

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local

17-095-LPAT-01 Attachment 1



**ISSUE DATE:** September 22, 2020

**CASE NO(S):**

PL170742

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

**PROCEEDING COMMENCED UNDER** subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Bunge Canada
Appellant:	Harbour West Neighbours Inc. & Herman Turkstra
Appellant:	Parrish & Heimbecker Ltd.
Subject:	By-law No. BL 17-095
Municipality:	City of Hamilton
LPAT Case No.:	PL170742
LPAT File No.:	PL170742
LPAT Case Name:	Bunge Canada v. Hamilton (City)

**PROCEEDING COMMENCED UNDER** subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Harbour West Neighbours Inc. & Herman Turkstra
Subject:	By-law No. BL 17-096
Municipality:	City of Hamilton
LPAT Case No.:	PL170742
LPAT File No.:	PL170743

**PROCEEDING COMMENCED UNDER** subsection 51(39) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Bunge Canada
Appellant:	Harbour West Neighbours Inc. & Herman Turkstra
Appellant:	Parrish & Heimbecker Ltd.
Subject:	Proposed Plan of Subdivision

Property Address/Description:	65 Guise St. E
Municipality:	City of Hamilton
Municipal File No.:	25T201605
LPAT Case No.:	PL170742
LPAT File No.:	PL170744

BEFORE:

BLAIR S. TAYLOR	)	Tuesday, the 22 <sup>nd</sup> day
MEMBER	)	
	)	of September, 2020

**THIS MATTER** having come on for a public hearing and the Tribunal, in its Memorandum of Oral Decision and Interim Order issued on December 10, 2019 having, *inter alia*, allowed in part the appeals by Harbour West Neighbours Inc. and Herman Tursktra (the “**Phase I appeals**”) respecting City of Hamilton Zoning By-law No. BL 17-095 (the “**ZBA**”), and withholding its Final Order on the Phase I appeals pending the finalization of the ZBA appeal by Parrish & Heimbecker Ltd. (the “**Phase II appeal**”);

**AND THE TRIBUNAL** having been notified by Parrish & Heimbecker Ltd., through correspondence from its counsel dated September 8, 2020, that it has withdrawn its Phase II appeal of the ZBA;

**AND THE TRIBUNAL** having acknowledged that these appeals have been withdrawn in all other respects;

**THE TRIBUNAL ORDERS** that its Interim Order issued on December 10, 2019 is a Final Order and that the ZBA is hereby approved in the form appended hereto as Attachment 1.

*“Becky Fong”*

BECKY FONG  
REGISTRAR

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Local Planning Appeal Tribunal**

A constituent tribunal of Tribunals Ontario - Environment and Land Division  
Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

CITY OF HAMILTON

BY-LAW NO. 17-095-LPAT-01

To Amend Zoning By-law No. 05-200,  
Respecting Lands Located at Pier 8, 65 Guise Street East (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** Zoning By-law No. 05-200 was enacted on the 25<sup>th</sup> day of May, 2005;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 4 of Report 17-009 of the Planning Committee, at its meeting held on the 24<sup>th</sup> day of May, 2017, which 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 Hamilton Planning Area, approved by the Minister under the *Planning Act* on June 1, 1982.

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

1. That Section 2: INTERPRETATION of By-law 05-200 is hereby amended as follows:

a. That Section 2.1 is amended by adding the following new clause:

i) Waterfront Zones	
Multiple Residential	WF1
Mixed Use	WF2
Prime Retail Streets	WF3

2. That SECTION 14: WATERFRONT ZONES is added to By-law 05-200 by including the following new subsections:

**“14.0 WATERFRONT ZONES**

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No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Waterfront Zone for any purpose except in accordance with the following provisions which, in addition to other requirements of this By-law:

A) For the purpose of the Waterfront Zones, Figure 10 of Schedule F – Special Figures identifies the Blocks referenced in the Waterfront – Multiple Residential (WF1) Zone, Waterfront – Mixed Use (WF2) Zone and Waterfront – Prime Retail Streets (WF3) Zone.

B) For purposes of the Waterfront Zones only, the following additional or amended definitions shall apply:

i) ‘Live/Work Unit’ shall mean:

“A dwelling unit with an at grade entrance, containing one dwelling unit with only one of the following commercial uses: Office (excluding Medical Office), Personal Service, Retail or Studio, being permitted on the ground floor, except that access is permitted from the ground floor to the 2<sup>nd</sup> storey residential portion of the unit, and that the total Gross Floor Area of the commercial component of an individual Live/Work Unit shall not exceed 50.0 square metres.”

ii) Notwithstanding Section 3 – Definitions of Zoning By-law No. 05-200, the definition of building height shall mean:

“Any portion of a building designed to provide access to roof top amenity space shall be excluded from measured building height and shall not be considered as a storey, provided the floor area does not exceed 10% of the floor area of the storey directly beneath, the structure shall be setback a minimum of 3.0 metres from the exterior walls of the storey directly beneath, not greater than 3.0 metres in height and may include an enclosed amenity area.”

iii) An interior balcony or mezzanine shall not be considered a storey.

