The West Harbour (Setting Sail) Secondary Plan was adopted by Hamilton City Council on March 23, 2005 and approved by the Ontario Municipal Board on June 26, 2012, as per By-law 12-163 to Adopt Official Plan Amendment (OPA) No. 23 to the former Region of Hamilton-Wentworth Official Plan and OPA No. 198 to the former City of Hamilton Official Plan. This consolidation has been prepared by staff of the Planning and Economic Development Department for the purpose of convenience only.

List of Amendments

Hamilton OPA No.	Address	Purpose	Council Adoption	Effective Date
233	West Harbour Recreation Master Plan	Establish a policy framework to guide development and improvements of lands within the Hamilton West Harbour Waterfront.	Feb. 26/14	Dec. 10/19 (PL140314)
234	312 & 314 Catharine Street North	Establish Site Specific Policy Area – 2 (A.6.3.3.1.12.1)	May 22/16	June 10/16
235	280 Barton Street West	Establish Site Specific Policy Area – 3 (A.6.3.3.2.4.(iv)(i))	Oct. 12/16	Nov.16/16
236	162 Hess Street North	Establish Site Specific Policy Area – 4 (A.6.3.3.1.12.2)	Aug. 18/17	Sept. 22/17
237	155 Ray Street North	Establish Site Specific Policy Area – 5 (A.6.3.3.1.12.4)	Non-Decision	TBD (PL160432)
238	Downtown Hamilton Secondary Plan	Remove lands from West Harbour (Setting Sail) Secondary Plan.	May 9/18	Aug. 14/19 (PL180548)
239	366 Bay Street North	Redesignate lands to implement the direction of Ontario Municipal Board (OMB) Decision PL101293 (Decision Date August 9, 2011).	Aug. 17/18	Sept. 21/18
240	Production Studio	Establish Site Specific Policy Area – 6 (A.6.3.3.1.16.1.19)	Apr. 10/19	May 3/19
241	80 & 92 Barton Street East and 245 Catharine Street North	Establish Site Specific Policy Area – 7 (A.6.3.3.1.18.1).	Apr. 24/19	May 28/19

Hamilton OPA No.	Address	Purpose	Council Adoption	Effective Date
242	468-470 & 474-476 James Street North	Establish Site Specific Policy Area – 10 (A.6.3.3.1.17.2) and change the building height category on Map M-4.	June 26/19	Aug. 3/21 (PL190359)
243	41 Stuart Street	Redesignate lands and establish Site Specific Policy Area – 8 (A.6.3.3.1.17.1)	Non-Decision	June 24/20 (PL190020)
244	282 MacNab Street North	Establish Site Specific Policy Area – 9 (A.6.3.3.1.13.1)	Oct. 14/20	Nov. 26/20
245	600 James Street North	Add "7-9 Storey" category on Map M-4 to permit a nine storey mixed use building.	Denial	Apr. 7/21 (PL190517)
246	179-189 Catharine Street North	Redesignate lands and establish Site Specific Policy Area – 10 (A.6.3.3.1.13.2)	Jul. 9/21	Aug. 12/21
247	125 and 129 Robert Street	Establish Site Specific Policy Area – 12 (A.6.3.3.1.12.3)	Jan. 19/22	Feb. 17/22
248	222, 226 and 228 Barton Street East & 255, 257, 261, 263 and 265 Wellington Street North	Establish Site Specific Policy Area – 13 (A.6.3.3.1.17.3)	Apr. 27/22	June 1/22

A.6.3 West Harbour Planning Area

A.6.3.1 Introduction

Hamilton's West Harbour area is steeped in history. First Nations peoples occupied the area for thousands of years before the arrival of European immigrants to Canada began in the early 1800s. Burlington Heights, where Dundurn Castle sits, figured prominently in the War of 1812. The early industries established close to port and rail facilities—textiles, glass, tobacco, iron and steel among them—provided the roots for the city's growth as an industrial centre. The city's rich cultural diversity and proud workers' heritage is reflected in the tight-knit neighbourhoods that have long defined the character of West Harbour.

Since the 1860s, Hamiltonians have come to the waterfront to play, taking advantage of the beauty and protected waters of the harbour.

