regulations:

“9.1.9 Waste Transfer Facility and Waste Processing Facility

Where a Waste Transfer Facility or a Waste Processing Facility are a permitted use within an INDUSTRIAL ZONE, any building, structure or land used for such purpose shall be located a minimum of 300 metres from a Residentially Zoned or Institutionally Zoned property lot line. All other provisions of this By-law shall continue to apply.”

- 9.1.10 Notwithstanding Section 9.1.9 above, the Waste Management Facility, as existing at the time of passing of By-law 09-131, shall also be permitted on the following properties:

331-337 Leaside Avenue
350 Jones Road
297-363 Upper Centennial Parkway

- 9.1.11 Notwithstanding Section 9.1.9 above, a Waste Processing Facility shall also be permitted on the following property:

384-390 Millen Road

- 9.1.12 Notwithstanding Section 9.3.2, a Hazardous Waste Management Facility shall also be permitted on the following property:

144-190 South Service Road (Units 162-178)”

34. That SECTION 9.2.2 – **Permitted Uses For Each Lot** of Zoning By-law 3692-92 (former City of Stoney Creek), is hereby amended as follows:

- a) by renumbering subsection “(r)” to “(t)”; and,
- b) by adding the following subsections;

“(r) Waste Transfer Facility
(s) Waste Processing Facility”.

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35. That SECTION 9.3.2 - **Permitted Uses for Each Lot** of Zoning By-law 3692-92 (former City of Stoney Creek), is hereby amended as follows:
- a) by renumbering subsection “(t)” to “(v)”; and,
 - b) by adding the following subsections:
 - “(t) Waste Transfer Facility
 - “(u) Waste Processing Facility”.
36. That SECTION 9.4.2 – **Permitted Uses for Each Lot** of Zoning By-law 3692-92 (former City of Stoney Creek), is hereby amended as follows:
- a) by renumbering subsection “(o)” to “(q)”; and,
 - b) by adding the following subsections:
 - “(o) Waste Transfer Facility
 - “(p) Waste Processing Facility”.
37. That SECTION 9.5.2 – **Permitted Uses for Each Lot** of Zoning By-law 3692-92 (former City of Stoney Creek), is hereby amended as follows:
- a) by renumbering subsection “(t)” to “(v)”; and,
 - b) by adding the following subsections:
 - “(t) Waste Transfer Facility
 - “(u) Waste Processing Facility”.
38. That SECTION 9.6.2 – **Permitted Uses for Each Lot** of Zoning By-law 3692-92 (former City of Stoney Creek), is hereby amended as follows:
- a) by renumbering subsection “(ad)” to “(af)”; and,
 - b) by adding the following subsections:
 - “(ad) Waste Transfer Facility
 - “(ae) Waste Processing Facility”.
39. That SECTION 9.7.2 – **Permitted Uses for Each Lot** of Zoning By-law 3692-92 (former City of Stoney Creek), is hereby amended as follows:
- a) by renumbering subsection “(s)” to “(u)”; and,

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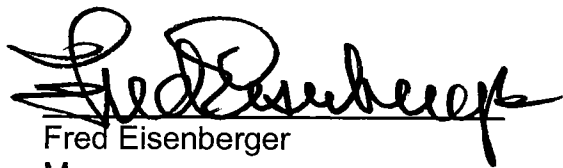
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b) by adding the following subsections;

- “(s) Waste Transfer Facility
- (t) Waste Processing Facility”.

40. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law in accordance with the Planning Act.
41. That this By-law No. 09-131 shall come into force and be deemed to have come into force in accordance with Subsection 34(21) of the Planning Act, either upon the date of passage of this By-law or as provided by the said Subsection.

PASSED and ENACTED this 10th day of June, 2009.


Fred Eisenberger
Mayor


Kevin C. Christenson
City Clerk

CI-09-C