C) Section 4.23 d) of this By-law shall not apply to the Waterfront Zones.

D) Notwithstanding Section 5.6 of this By-law, Parking for the Waterfront Zones shall be provided in accordance with the following standards:

i)	Notwithstanding Section 5.6 c) the following parking standards shall apply for Waterfront Zones:	
	<b>Residential Uses</b>	
	Live/Work Unit	0.70 for each dwelling unit, except where a

To Amend Zoning By-law No. 05-200,  
 Respecting Lands Located at Pier 8, 65 Guise Street East (Hamilton)

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	Multiple Dwelling	dwelling unit is 50 square metres in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 spaces for each unit.
	<b>Institutional Uses</b>	
	Art Gallery	0 spaces
	Day Nursery	1 for each 125.0 square metres unless located within an educational establishment where no parking will be required.
	Educational Establishment	1.25 per class room
	Library	0 spaces
	Long Term Care Facility	1 for each 3 patient beds
	Museum	0 spaces
	Place of Worship	0 spaces
	Social Services Establishment	1 for each 50.0 square metres of gross floor area.
	<b>Commercial Uses</b>	
	Beverage Making Establishment	3 spaces per 100 square metres
	Catering Service	
	Commercial Entertainment	
	Communications Establishment	
	Craftperson's Shop	
	Commercial School	1 space per 50 square metres in excess of 450 square metres.
	Financial Establishment	4 spaces per 100 square metres
	Office	2 spaces per 100 square metres in excess of 450 square metres.
	Medical Office	3 spaces per 100 square metres
	Repair Service	3 spaces per 100 square metres
	Place of Assembly	3 spaces per 100 square metres
	Restaurant	3 spaces per 100 square metres
	Retail	1.5 spaces per 100 square metres
	Studio	1 space per 50 square metres in excess of 450 square metres.
	Personal Services	1 for each 16.0 square metres
	<b>Open Space Uses</b>	
	Botanical Gardens	0 spaces
	Community Garden	
	Conservation	
	Nature Centres	

	Recreation	
	Recreational Equipment Rental and Maintenance Facility	
	Marina	
ii)	In addition to Section 5.1 a) ii) of By-law 05-200, any required parking within Pier 8 shall be permitted on a lot that is not the same lot as the use requiring such parking. Such parking facilities may be located on another lot within 300 metres of the lot containing the use requiring the parking.	
iii)	Bicycle Parking	0.5 long term, secure bicycle parking spaces shall be provided per dwelling unit and 10 short term bicycle parking spaces per multiple dwelling.

- E) All required parking must be provided within the geographic area comprised of Blocks 1 through 16, as indicated on Schedule A attached to this by-law.

Where the number of existing parking spaces exceed the maximum parking standard in Section D) above, the parking spaces provided in excess of the maximum parking standard may be eliminated. However, in no case may the number of parking spaces provided be less than the minimum parking requirements in Section D) above.

#### **14.1 WATERFRONT – MULTIPLE RESIDENTIAL (WF1) ZONE**

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a WATERFRONT – MULTIPLE RESIDENTIAL (WF1) ZONE for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

- 14.1.1 PERMITTED USES**      Live/Work Unit  
Multiple Dwelling
- 14.1.2 REGULATIONS**
- a) **Maximum Setback**      Shall be in accordance with Figure 11 of  
Schedule F: Special Figures.
- b) **Maximum Setback to a  
Garage**      Except where a visibility triangle is required, a  
maximum setback of 6.0 metres shall apply for  
that portion of a building providing an access  
driveway to a garage.
- c) **Building Height**      Shall be provided in accordance with Figure 12 of  
Schedule F: Special Figures.
- d) **Built Form for New  
Development**
- i) The minimum width of the ground floor façade  
facing a street shall be provided in accordance  
with Figure 13 of Schedule F: Special Figures.
  - ii) All ground floor residential units which front a  
street shall have a principal entrance facing  
the street and be accessible from the building  
façade with direct access from the street.
  - iii)
    - 1. No parking, driveways, or aisles shall be  
located between a building façade and a  
street.
    - 2. In addition to 1. above, the following  
restrictions shall apply to Blocks 11 and  
13:
      - i) Direct driveway access to  
individual units;
      - ii) Garages fronting streets;
      - iii) Front yard parking.
  - iv) All parking areas shall be provided at the rear  
of buildings, either in underground / or in  
above-grade structures or a combination  
thereof, with access from streets or  
laneways.
  - v) All above-grade parking structures shall be  
located within buildings and fronted on all  
levels by residential uses.
  - vi) A minimum of 40% of the ground floor façade  
facing a street shall be composed of windows