Over the past 200 years, Hamilton's West Harbour has undergone many changes as Hamilton has grown and evolved. In recent decades, much of the industry in the area has departed, leaving behind large parcels of vacant, underused and contaminated land; only a few significant employers remain. The creation of Bayfront Park, Pier 4 Park and the Waterfront Trail has opened vast stretches of the waterfront for public enjoyment. In 2000, the Hamilton Port Authority conveyed the bulk of Piers1, 2, and 5-8 to the City. With the gradual disappearance of heavy industry and movement of commercial port activity comes the opportunity to expand the program of public improvements and attract new types of development for the betterment of the local community and the city as a whole.

Setting Sail responds to that opportunity and establishes a framework for public improvements and private development aimed at enhancing the area as a community and recreational destination. The West Harbour Secondary Plan has two primary purposes: to guide detailed planning, zoning, and development decisions; and, to identify the City's priorities for publicly-funded initiatives.

Setting Sail is a comprehensive plan for West Harbour, with an emphasis on three areas where major change is appropriate and desirable. These include the Waterfront; the area south of the CN rail yard, called Barton-Tiffany; and the former industrial lands along Ferguson Avenue, referred to as the Ferguson-Wellington Corridor. The plan also focuses on commercial and mixed-use corridors within the area, where strategic redevelopment and streetscape improvements would strengthen the economic vitality of the corridors, provide additional amenities to adjacent neighbourhoods and generally beautify the area. The remaining areas in West Harbour are considered Stable Areas. The intent of the policies for these areas is to preserve their predominant residential character while allowing incremental, small-scale change to occur.

Setting Sail follows in the footsteps of *Putting People First: the New Land Use Plan for Downtown Hamilton* and the City's Vision 2020 Plan. All three plans recognize that the City's long-term prosperity and sustainability will rely on a central core and waterfront that are attractive, diverse, vibrant and healthy. The West Harbour Secondary Plan is the culmination of a planning process that began in the summer of 2002. The study followed an integrated Environmental Assessment (EA) Master Plan process, which tied together land use, transportation and infrastructure issues. The EA process required careful consideration and a balancing of the ecological, social and economic aspects that comprise the West Harbour environment. The City and a team of consultants engaged key stakeholders and the broader community in a series of consultation events aimed at identifying common principles, opportunities and constraints, and a preferred land use strategy for the area, which together became the basis for this Secondary Plan.

One of the central transportation issues addressed during the Setting Sail study was the previously proposed Hamilton Perimeter Road, long viewed as a critical link between Highway 403 and Burlington Street. A Needs Assessment of the Perimeter Road

concluded there was no demonstrated need for the road, there were significant environmental liabilities, the cost would be tremendous, and there was a risk of not being able to connect to Highway 403. In July 2003, City Council resolved that the Perimeter Road concept be abandoned, thus removing the shadow of uncertainty it cast on West Harbour and paving the way for other solutions to the issue of goods movement in the area.

This plan marks the end of the Setting Sail process but only one important step in the ongoing planning required to realize the objectives for West Harbour. As significant public and private initiatives in keeping with this Secondary Plan are proposed, particularly along the waterfront and on former industrial lands, detailed plans will need to be developed, reviewed and approved. The success of such initiatives will rely on the City, the community and project proponents engaging together in future planning.

A.6.3.2 Planning Principles

The planning process for Setting Sail was guided by eight core principles that emerged from extensive public consultation in the initial phase of the study, and which balance the aspirations of the City and the local community for West Harbour. The principles reflect and build upon many of the City's Vision 2020 goals for creating a healthy and sustainable city. They are the foundation for this Secondary Plan and the West Harbour Transportation Master Plan. As such, they provide important criteria against which future initiatives and proposals for the area will be evaluated to help ensure the broad public objectives for West Harbour are realized.

A.6.3.2.1 Promote a healthy harbour

Since implementation of the Hamilton Harbour Remedial Action Plan (RAP) began in the early 1990s, great strides have been made to restore the health of the harbour. Actions in West Harbour should support and continue the ongoing effort required to achieve a "swimmable" harbour rich in aquatic and terrestrial habitats. More specifically, development and other changes should:

i) employ "best practice" techniques for stormwater management to minimize reliance on the existing combined sewer system;

ii) encourage water conservation;

iii) maintain or enhance existing aquatic and shoreline habitats;

iv) remove, replace or seal potentially harmful sub-surface materials, as per statutory policies and guidelines;

v) identify and protect key views and improve public access to the harbour; and,

vi) increase the public's understanding and appreciation of the harbour and watershed from an ecological perspective.

