

Authority: Item 6
Planning Committee
Report: 14-002 (PED14012)
CM: February 26, 2014

Bill No. 041

CITY OF HAMILTON

BY-LAW NO. 14 - ████████

To Adopt:

Amendment No. 233 to the City of Hamilton Official Plan;

Respecting:

West Harbour Secondary Plan

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

1. Amendment No. 233 to the former City of Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 26th day of February, 2014.

R. Bratina
Mayor

R. Caterini
City Clerk

Official Plan Amendment No. 233

to the

City of Hamilton Official Plan

The following text, together with the following maps/schedules:

West Harbour (Setting Sail) Secondary Plan

- Schedule "A" - (Schedule "M-1" - Planning Area and Sub-Areas);
- Schedule "B" - (Schedule "M-2" - General Land Use);
- Schedule "C" – (Schedule "M-4" – Building Heights);

attached hereto, constitutes Official Plan Amendment No. 233 to the City of Hamilton Official Plan.

1.0 Purpose:

The purpose of the Amendment to the City of Hamilton Official Plan is to:

- Amend various policies and schedules of the West Harbour (Setting Sail) Secondary Plan to reflect the principles and policies contained in the Hamilton West Harbour Waterfront Recreation Master Plan;
- Create a new land use designation and site specific policy areas to permit the uses set out in the Hamilton West Harbour Waterfront Recreation Master Plan; and,
- Establish a policy framework which shall guide the development and improvements of lands within the Hamilton West Harbour Waterfront Recreation Master Plan.

The effect of the Amendment is to establish a policy framework to guide the development and improvements of lands within the Hamilton West Harbour Waterfront Recreation area.

2.0 Location:

The lands affected by this Amendment are located at the west end of Hamilton Harbour. They consist of Bayfront Park, Pier 4 Park, Bayview Park and Piers 5 through 7 and the rail lands bounded by Lake Ontario to the north and Stuart Street to the south, Bay Street North to the east and the York Street high-level bridge to the west as illustrated on Schedule "B" to this amendment.

3.0 Basis:

The basis for permitting this amendment is to establish a land use framework to implement the Hamilton West Harbour Waterfront Recreation Master Plan. The proposed amendment:

- Conforms with the intent and objectives of the former City of Hamilton Official Plan;
- Conforms with the intent and objectives of the West Harbour (Setting Sail) Secondary Plan;
- Conforms with the intent and objectives of the City's new Urban Hamilton Official Plan; and,
- Implements Policy A.6.3.8.6.6 of the West Harbour (Setting Sail) Secondary Plan which states that the Hamilton West Harbour Waterfront Recreation Master Plan be adopted as an amendment to the Plan prior to development or capital improvements proceeding within Marine Recreational areas.

4.0 Actual Changes:

Text Changes:

1. Existing Section A.6.3.3.1 Land Use is amended by inserting the following new policies and renumbering the policies thereafter accordingly:

“A.6.3.3.1.20 For lands designated “**Waterfront Commercial**” on Schedule M-2 General Land Use, the following policies shall apply:

- a) The following uses shall be permitted:
 - i) Small-scale specialty (niche) commercial uses, including, but not limited to, boutiques, cafes, bistros, restaurants, take-out restaurants, gift shops, galleries, studios, artisan workshops;
 - ii) Small-scale commercial uses ancillary to marine recreational uses, including but not limited to, marine supply stores, boat service, repair shops and recreational equipment rental facilities;
 - iii) Offices, that support waterfront uses, on upper floors only;
 - iv) Residential uses on upper floors only;
 - v) Hotels; and,
 - vi) Transient or visitor docks.

- b) The following uses shall not be permitted:
 - i) Auto-oriented commercial uses such as drive-thru establishments, gas stations and auto-repair garages;
 - ii) Dry docks; and,
 - iii) Dry-sail and on-land boat storage.
- c) The following conditions shall apply to all development:
 - i) The maximum building height shall be 3 storeys;
 - ii) Each individual waterfront commercial establishment, excluding hotels, shall not occupy more than 500 square metres of gross floor area; and,
 - iii) In a mixed use building that includes residential, the maximum floor area for each individual commercial establishment shall not exceed 500 square metres of gross floor area.