## **14.2 WATERFRONT – MIXED USE (WF2) ZONE**

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No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Waterfront – Mixed Use (WF2) ZONE for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

### **14.2.1 PERMITTED USES**

Art Gallery  
Beverage Making Establishment  
Catering Service  
Commercial School  
Communications Establishment  
Craftpersons Shop  
Day Nursery  
Educational Establishment  
Financial Establishment  
Library  
Live/Work Unit  
Multiple Dwelling  
Museum  
Office  
Personal Services  
Place of Assembly  
Place of Worship  
Repair Service  
Restaurant  
Retail  
Social Services Establishment  
Studio

### **14.2.2 PROHIBITED USES**

- i) Motor Vehicle Collision Repair Establishment  
Motor Vehicle Rental Establishment  
Motor Vehicle Service Station  
Motor Vehicle Gas Bar
- ii) In addition to i) above, a Drive-Through Facility is prohibited even as an accessory use.

### **14.2.3 REGULATIONS**

- a) **Maximum Setback** Shall be in accordance with Figure 11 of Schedule F: Special Figures.
- b) **Maximum Setback to a Garage** Notwithstanding Figure 11 of Schedule F: Special Figures, and except where a visibility triangle is required, a maximum setback of

6.0 metres shall apply for that portion of a building providing an access driveway to a garage.

- c) **Building Height**
  - i) Minimum 9.0 metres;
  - ii) In addition to i) above, a minimum 4.5 metre façade height for the first storey, for any portion of a building that is non-residential in use
  - iii) Maximum 6 storeys and up to 24.5 metres
- d) **Built Form for New Development**
  - i) The minimum width of the ground floor façade shall be provided in accordance with Figure 13 of Schedule F: Special Figures.
  - ii) All at grade residential units which front a street shall have a principal entrance facing the street and be accessible from the building façade with direct access from the street.
  - iii) Parking shall be provided underground and/or in above grade parking structures.
  - iv) Above grade parking structures shall be located within buildings and fronted on all levels by commercial, cultural or residential uses, except for driveway access.
  - v) A minimum of 40% of the ground floor façade facing a street shall be composed of windows and glazing.
- e) **Restrictions for Commercial Uses**

Shall only be permitted on the ground floor.
- f) **Restrictions for Institutional uses of a Cultural Nature**

A Library, Art Gallery, or Museum shall only be permitted on the ground floor and second floor.
- g) **Restrictions for Non-Residential Floor Area**

20% of the total non-residential floor area will be permitted for commercial uses ancillary to a Library, Art Gallery, or Museum.
- h) **Additional Residential Unit Restrictions**

Shall be in accordance with Figure 14 of Schedule F: Special Figures.

### **14.3 WATERFRONT – PRIME RETAIL STREETS (WF3) ZONE**

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No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a WATERFRONT – Prime Retail Streets (WF3) ZONE for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

- |        |                                       |  |
|--------|---------------------------------------|--|
| 14.3.1 | <b>PERMITTED USES</b>                 | Beverage Making Establishment<br>Catering Service<br>Commercial School<br>Communications Establishment<br>Craftpersons Shop<br>Educational Establishment<br>Financial Establishment<br>Live/Work Unit<br>Multiple Dwelling<br>Office<br>Personal Services<br>Place of Assembly<br>Repair Service<br>Restaurant<br>Retail<br>Studio |
| 14.3.1 | <b>PROHIBITED USES</b>                | i) Motor Vehicle Collision Repair Establishment<br>Motor Vehicle Rental Establishment<br>Motor Vehicle Service Station<br>Motor Vehicle Gas Bar<br><br>ii) In addition to i) above, a Drive-Through Facility is prohibited even as an accessory use.   |
| 14.3.2 | <b>REGULATIONS</b>                    |  |
|        | a) <b>Maximum Setback</b>             | Shall be in accordance with Figure 11 of Schedule F: Special Figures.  |
|        | b) <b>Maximum Setback to a Garage</b> | Notwithstanding Figure 11 of Schedule F: Special Figures, and except where a visibility triangle is required, a maximum setback of 6.0 metres shall apply for that portion of a building providing an access driveway to a garage.   |
|        | c) <b>Building Height</b>             | i) Minimum 9.0 metres<br><br>ii) In addition to i) above, a minimum 4.5 metre façade height for the first storey, for any portion of a building along a street line  |