A.6.3.2.2 Strengthen existing neighbourhoods

Together with the waterfront, the North End and portions of Strathcona, Central and Beasley neighbourhoods are the defining elements of West Harbour. There is much diversity within the neighbourhoods, physically and socially, reflecting the area's rich and varied history. Where once local industries attracted workers and their families, the attractions for residents now are the area's historic character and waterfront amenities. This character and the neighbourhoods' physical relationship to the waterfront are assets to be protected and enhanced. As changes in West Harbour continue, both on the waterfront and in the neighbourhoods, it is important to:

i) ensure new development respects and enhances the character of the neighbourhoods;

ii) relocate heavy industrial uses and clean-up contaminated sites;

iii) encourage compatible development on abandoned, vacant and under-utilized land;

iv) support James Street as the area's main commercial street;

v) encourage new commercial uses that cater to the local neighbourhood;

vi) enhance the amenities and landscaping in existing neighbourhood parks;

vii) augment existing parkland with additional publicly-accessible open spaces;

viii) ensure existing and future neighbourhoods are well served by community services such as schools, health care, libraries and emergency services;

ix) improve access to the waterfront and Downtown from the neighbourhoods;

x) preserve, restore and/or reuse buildings of historic or architectural significance;

xi) preserve and maximize on street parking; and,

xii) generally avoid expropriation of residential and commercial properties.

A.6.3.2.3 Provide safe, continuous public access along the water's edge

The success of relatively recent public improvements on the West Harbour waterfront—Bayfront Park, Pier 4 Park and the Waterfront Trail—demonstrate the overwhelming human desire to be at the water's edge. With the conveyance of most of Piers 1, 2, and 5-

8 to the City of Hamilton, there are opportunities and advantages to extending public access, providing not just more water's edge experiences but also a greater variety of passive and active experiences. These objectives need to be balanced with the desire to maintain and promote the existing diversity of boating activity on the waterfront, which routinely relies on direct and safe access to the harbour. To ensure there is safe, continuous public access along the water's edge:

i) land at the water's edge, to a depth that can accommodate a trail, promenade, or other desired open space or public facility, must be publicly-owned;

ii) new development on the waterfront should not prevent or inhibit public access to the water's edge;

iii) the waterfront should include public facilities for launching and docking recreational boats;

iv) the needs of recreational boating organizations for direct, safe and secure access to the harbour should be respected.

A.6.3.2.4 Create a diverse, balanced and animated waterfront

The trails, parks and boating facilities on the West Harbour waterfront attract people from near and far and guarantee a variety of outdoor activity throughout the warmer months, particularly on summer weekends. But as the sun sets, the level of activity drops sharply, and in winter, the waterfront is practically abandoned. In order for the waterfront to become a year-round destination, offering things to do well into the evening, the predominant open space and recreational uses need to be augmented and balanced with residential, commercial and cultural uses. Besides allowing the waterfront to be enjoyed from the comfort of buildings in colder months, such uses can provide a greater range of attractions year-round. New uses and other changes on the waterfront should:

i) promote a diversity of land uses along the waterfront, including open space, marine recreation, residential, cultural, commercial, and institutional;

ii) maintain a balance of active and passive recreational uses and outdoor and indoor waterfront attractions;

iii) enhance the city as a tourist destination;

iv) be "waterfront-appropriate", taking advantage of the harbour setting and promote season-long and year-round enjoyment and appreciation of the waterfront; and,

v) support and encourage a diversity of marine activity.

A.6.3.2.5 Enhance physical and visual connections

The grid network of streets across most of West Harbour provides for efficient movement in each of the neighbourhoods and links the area to Downtown. Significant physical barriers, however, restrict easy access to the area generally and the waterfront in particular, especially for pedestrians and cyclists. These barriers include the Stuart Street Rail Yard, the main CN line and the bluffs south of the rail yard and east of Macassa Bay. They also include busy streets like York Boulevard, Cannon Street and Barton Street that can be difficult to cross. Physical and operational improvements in West Harbour, particularly to the public realm of streets, parks and open spaces, should strive to achieve the following:

i) Mitigate or eliminate physical barriers to the waterfront;

ii) Promote a connected open space system along the waterfront, through the neighbourhoods and between Downtown and the waterfront;

iii) Extend the existing grid of streets and blocks to the waterfront wherever feasible and appropriate;

iv) Preserve and augment important public vistas and view corridors to and from the waterfront;

v) Improve pedestrian, cycling and transit connections to the waterfront from Downtown and the Escarpment;

vi) Establish a pedestrian connection between Dundurn Park and the Waterfront Trail;

vii) Enhance the streetscapes of key north-south and east-west streets; and,

viii) Develop a continuous waterfront trail.