A.6.3.3.1.21 Waterfront Commercial Special Policy Area 1

- a) In addition to Policy A.6.3.3.1.20, for lands identified as Waterfront Commercial, Special Policy Area 1, on Schedule M-2: General Land Use, the following policies shall apply:
 - i) As part of a complete application, a parking study is required for the proposed development to ensure that the appropriate parking is accommodated; and,
 - ii) As part of a complete application, an urban design brief shall be submitted to demonstrate how the development addresses the urban design principles of this plan and in particular the urban design guidelines of the Hamilton West Harbour Waterfront Recreation Master Plan.

Views and Vistas

- iv) Views out onto the harbour and to important cultural destinations such as Dundurn National Historic Site shall be preserved and enhanced over time by ensuring new development has regard for these views. View corridors extending from main intersections along Guise Street at McNab Street, James Street and Hughson Street also need to be preserved and enhanced to promote connection to the City; and,

- v) A viewshed analysis may be required and used as guidance for new development to identify and preserve important framed and panoramic views both to and from the harbour.

Streets and Streetscaping

- vi) All streets in the West Harbour will provide a safe pedestrian realm through appropriately designed sidewalks, provision of Urban Braille, landscaping, seating areas, transit shelters and other amenities. The extent to which these amenities can be incorporated may vary from street to street;
- vii) New development situated on Guise Street shall provide room for a two metre pedestrian zone in front of shops and a four metre recreational path in addition to a two metre planting zone next to the street curb. To implement the vision for Guise Street, the City shall complete a streetscape master plan for Guise Street to determine the streetscaping requirements; and,
- viii) New development along Guise Street shall be pedestrian oriented. Principal entrances and ample glazing from Guise Street should be at street level and oriented towards the street to create animation on the streetscape.

Existing Buildings and Artefacts

- ix) The theme of the area should represent a contemporary interpretation of the area's industrial heritage and restoration of the existing buildings to their original state or to reference a nautical theme. The design and configuration of new buildings should support the importance of this;
- x) The character-defining elements of the waterfront must be safeguarded to retain its heritage value and extend its physical life. This may include preservation, rehabilitation, restoration of buildings or a combination of these actions or processes;
- xi) Through façade improvements and additions, existing boat clubs should attempt to either maintain the character of the original buildings or reference to a nautical theme in the architecture. This includes repeated exposed structural elements, horizontal punched openings, and articulated railings;
- xii) The Hamilton Port Authority's storage shed is a remnant of the waterfront's legacy. Programming for this existing building should involve minimal or no change to the character-defining elements that are essential to preserving the waterfront character.

Buildings in the Public Realm

- xiii) New buildings arranged across the waterfront are to be differentiated from the housing forms of the North-End Neighbourhood to reinforce the distinctive industrial and nautical harbourfront character;
- xiv) The overall form of buildings should be north/south to frame and maximize views and to create microclimates that support outdoor pedestrian and recreation activities. Mid-block locations not within view-cones provide opportunities for buildings to reinforce streetwalls;
- xv) Where feasible, at-grade facades should open up to public areas through the use of rolling doors, storefronts, extensive glazing, outdoor eating/display and canopies; and,
- xvi) Principal entrances from the waterfront side should be oriented to address the adjacent spaces and plazas.

New Development

- xvii) New development shall be guided and informed by the Urban Design Guidelines set out in the Hamilton West Harbour Waterfront Recreation Master Plan;
- xviii) New buildings should have a modern interpretation of Hamilton's industrial past, echoing that of existing buildings. Although a variety of materials may be acceptable, the materials should be in keeping with the "working harbourfront character" as set out in the Urban Design Guidelines of the Hamilton West Harbour Waterfront Recreation Master Plan. Recommendations may include corrugated and galvanized siding and glazing, stone foundations and timber or metal structural elements. Roofing should coincide with that of the siding material, to fully reference the defining character;
- xix) The overall form of development should be similar to the buildings found along the West Harbour in Pier 8. Buildings should showcase and sustain views with designs that are long and narrow;
- xx) The West Harbour precinct should showcase sustainably designed buildings and be a model for other sustainable development with Hamilton. Buildings should meet LEED or equivalent sustainable design principles;
- xxi) Where feasible, buildings should be oriented to take advantage of solar energy and minimize the effects of wind to create comfortable and inviting spaces for a variety of seasons;

- xxii) New development on Guise Street should connect the City to the waterfront with buildings and spaces that are permeable to views and circulation; and,
- xxiii) The shoreline within Hamilton West Harbour is located within lands regulated by the Hamilton Conservation Authority (HCA) pursuant to *HCA Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04*. Written approval from the HCA is required prior to any development (including shorewall construction, grading, filling or building renovation/construction) occurring on regulated lands within the harbour.