- iii) Maximum 6 storeys and up to 24.5 metres
- d) **Built Form for New Development**
  - i) The minimum width of the ground floor façade shall be provided in accordance with Figure 13 of Schedule F: Special Figures.
  - ii) All at grade residential units which front a street shall have a principal entrance facing the street and be accessible from the building façade with direct access from the street.
  - iii) Commercial uses that front a street shall have a principal entrance facing the street and be accessible from the building façade with direct access from the street.
  - iv) No parking, driveways, or aisles shall be located between a building façade and a street.
  - v) Parking areas shall be provided at the rear of buildings, with access from streets or laneways.
  - vi) A minimum of 40% of the ground floor façade facing a street shall be composed of windows and glazing.
- e) **Restrictions for Commercial Uses**
  - i) Shall only be permitted on the ground floor (except Office Uses and Personal Services);
  - ii) Shall be oriented to the southerly and easterly streets for Block 4;
  - iii) Shall be oriented to the southerly and westerly streets for Block 6; and,
  - iv) Shall be oriented to the northerly and westerly streets for Block 9.
- f) **Restriction for Residential Uses**

A maximum of 30% of the ground floor façade shall be occupied by residential uses facing the following lot lines:

  - i) Southerly lot line for Block 4.
  - ii) Southerly lot line for Block 6.

iii) Westerly lot line for Block 9.

**g) Additional Residential Unit Restrictions** Shall be in accordance with Figure 14 of Schedule F: Special Figures.

3. That Map No. 827 of Schedule "A" – Zoning Maps, to Zoning By-law No. 05-200 be amended by incorporating the following zones for lands municipally known as Pier 8, 65 Guise Street East:

- a) Waterfront - Multiple Residential (WF1, H94) Zone for the lands located within Block 1, Block 2, Block 5, Block 10, Block 11, Block 12, Block 13
- b) Waterfront – Multiple Residential (WF1, 483, H94) Zone for the lands located within Block 7
- c) Waterfront - Mixed Use (WF2, H94) Zone for the lands located within Block 3 and Block 8
- d) Waterfront - Prime Retail Streets (WF3, H94) Zone for the lands located within Block 4 and Block 9
- e) Waterfront - Prime Retail Streets (WF3, 484, H94) Zone for the lands located within Block 6
- f) Open Space (P4, 485) Zone for the lands located within Block 14
- g) Conservation/Hazard Land (P5) Zone for the lands located within Block 15
- h) Community Institutional (I2, 486, H94) Zone for the lands located within Block 16

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A":

4. That Schedule "C" of By-law 05-200 is amended by adding the additional exceptions as follows:

"483. In addition to Sections 14.1.1 and 14.1.2, on those lands zoned Waterfront - Multiple Residential (WF1) Zone, identified on Map 827 of Schedule "A" – Zoning Maps and Block 7 on Figure 10 to Schedule F – Special Figures to Zoning By-law 05-200, and described as Pier 8, 65 Guise Street, the following special provisions shall apply:

a) The following use shall also be permitted:

Commercial Parking Facility

b) the following regulations shall apply:

i) Location of Parking The parking gate of a

- |                                  |   |
|----------------------------------|---|
| Gate                             | commercial parking facility shall have a minimum distance of 6.5 metres from the street.  |
| ii) Parking Structures           | Above grade parking structures including a commercial parking facility shall be located within buildings and fronted on all levels and all sides by commercial or residential uses.   |
| iii) Commercial Parking Facility | In addition to a) above, where a commercial parking facility is proposed, all permitted uses for Block 6 and Block 7 shall be allowed to front the parking facility on all sides and on all levels and a maximum 2,000 sq.m floor area of commercial uses shall be permitted for Blocks 6 and 7.” |

“484. In addition to Sections 14.3.1 and 14.3.2, on those lands zoned Waterfront - Prime Retail Streets (WF3) Zone, identified on Map 827 of Schedule “A” – Zoning Maps and Block 6 on Figure 10 to Schedule F – Special Figures to Zoning By-law 05-200, and described as Pier 8, 65 Guise Street, the following special provisions shall apply:

- a) the following use shall also be permitted:

Commercial Parking Facility

- b) the following regulations shall apply:

- |                             |  |
|-----------------------------|--|
| i) Location of Parking Gate | The parking gate of a commercial parking facility shall have a minimum distance of 6.5 metres from the street. |
|-----------------------------|--|

