

Authority: Item 8, Planning Committee Report 23-019 (PED22031(a))
CM: November 22, 2023 Ward: 2
Written approval for this by-law was given by Mayoral Decision MDE-2023 10
dated November 22, 2023
Bill No. 229

CITY OF HAMILTON
BY-LAW NO. 23-229

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 130 Haida Avenue
(formerly 65 Guise Street East), Hamilton**

WHEREAS Council approved Item 8 of Report 23-019 of the Planning Committee, at its meeting held on November 22, 2023;

AND WHEREAS this By-law conforms to the City of Hamilton Official Plan, upon the adoption of the City of Hamilton Official Plan Amendment No. 251;

NOW THEREFORE Council amends Zoning By-law No. 05-200 as follows:

1. That Section 14.0 E) is amended by replacing the words “Blocks 1 through 16” with the words “Blocks 1 through 17.”
2. That Schedule “A” – Zoning Maps, Map Nos. 787 and 827 are amended by changing the zoning from the Community Institutional (I2, 486, H94) Zone to the Waterfront – Mixed Use (WF2, 819, H94, H130) Zone, for the lands known as 130 Haida Avenue, the extent and boundaries of which are shown on Schedule “A” attached to this By-law.
3. That Schedule “C” – Special Exceptions is amended by adding the following new Special Exception:

“819. Within the lands zoned Waterfront – Mixed Use (WF2, 819, H94, H130) Zone, identified on Map Nos. 787 and 827 of Schedule “A” – Zoning Maps, the following special provisions shall apply:

- a) Notwithstanding Section 3 as it relates to the definition of Gross Floor Area, the following shall apply:

Gross Floor Area

Shall mean the aggregate horizontal area measured from exterior faces of the exterior walls of all floors of a building (excluding any cellar) within all buildings on a lot, including any area devoted to mechanical

equipment but not including
balconies.

b) In addition to Section 4.6 and Notwithstanding Section 4.6 (d), the following shall apply:

- i) A second floor terrace shall be permitted to encroach a maximum 1.5 metres into a required setback but shall not be closer than 0.5 metres from a lot line.
- ii) A porch, deck, canopy or retaining wall may encroach a maximum 4.0 metres into the required easterly side yard.

c) Notwithstanding Section 14.2.1.1, the following shall apply:

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|-----------------|--|
| Restricted Uses | 1. In addition to Section 14.2.1, Commercial and Institutional uses shall only be permitted on the ground and second floors. |
| | 2. Residential units shall be in accordance with Figure 14 of Schedule F: Special Figures. |

d) Notwithstanding Section 14.2.3, the following regulations shall apply:

- | | |
|---|---|
| i) Minimum Landscaped Area | 20% of the lot area. |
| ii) Minimum Unit Width for Ground Level Live / Work or Dwelling Units | 5.0 metres |
| iii) Minimum Amenity Area for Multiple Dwellings | <ul style="list-style-type: none">1. An area of 2.0 square metres located indoors for each dwelling unit; and,2. An area of 2.0 square metres located outdoors for each dwelling, which may include balconies. |
| iv) Maximum Gross Floor Area | <ul style="list-style-type: none">1. 38,200 square metres.2. The maximum Gross Floor Area for each floor within a building shall be: |

- A. 850 square metres for floors 4 to 30; and
 - B. 650 square metres for floors 31 and above.
 - v) Minimum Setback from a Lot Line
 - 1. 7.5 metres from the easterly lot line; and,
 - 2. 1.5 metres from all other lot lines.
 - 3. In addition to 1. and 2. above, the following minimum setbacks shall be required for any portion of a building exceeding a height of three storeys or 11.0 metres:
 - A. 12.5 metres from the easterly and northerly lot lines; and,
 - B. 3.0 metres from all other lot lines.
 - vi) Building Height
 - Shall be provided in accordance with Figure 12 of Schedule F: Special Figures.
- 4. That Schedule “D” – Holding Provisions is amended by adding the following new provision:
 - “130. Notwithstanding Section 14.2 of this By-law, on those lands zoned Waterfront – Mixed Use (WF2, 819) Zone, identified on Maps Nos. 787 and 827 of Schedule “A” – Zoning Maps and described as 130 Haida Avenue, no development shall be permitted until such time as:
 - i) The Owner submitting and receiving conditional site plan approval, which shall implement the Pier 8 Block 16 Urban Design Guidelines, the Pier 8 – Block 16 Sustainability Report, and the preferred tower design as determined through the Implementation Process for a Tall Building Proposal – Pier 8, Block 16, that addresses innovation in the areas of sustainability, quality of life and design excellence, and to demonstrate net zero carbon, high efficiency building standards, Pier 8 Block 16 will use the CaGBC’s Zero Carbon Building v3 Design Certification, to the satisfaction of the Director of Planning and Chief Planner.

5. That Schedule “F” – Special Figures be amended as follows:

- a) That Figure 10: Waterfront Block Plan be replaced with the Figure 10 attached as Schedule “B” to this By-law.
- b) That Figure 12: Waterfront Zones – Building Heights be amended as follows:
 - i) That a new row 9) be added to Table WF.2, as follows:

Table WF.2		a)	b)	c)
		Minimum Building Height	Maximum Building Height	
9)	Block 17	9.0 metres	45 storeys and 147.0 metres measured to the top of the mechanical penthouse.	