A.6.3.2.6 Promote a Balanced Transportation Network

As the West Harbour waterfront attracts new development and more visitors, access by all modes of transportation will need to improve to effectively manage traffic. The West Harbour Transportation Master Plan maps a strategy for traffic management that considers all modes. Its primary goals include the following:

i) Establish a clear street hierarchy that recognizes the function and character of existing streets;

ii) Improve road connections to the waterfront and identify primary routes to waterfront destinations;

iii) Promote a more balanced multi-modal transportation system, in which public transit, cycling, walking, ferries and water taxis have a significant role;

iv) Ensure most dwelling units in the area are within 400 metres walking distance of a transit stop; and,

v) Monitor and minimize traffic impacts on the existing local street network.

A.6.3.2.7 Celebrate the City's heritage

Hamilton's rich cultural and industrial heritage are rooted in West Harbour. As the urban fabric of the area continues to evolve, remnants of its past must not be discarded and its history not forgotten. Conserving and celebrating West Harbour's heritage is important and should include:

i) conserving and strengthening the overall character of the West Harbour neighbourhoods and streetscapes;

ii) conserving, restoring and reusing historic buildings and structures;

iii) reflecting and interpreting the city's industrial, marine and cultural heritage in the design of new buildings and open spaces;

iv) encouraging the development of cultural institutions to inform residents and visitors about the area's heritage; and,

v) providing public open spaces for cultural festivals and other celebratory events.

A.6.3.2.8 Promote excellence in design

All urban environments should be designed well; however, because West Harbour is centrally located in Hamilton and conveys an image of the city to the world with its waterfront, the area should demonstrate the highest standard of design. Achieving design excellence will respect the pride of residents, attract tourists and encourage reinvestment in the area. In designing new buildings and open spaces in West Harbour, and enhancing existing ones, citizens, developers and the public sector have an obligation to:

i) design and construct buildings that respect, complement and enhance the best attributes of West Harbour;

ii) adopt "best practice" technologies to achieve energy efficient buildings;

iii) ensure the public realm—the area's parks, squares, streets, trails and public buildings—is designed, up-graded and maintained to the highest standards;

iv) incorporate public art into the design of significant buildings and open spaces; and,

v) promote the development of inspiring, meaningful and memorable places.

A.6.3.3 General Policies

The policies in this section address land uses and other matters common to all parts of the West Harbour area and are intended to ensure all future planning and development in the area addresses issues and opportunities best viewed from an area-wide or city-wide perspective.

A.6.3.3.1 Land Use

A.6.3.3.1.1 The West Harbour area includes the lands bounded by Hamilton Harbour, Wellington Street, Cannon Street and York Boulevard, as depicted on Schedule “M-1” and referred to as West Harbour in this Plan. Policies applying to this Planning Area presently contained in the following plans are no longer in effect: Central Policy Area, Central Neighbourhood Plan, Beasley Neighbourhood Plan, North End West Neighbourhood Plan, North End East Neighbourhood Plan, and Strathcona Neighbourhood Plan.

A.6.3.3.1.2 The City will ensure development and redevelopment in neighbourhoods and lands surrounding West Harbour respect the type, scale and character of development identified in this plan.

A.6.3.3.1.3 There is one “official” map, Schedule “M-2”, Land Use, showing the land use designations for the entire West Harbour.

A.6.3.3.1.4 All new development in West Harbour shall be subject to the height limits shown on Schedule “M-4”, Building Heights, and prescribed in the specific policies of this plan.

A.6.3.3.1.5 Where there is a discrepancy between the maximum heights and density ranges in this plan when applied to specific sites, the maximum height limits shall prevail and be adhered to.

A.6.3.3.1.6 With the exception of Pier 10, the following policies shall apply to industrial and manufacturing land uses in the West Harbour:

i) New industrial and manufacturing facilities proposed as stand alone entities shall not be permitted.

ii) Existing industrial and manufacturing facilities shall only be permitted to expand on the existing property if:

a) the expansion does not compromise the City's ability to implement the long-term land use strategy of this plan;

b) there shall be no adverse impacts from the expansion on existing or planned residential or mixed uses;

c) the proposal shall address the remediation of environmental issues including noise; vibration; indoor and outdoor air quality; odour; dust; fumes; refuse; and soil and groundwater contamination; and,

d) the design objectives of this plan, as they relate to built form, set backs, parking and other matters, are achieved.