- |                                  |   |
|----------------------------------|---|
| ii) Parking Structures           | Above grade parking structures including a commercial parking facility shall be located within buildings and fronted on all levels and all sides by commercial or residential uses.   |
| iii) Commercial Parking Facility | In addition to a) above, where a commercial parking facility is proposed, all permitted uses for Block 6 and 7 shall be allowed to front the parking facility on all sides and on all levels and a maximum 2,000 sq.m floor area of commercial uses shall be permitted for Blocks 6 and 7.” |

“485. In addition to Sections 7.4.1 and 7.4.2, on those lands Within the lands zoned Open Space (P4) Zone, identified on Map 827 of Schedule “A” – Zoning Maps and Block 14 on Figure 10 to Schedule F – Special Figures to Zoning By-law 05-200, and described as Pier 8, 65 Guise Street, the following special provisions shall apply:

- a) the following uses shall also be permitted:

- Botanical gardens
- Conservation
- Nature Centres
- Recreation
- Restaurant
- Marina
- Recreational equipment rental and maintenance facilities

- b) the following regulations shall apply:

To Amend Zoning By-law No. 05-200,  
Respecting Lands Located at Pier 8, 65 Guise Street East (Hamilton)

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- |      |  |  |
|------|--|--|
| i)   | Minimum Side and Rear Yard                         | 7.5 metres.  |
| ii)  | Maximum Building Height                            | 11.0 metres.   |
| iii) | Parking  | Notwithstanding Section 5.6 a) Parking shall be in accordance with Section 14.0 D) of this By-law.                           |
| iv)  | Minimum Side and Rear Yard for Accessory Buildings | 7.5 metres in case of any building or structure abutting a Residential or Institutional Zone.                                |
| v)   | Restaurant   | Shall not exceed two storeys and up to 8.0 metres in height and shall not exceed a total floor area of 1,500 square metres.” |

“486. In addition to Sections 8.2.1 and 8.2.3 on those lands zoned Community Institutional (I2) Zone, identified on Map 827 of Schedule “A” – Zoning Maps and Block 16 on Figure 10 to Schedule F – Special Figures to Zoning By-law 05-200, and described as Pier 8, 65 Guise Street, the following special provisions shall apply:

a) the following uses shall also be permitted:

Day Nursery  
Educational Establishment  
Library  
Medical Offices  
Museum  
Place of Worship  
Recreation  
Social Services Establishment  
Long Term Care Facility

b) the following regulations shall apply:

- |     |                       |             |
|-----|-----------------------|-------------|
| i)  | Minimum Lot Width     | 30.0 metres |
| ii) | Minimum Side and Rear | 2.0 metres  |



### Yard Setbacks

- |      |                         |   |
|------|-------------------------|---|
| iii) | Building Height         | 1. Minimum 2 storeys and up to 8.0 metres and maximum 4 storeys and up to 15 metres;<br><br>2. In addition to 1. above, minimum 4.5 metres façade height, for any portion of a building along a street line; and, |
| iv)  | Minimum Landscaped Area | 10% of the Lot Area   |
| iv)  | Parking                 | Notwithstanding Section 5.6 a) Parking shall be in accordance with Section 14.0 D) of this By-law.”   |
6. That Schedule “D” – Holding Provisions of By-law 05-200 be amended by adding the following Holding Provisions:
- “94. That notwithstanding Section 14 and Schedule “C” – Special Exceptions, of this By-law, on those lands zoned Waterfront – Multiple Residential (WF1, H94) and (WF1, 483, H94) Zone, and Waterfront – Mixed Use (WF2, H94) and Waterfront – Prime Retail Streets (WF3, H94) and (WF3, 484, H94) and Community Institutional (I2, 486, H94) on Map 827 of Schedule “A” – Zoning Maps, described as Pier 8, 65 Guise Street, no development shall be permitted until such time as:
- (i) The owner submits a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). The RSC must be to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE, and submission of the City of Hamilton’s current RSC administration fee.
  - (ii) The owner investigates the noise, odour and dust levels on the site and determine and implement the noise, odour and / or dust control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environments recommended limits. An acoustical, odour and dust control report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the Director of Planning and Chief Planner.

Should a peer review of the acoustical, odour and dust report be warranted, all associated costs should be borne by the owner and shall be submitted to the satisfaction of the Director of Planning and Chief Planner.

- (iii) A sanitary pumping station and forcemain have been constructed and is operational to the satisfaction of the Senior Director of Growth Management.