- ii) That the existing row 9) of Table WF.2 be amended by adding the words “Except where otherwise indicated,” before the words “Building heights”; and, be renumbered as “10)” so that it reads:

“10)	Except where otherwise indicated, 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.”
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- c) That Figure 14: Waterfront Zones – Residential Unit Restrictions be amended as follows:
 - i) That a new row 9) be added to Table WF.4 as follows:

Table WF.4		a)	b)	c)
		Minimum Residential Unit Total	Maximum Residential Unit Total	
9)	Block 17	No Minimum	No Maximum	

- ii) That the existing row 9) of Table WF.4 be amended by replacing the

words “Blocks 3, 4, 6, 9 and 8” with the words “Blocks 3, 4, 6, 8, 9 and 17” and replacing the words “Blocks 1 through 16” with the words “Blocks 1 through 17” and be renumbered as “10)” so that it reads as follows:

“10)	Notwithstanding there being no unit restrictions on Blocks 3, 4, 6, 8, 9 and 17 in Figure 10 of this by-law, a maximum of 1,645 units are permitted within the geographic area comprised of Blocks 1 through 17 as illustrated on Schedule A.”
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- iii) That the existing row 10) of Table WF.4 be amended by replacing the words “At least 15% of all units” with the words “At least 15% of all units plus 150 units”, replacing the words “Blocks 1 through 16” with the words “Blocks 1 through 17”, and renumbering as “11)” so that it reads as follows:

“11)	At least 15% of all units plus 150 units, within the geographic area comprised of Blocks 1 through 17 as illustrated on Schedule A shall have 2 or more bedrooms.”
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6. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Waterfront – Mixed Use (WF2, 819, H94, H130) Zone, subject to the special provisions referred to in Sections 3 to 5 of this By-law.
7. That the clerk is hereby authorized and directed to proceed with the giving of notice of the passing of the By-law in accordance with the *Planning Act*.

PASSED this 22nd day of November, 2023.

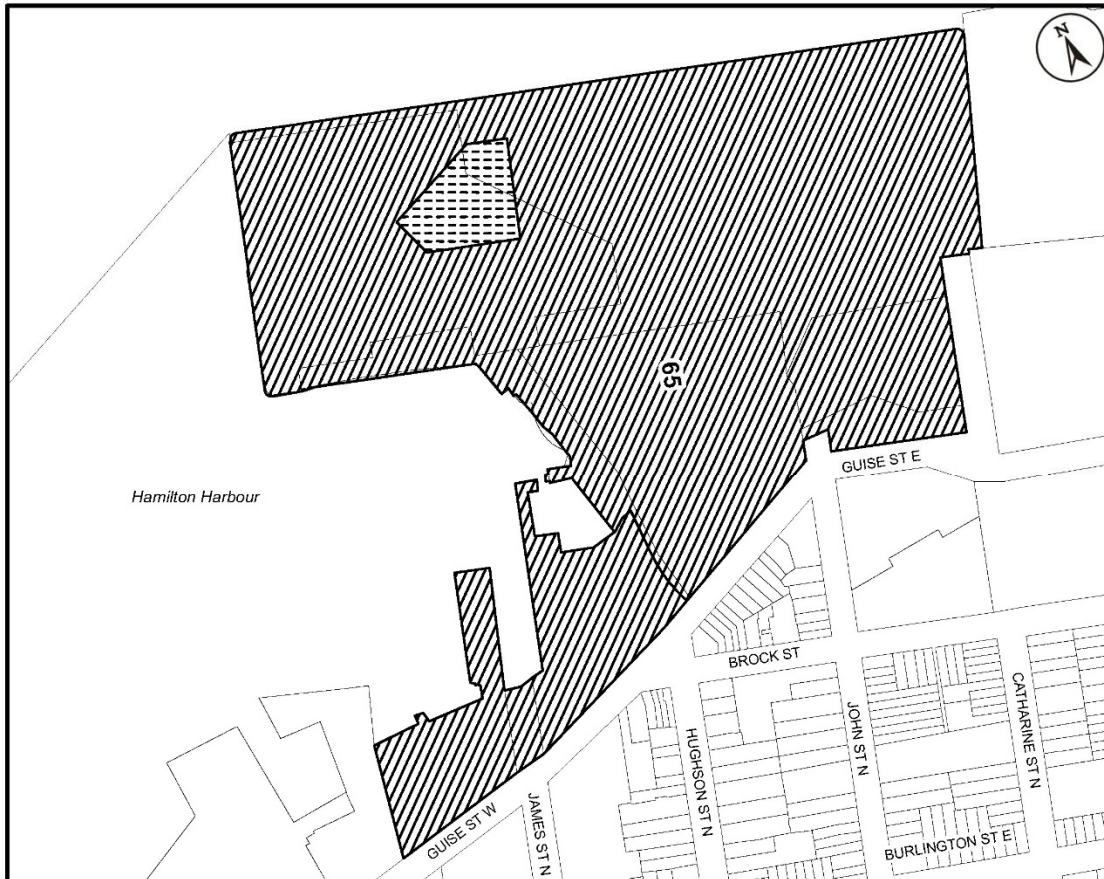
A. Horwath
Mayor

J. Pilon
Acting City Clerk

ZAC-22-003
UHOPA-22-001

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Respecting Lands Located at 130 Haida Avenue
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This Is Schedule "A" to By-law No. 23-

Passed the day of, 2023

Mayor

Clerk

Schedule "A"

Map forming Part of
By-law No. 23-_____

to Amend By-law No. 05-200
Map 787 & 827

Subject Property

 130 Haida Avenue – Change in Zoning from the Community Institutional (I2, 486, H94) Zone to the Waterfront – Mixed Use (WF2, 819, H94, H130) Zone

 Additional lands owned by owner

Scale:

N.T.S

File Name/Number:

ZAC-22-003/UHOPA-22-001

Date:

October 24, 2023

Planner/Technician:

MK/NB



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Schedule "B"

Figure 10: Waterfront Block Plan