A.6.3.3.1.7 The following policies shall apply to those existing legal uses that do not comply with this plan:

i) The existing use is recognized as non-complying;

ii) Expansion shall only be permitted when it can be demonstrated that the existing use is operated in a manner that does not create dust, noise, odour, vibration, fumes, soil or groundwater contamination, and/ or noxious spill-over effects on the existing uses or planned uses;

iii) There are no adverse impacts from the expansion on existing or planned residential or mixed uses;

iv) The proposal shall address the remediation of environmental issues including noise, vibration, indoor and outdoor quality, odour, dust, fumes, refuse, and soil and groundwater contamination;

v) Upon the ceasing of operation of the non-complying use, or abandonment of the use, development and/or redevelopment of the property shall comply with this plan.

A.6.3.3.1.8 Temporary use by-laws in West Harbour shall comply with this Secondary Plan.

A.6.3.3.1.9 To encourage a broad mix of household types at varying income levels, West Harbour shall accommodate a diversity of housing types, including detached and semi-detached dwellings, and multiple dwellings.

A.6.3.3.1.10 In the event of disposal of publicly owned lands located within West Harbour, Council will consider the desirability of developing such lands for affordable housing, and where appropriate, shall encourage the development of said lands for such housing as a priority.

A.6.3.3.1.11 In developing city owned lands for residential purposes; Council may require that at least 25 % of the gross area of such lands be provided in the form of affordable housing.

A.6.3.3.1.12 In Low Density Residential areas:

i) the scale, type and character of new development shall generally reflect existing low density development in the neighbourhood;

ii) single detached, semi-detached and street townhouses are permitted;

iii) the density of development shall range from 25 to 60 units per gross hectare;

iv) existing grid patterns of streets, blocks, and open space, and/or those proposed by this plan, shall be respected;

v) lot dimensions and building setbacks shall be generally consistent with other Low Density Residential properties in the neighbourhood;

vi) for streets where a road allowance widening is required, the setback under the zoning by-law must be taken from the widened road allowance; and

vii) garages shall be located generally at the rear of properties and accessed from rear laneways where feasible.

A.6.3.3.1.12.1 The following shall apply to the lands known municipally as 312 and 314 Catharine Street North and identified as Site Specific Policy Area – 2:

i) That in addition to the uses permitted by Policy A.6.3.3.1.12(ii), in "Low Density Residential" areas, a commercial and wholesale bakery, take-out restaurant and catering services with a maximum of 2 dwelling units are permitted within the existing buildings at 312 and 314 Catharine Street North. (OPA No. 234)

A.6.3.3.1.12.2 The following shall apply to the lands known municipally as 162 Hess Street North and identified as Site Specific Policy Area - 4:

i) That in addition to Policy A.6.3.3.1.12 ii), a maximum of five (5) dwelling units shall be permitted within the building at 162 Hess Street North existing on the date of the adoption of this Official Plan Amendment. (OPA No. 236)

A.6.3.3.1.12.3 The following shall apply to the lands known municipally as 125 and 129 Robert Street identified as Site Specific Policy Area – 12 on Schedule M-2: General Land Use Map of the West Harbour (Setting Sail) Secondary Plan:

i) Notwithstanding Policy A.6.3.3.1.12 i), the height of a building shall be a maximum of 3 storeys;

ii) Notwithstanding Policy A.6.3.3.1.12 ii), a multiple dwelling is permitted; and,

iii) Notwithstanding Policy A.6.3.3.1.12 iii), a maximum density of 142 units per gross hectare is permitted.

A.6.3.3.1.13 In Medium Density Residential 1 areas:

i) multiple dwellings are permitted;

ii) the density of development shall be in the range of 60 – 150 units per gross hectare;

iii) the height of buildings shall range from 3 to 5 storeys;

iv) existing grid patterns of streets, blocks and open spaces, and/or those proposed by this plan, shall be respected;

v) front yard setbacks shall be generally consistent with the setbacks of adjacent buildings;

vi) for streets where a road allowance widening is required, the setback under the zoning by-law must be taken from the widened road allowance;

vii) parking areas generally shall be provided at the rear of sites or underground, with access from public streets or laneways;

viii) direct driveway access to individual units, garages fronting public streets and front yard parking shall not be permitted;

ix) the main entrances to buildings shall face public streets;

x) private amenity space shall be provided on balconies and terraces, at the front or rear of individual ground-floor units, and/or within internal courtyards outdoors and indoors;

xi) common amenity space shall be consolidated on the site to create useable spaces;

xii) the design and massing of buildings shall minimize shadow and wind impacts on the public realm; and

xiii) the design of new developments shall have respect for the light, views and privacy enjoyed by residents in adjacent buildings and areas.