7. That Schedule F – Special Figures, be amended by adding the following Special Figures:
  - a) Figure 10: Waterfront Block Plan, as attached to this By-law;
  - b) Figure 11: Waterfront Zones – Maximum Setbacks, as attached to this By-law;
  - c) Figure 12: Waterfront Zones – Building Heights as attached to this By-law;
  - d) Figure 13: Waterfront Zones – Ground Floor Façade, as attached to this By-law;
  - e) Figure 14: Waterfront Zones – Residential Unit Restrictions, as attached to this By-law;
8. 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*.
9. That this By-law No. 17-095 shall come into force and be deemed to 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 otherwise provided by the said subsection.

**PASSED** this 24<sup>th</sup> day of May, 2017.

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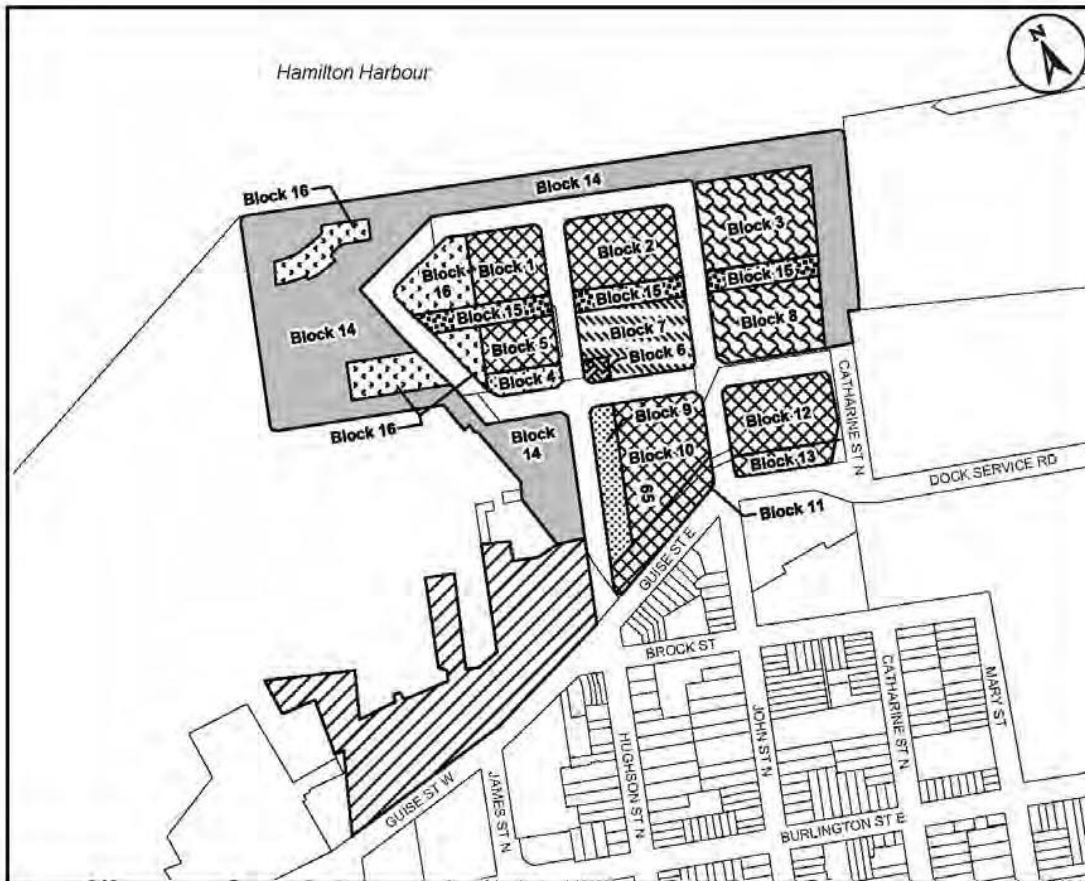
F. Eisenberger  
Mayor

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R. Caterini  
City Clerk

To Amend Zoning By-law No. 05-200,  
 Respecting Lands Located at Pier 8, 65 Guise Street East (Hamilton)

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This is Schedule "A" to By-law No. 17-  
 Passed the ..... day of ....., 2017

\_\_\_\_\_  
 Mayor  
 \_\_\_\_\_  
 Clerk

**Schedule "A"**  
 Map Forming Part of  
 By-law No. 17-\_\_\_\_\_  
 to Amend By-law No. 05-200  
 Map 827

Subject Property	
Pier 8, 65 Guise Street East	
	Block 1, 2, 5, 10, 11, 12 & 13 - Add the the Waterfront Multiple Residential (WF1, H94) Zone
	Block 7 - Add the Waterfront Multiple Residential (WF1, 483, H94) Zone
	Block 3 & 8 - Add the Waterfront Mixed Use (WF2, H94) Zone
	Block 4 & 9 - Add the Waterfront Prime Retail (WF3, H9F) Zone
	Block 6 - Add the Waterfront Prime Retail (WF3, 484, H94) Zone
	Block 14 - Add the Open Space (P4, 485) Zone
	Block 15 - Add the Conservation/Hazard Land (P5) Zone
	Block 16 - Add the Community Institutional (I2, 486, H94) Zone
	Additional lands of Owner