Public Art

- xxiv) Public Art should be included in the overall design and context of development to ensure it has an appropriate siting and location;
- xxv) The Hamilton West Harbour Waterfront Recreation Master Plan identifies several locations for public art. The process for selection of individual pieces shall be in accordance with the principles set out in the City of Hamilton Public Art Master Plan; and,
- xxvi) Where feasible, public art should be included with all future streetscape master plans.

A.6.3.3.1.22 Waterfront Commercial - Special Policy Area 1a

- a) In addition to Policies A.6.3.3.1.20 and A.6.3.3.1.21, for lands identified as Waterfront Commercial Special Policy Area 1a on Schedule M-2: General Land Use, the following policies shall apply:
 - i) Notwithstanding Policy A.6.3.3.1.20 a), v), hotels are not permitted on Pier 6;
 - ii) Notwithstanding Policy A.6.3.3.1.20 a), iii), office uses shall only be permitted if they if they have frontage on Guise Street;
 - iii) Notwithstanding Policy A.6.3.3.1.20 c), i), the maximum building height shall be 2 storeys on Guise Street and 3 storeys on the waterfront side to accommodate for changes in elevation.

A.6.3.3.1.23 Waterfront Commercial Special Policy Area 1b

- a) In addition to Policies A.6.3.3.1.20 and A.6.3.3.1.21, for lands identified as Waterfront Commercial Special Policy Area 1b on Schedule M-2: General Land Use, the following policies shall apply:

- i) Notwithstanding Policy A.6.3.3.1.20 a), iii), office uses shall only be permitted if they have frontage on Guise Street;
 - ii) Notwithstanding Policy A.6.3.3.1.20 c), i), the maximum building height shall be 3 storeys on Guise Street and 4 storeys on the waterfront side to accommodate for changes in elevation; and,
 - iii) Notwithstanding Policy A.6.3.3.1.20 a), v), a maximum of one hotel may be permitted on Pier 7 in accordance with Policy A.6.3.5.1.12;
2. Existing Section A.6.3.5.1.3 is amended by deleting the heading “Bayfront Park” and replacing with “Waterfront Recreation Area”.
3. Existing Section A.6.3.5.1.3 is amended by inserting the following new policy and renumbering the policies thereafter accordingly:

“A.6.3.5.1.3 The City recognizes the special qualities of Hamilton Harbour, including its physical features and wind conditions that make it a unique, attractive and cherished environment for world class recreational boating within the Great Lakes. The City shall continue to promote and facilitate a diversity of such activity in West Harbour as it pursues other objectives for the Waterfront. Improvements to marine recreation facilities, including marina buildings, club houses, indoor and outdoor boat storage, boat ramps, parking, and docks, shall be guided by the Hamilton West Harbour Waterfront Recreation Master Plan.
4. Existing Policy A.6.3.5.1.3 is amended by:

Deleting the phrase “Future improvements will be guided by a master plan for the park and should include convenient washrooms and additional trees and wind protection” and replacing it with “Future improvements will be guided by the Hamilton West Harbour Waterfront Recreation Master Plan”;
5. Existing Section A.6.3.5.1.6 is amended by:

Deleting the heading “Marine Recreation” and deleting existing Policy A.6.3.5.1.6 in its entirety and the policies thereafter are renumbered accordingly.
6. Existing Policy A.6.3.5.1.9 is deleted in its entirety and the policies thereafter are renumbered accordingly.
7. Existing Policy A.6.3.5.1.13 is amended by revising the wording to read as follows:

“In addition to the uses permitted by Policies A.6.3.3.1.14, A.6.3.3.1.17, A.6.3.3.1.18 and Policy A.6.3.3.1.20, a total of one hotel will be permitted in those areas designated Medium Density Residential 2, Mixed Use, Prime Retail and Waterfront Commercial on Piers 7 and 8”.

8. Existing Section A.6.3.8 is amended by inserting the following new policies and renumbering the policies thereafter accordingly:

“A.6.3.8.6 Holding By-laws

There are instances where the intended use and zoning is known for lands but *development* should not take place until the planned details and phasing of *development* is determined, and/or facilities are in place or conditions for *development* are met. Under the Planning Act, Council may pass a “Holding” By-law that places an “H” symbol over the zoning of land and specifies the conditions that shall be met before the “H” symbol is removed and the lands can be developed.

A.6.3.8.6.1 Council may use the Holding “H” symbol in conjunction with the Zoning By-law to identify the ultimate use of land but to limit or to prevent the ultimate use in order to achieve orderly, phased *development* and to ensure that servicing and design criteria established in this Plan have been met prior to the removal of the "H" symbol.