Scale: N.T.S.	File Name/Number: ZAC-16-034/25T-201805
Date: April 13, 2017	Planner/Technician: EJ/AL

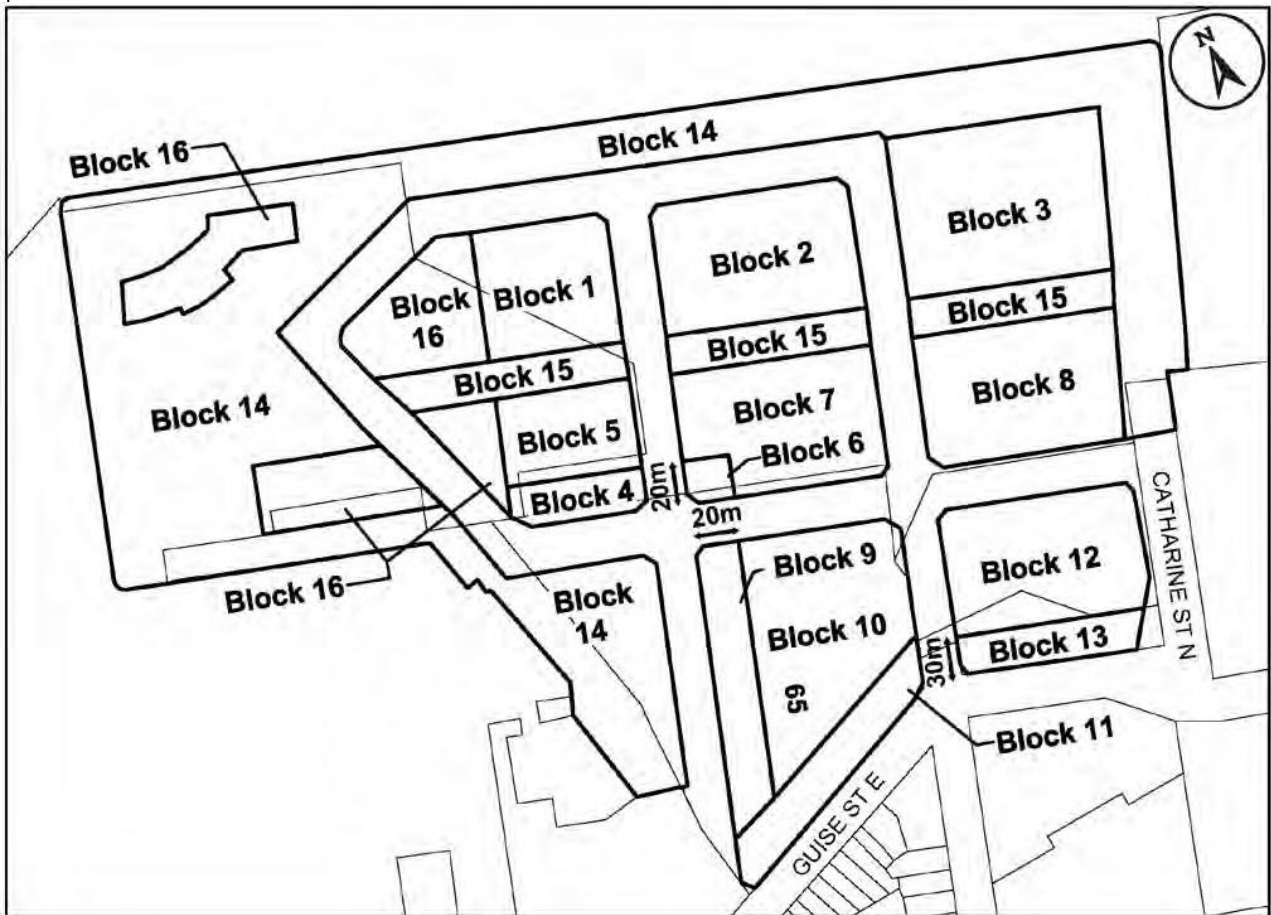


PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

**Figure 10: Waterfront Block Plan**



**Hamilton**  
Planning & Economic  
Development Department



**Figure 11: Waterfront Zones – Maximum Setbacks**



Table WF.1		a)	b)	c)	d)	e)
		Northerly Lot Line	Easterly Lot Line	Westerly Lot Line	Southerly Lot Line	
1)	Block 1	3.0 metres	3.0 metres	None	None	
2)	Block 2	3.0 metres	3.0 metres	3.0 metres	None	
3)	Block 3	3.0 metres	3.0 metres	5.0 metres	None	
4)	Block 4	None	3.0 metres	None	1.5 metres	
5)	Block 5	None	3.0 metres	None	None	
6)	Block 6	None	None	3.0 metres	3.0 metres	
7)	Block 7	None	3.0 metres	3.0 metres	3.0 metres	
8)	Block 8	None	3.0 metres	3.0 metres	3.0 metres	
9)	Block 9	3.0 metres	None	3.0 metres	None	

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10)	Block 10	3.0 metres	3.0 metres	None	None	
11)	Block 11	None	3.0 metres	3.0 metres	1.5 metres	
12)	Block 12	3.0 metres	3.0 metres	3.0 metres	None	
13)	Block 13	None	3.0 metres	3.0 metres	1.5 metres	

**Figure 12: Waterfront Zones – Building Heights**



Table WF.2		a)	b)	c)
		Minimum Building Height	Maximum Building Height	
1)	Block 1	9.0 metres	8 storeys and 32.0 metres	
2)	Block 2	9.0 metres	8 storeys and 32.0 metres	
3)	Block 5	9.0 metres	8 storeys and 32.0 metres	
4)	Block 7	9.0 metres	8 storeys and 32.0 metres	
5)	Block 10	9.0 metres	8 storeys and 32.0 metres	
6)	Block 11	6.0 metres	5 storeys and 21.0 metres	
7)	Block 12	9.0 metres	8 storeys and 32.0 metres	
8)	Block 13	6.0 metres	5 storeys and 21.0 metres	
9) Building heights will not be calculated with any mechanical penthouse or any portion of a building designed, adapted or used for such features as a chimney, smokestack, fire wall, stair tower, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any such requisite appurtenance, or a flagpole, display sign, ornamental figure, parapet, bell tower or other similar structure.				

**Figure 13: Waterfront Zones – Ground Floor Façade**



Table WF.3		a)	b)	c)	d)
		Minimum Easterly Ground Floor Façade	Minimum Northerly Ground Floor Façade	Minimum Westerly Ground Floor Façade	Minimum Southerly Ground Floor Façade
1)	Block 1	75%	50%	None	None
2)	Block 2	75%	50%	75%	None
3)	Block 3	75%	50%	75%	None
4)	Block 4	75%	None	None	75%
5)	Block 5	75%	None	None	None
6)	Block 6	None	None	75%	75%
7)	Block 7	None	50%	75%	75%
8)	Block 8	75%	None	75%	50%
9)	Block 9	None	50%	75%	None
10)	Block 10	50%	50%	None	None
11)	Block 11	50%	None	50%	75%
12)	Block 12	75%	50%	75%	None
13)	Block 13	50%	None	75%	75%





**Figure 14: Waterfront Zones – Residential Unit Restrictions**

Table WF.4		a)	b)	c)
		Minimum Residential Unit Total	Maximum Residential Unit Total	
1)	Block 1	85 units	171 units	
2)	Block 2	183 units	267 units	
	Block 3	No Minimum	No Maximum	
	Block 4	74 units for Block 4 and 5	150 units for Blocks 4 and 5	
3)	Block 5	74 units for Blocks 4 and 5	150 units for Blocks 4 and 5	
	Block 6	125 units for Blocks 6 and 7	220 units for Blocks 6 and 7	
4)	Block 7	125 units for Blocks 6 and 7	220 units for Blocks 6 and 7	
	Block 8	No Minimum	No Maximum	
	Block 9	120 units for Blocks 9, 10 and 11	256 units for Blocks 9, 10 and 11	
5)	Block 10	120 units for Blocks 9, 10, and 11	256 units for Blocks 9, 10, and 11	
6)	Block 11	120 units for Blocks 9, 10, and 11	256 units for Blocks 9, 10, and 11	

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7)	Block 12	115 units for Blocks 12 and 13	242 units for Blocks 12 and 13	
8)	Block 13	115 units for Blocks 12 and 13	242 units for Blocks 12 and 13	
<p>9) Notwithstanding there being no unit restrictions on Blocks 3, 4, 6, 9, and 8 as referenced in Figure 10 of this by-law, a maximum of 1,645 units are permitted within the geographic area comprised of Blocks 1 through 16 as illustrated on Schedule A.</p>				
<p>10) At least 15% of all units within the geographic area comprised of Blocks 1 through 16 as illustrated on Schedule A shall have 2 or more bedrooms.</p>				