A.6.3.8.6.2 A Holding symbol may be applied under any or all of the following circumstances and specified in the Holding by-law:

- a) where *development* is contingent upon other related matters occurring first, such as but not limited to:
 - i) completion of required site or area specific studies which are to be specified in the by-law;
 - ii) consolidation of land ownership of abutting properties to ensure orderly *development* and phasing of *development*;
 - iii) fulfillment of financial obligations;
 - iv) securement of funding agreements on necessary infrastructure or services; and,
 - v) fulfillment of conditions imposed by the City through other Planning Act tools.
- b) where phasing is necessary in order to ensure orderly *development* and/or achieve one or more objectives of this Plan;
- c) where municipal infrastructure is not adequate or available to support the ultimate use; and,
- d) where environmental constraints currently preclude *development* or *redevelopment* without planned mitigative or remediated measures.

A.6.3.8.6.3 Until such time as the Holding “H” symbol is removed, the By-law may permit interim land uses which may include an *existing* use or other use(s) that is permitted by the Zoning By-law and does not jeopardize the land for the intended land uses.

A.6.3.8.6.4 Council shall pass a By-law to remove the Holding “H” symbol for all or part of the property only when the City is satisfied all the conditions of:

- a) the “H” zone have been fulfilled; and,
 - b) the provisions of this Plan are met.
9. Existing Policy A.6.3.8.7.1 is amended by deleting the following words: “*in that order*”.
 10. Existing Section A.6.3.8.8 West Harbour Marine Recreation Master Plan be deleted in its entirety and the section and policies thereafter are renumbered accordingly.

Schedule Changes

1. That Schedule “M-1” – Planning Area and Sub-Areas be amended by:
 - (ii) Adding two new areas: the “Waterfront Recreation Area” and the “Stuart Street Rail Yard”; and,
 - (iii) Labelling Piers 5 through 10;as shown on Schedule “A” attached to this amendment.
2. That Schedule “M-2” - General Land Use be amended by:
 - (i) Re-designating the lands from “Marine Recreational”, “Open Space”, “Local Commercial”, “Prime Retail” and “Medium Density 2” to “Waterfront Commercial”;
 - (ii) Adding “Site Specific Area 1a”; and,
 - (iii) Adding “Site Specific Area 1b”,as shown on Schedule “B” attached to this amendment.
3. That Schedule “M-4” - Building Heights be amended by showing the lands as being governed by the Secondary Plan Policies, as shown on Schedule “C” attached to this amendment.

Implementation:

An implementing Zoning By-Law Amendment will give effect to this Amendment.

This is Schedule "1" to By-law No. 14-041 passed on the 26th day of February, 2014.

**The
City of Hamilton**

R. Bratina
Mayor

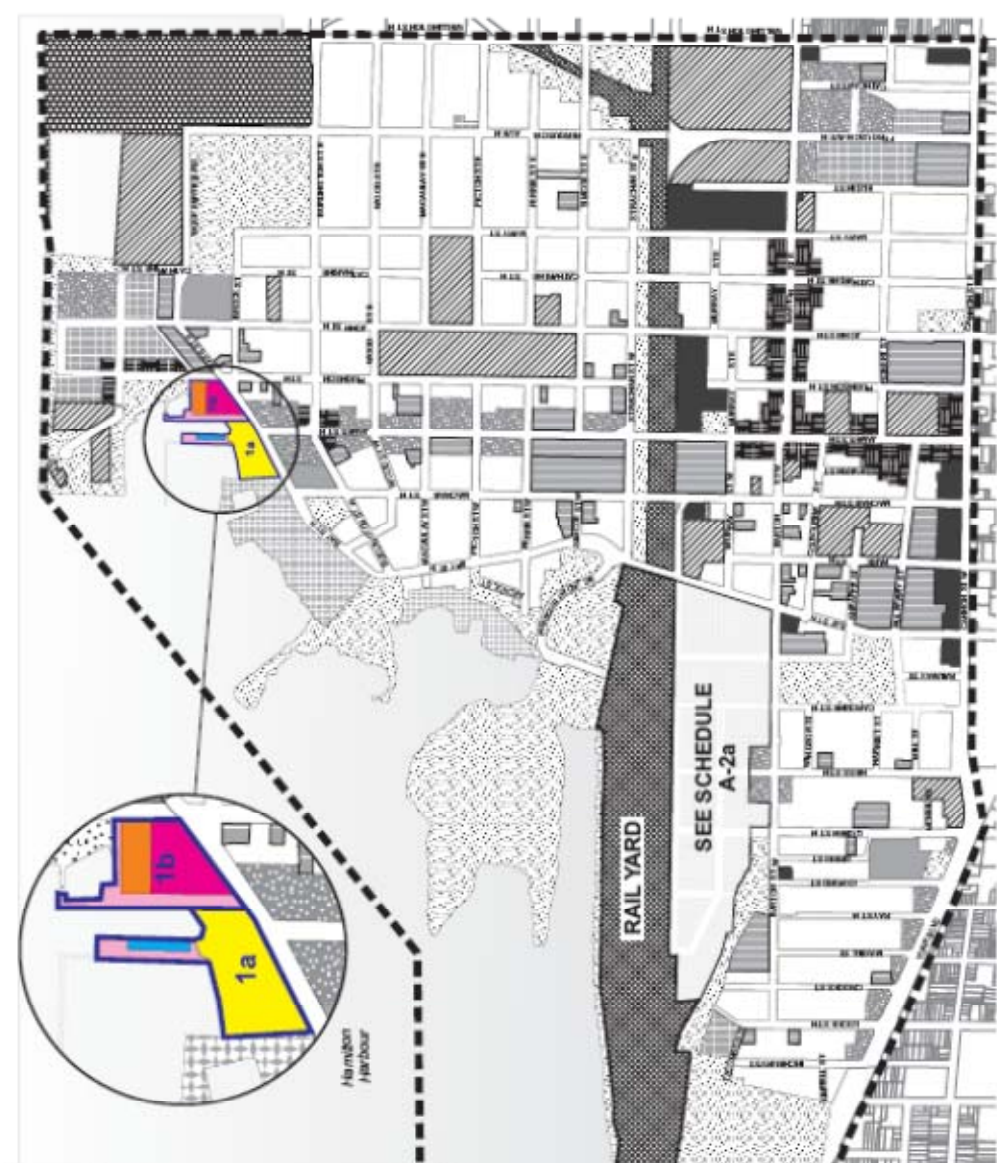
R. Caterini
City Clerk

<p>Schedule A Amendment No. 233 To the Official Plan for the former City of Hamilton</p>		<p>Reference File No.: CPA-233(H)</p>
<p>Lands to be shown as Waterfront Recreation Area</p>	<p>Date: February 2013</p>	<p>Revised By: AM/LMM</p>
<p>Waterfront Recreation Area to be added to the Legend</p>		



- Legend**
- 1 Waterfront
 - 2 Barton-Tiffany
 - 3 Fergusson-Willington Corridor
 - Stable Areas
 - Corridor of Gradual Change
 - Study Area

<p>Schedule B Amendment No. 233 To the Official Plan for the former City of Hamilton</p>		<p>Reference File No.: OPA-233(4)</p>
<p>Lands to be redesignated from "Marine Recreational" to "Waterfront Commercial"</p>	<p>Lands to be redesignated from "Open Space" to "Waterfront Commercial"</p>	<p>Date: February 2014</p>
<p>Lands to be redesignated from "Local Commercial" to "Waterfront Commercial"</p>	<p>Lands to be redesignated from "Medium Density Residential Z" to "Waterfront Commercial"</p>	<p>Revised By: AM/LMM</p>
<p>Lands to be redesignated from "Prime Retail" to "Waterfront Commercial"</p>	<p>Add Site Specific Area 1</p>	<p>"Waterfront Commercial" designation to be added to the Legend</p>
		<p>"Site Specific Area 1" to be deleted from the legend</p>
		<p>"Site Specific Area 1" to be added to the Legend</p>



Hamilton
Setting Sail

**Hamilton West Harbour
Planning Area Study**

Schedule M-2: General Land Use
West Harbour Secondary Plan

Legend

- Low Density Residential
- Medium Density Residential 1
- Medium Density Residential 2
- High Density Residential
- Local Commercial
- Mixed Use
- Institutional
- Prime Retail
- Open Space
- Utilities and Transportation
- Marine Recreational
- Waterfront Commercial
- Special Policy Area

- Shipping & Navigation
- Study Area Boundary

Schedule C
Amendment No. 233
To the Official Plan
for the former City of Hamilton

Lands to be shown as "Height is governed by the Secondary Plan Policies"

Date: February 2014	Revised By: AM/LMM	Reference File No.: OPA-233(H)
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