A.6.3.3.1.13.1 The following policies shall apply to the lands known municipally as 282 MacNab Street North, designated Medium Density Residential 1 and identified as Site Specific Policy Area 9 on Schedule M-2: General Land Use of West Harbour Secondary Plan:

i) Notwithstanding Policy A.6.3.3.1.13 ii), an 89 unit multiple dwelling with a maximum residential density of 688 units per gross hectare shall be permitted; and,

ii) Notwithstanding Policy A.6.3.3.1.13 iii), the height of buildings shall range from 3 to 10 storeys. (OPA No. 244)

A.6.3.3.1.13.2 The following shall apply to the lands known municipally as 179, 181, 183, 185, 187 and 189 Catharine Street North, designated Medium Density Residential 1 and identified as Site Specific Policy Area – 10 on Schedule M-2: General Land Use of West Harbour Secondary Plan:

i) Notwithstanding Policy A.6.3.3.1.13 ii), a maximum residential density of 155 units per gross hectare shall be permitted; and,

ii) The external appearance and character of the existing heritage dwelling known as 187 and 189 Catharine Street North shall be maintained.

A.6.3.3.1.14 In Medium Density Residential 2 areas:

i) multiple dwellings and apartment buildings combined with street townhouses are permitted;

ii) the density of development shall be in the range of 150 – 300 units per gross hectare;

iii) the height of buildings shall range from 4 to 8 storeys;

iv) existing grid patterns of streets, blocks and open spaces, and/or those proposed by this plan, shall be respected;

v) front yard setbacks shall be generally consistent with the setbacks of adjacent buildings;

vi) for streets where a road allowance widening is required, the setback under the zoning by-law must be taken from the widened road allowance;

vii) parking areas shall be provided at the rear of sites, underground and/or in above-grade structures, with access from public streets or laneways;

viii) above-grade parking structures shall be located within buildings and fronted on all levels by residential uses;

ix) front yard parking shall not be permitted;

x) the main entrances to buildings shall face public streets;

xi) private amenity space shall be provided on balconies and terraces, at the front or rear of individual ground-floor units, and/or within internal courtyards outdoors and indoors;

xii) common amenity space shall be consolidated on the site to create useable spaces;

xiii) the design and massing of buildings shall minimize shadow and wind impacts on the public realm; and

xiv) the design of new developments shall have respect for the light, views and privacy enjoyed by residents in adjacent buildings and areas.

A.6.3.3.1.15 In High Density Residential areas:

i) apartment buildings and apartment buildings combined with street townhouses are permitted;

ii) the maximum density of development on individual sites shall be the density that existed on the date of adoption of this Plan;

iii) notwithstanding ii), the addition of street-relating dwelling units to existing High Density Residential areas is permitted and encouraged, subject to rezoning; and,

iv) in the event of comprehensive redevelopment, new buildings shall be more compatible with surrounding lower-density housing than existing

buildings, in terms of their built form, and shall generally comply with Policy A.6.3.3.1.14 iv)-xiv) of this Plan.

A.6.3.3.1.6 In the Barton-Tiffany Special Policy Area:

The Barton Tiffany Area is intended to evolve and intensify into a mixed use, pedestrian oriented area. Increasing the number of people who work and live within the designated area will contribute to the broader neighbourhood and the planned function of the West Harbour as a people place.

The Barton Tiffany Special Policy Area is divided into three sub-areas, a Commercial Area, a Medium Density Residential Area, and a Low Density Residential Area. The Commercial area is intended to serve needs of the surrounding neighbourhoods. The Medium Density Residential Area located immediately to the north of Barton Street is planned for predominately low to mid rise residential uses, with an opportunity for commercial uses on the ground floor. The Low Density Residential area located along the west side of Bay Street North is intended to permit residential development to a maximum of three storeys to be consistent with existing development along Bay Street and the transition of Bay Street from a Primary Mobility Street to a Neighbourhood Mobility Street north of Strachan Street West.

A.6.3.3.1.16.1 Commercial Designation

The area designated Commercial is intended to provide retail and service commercial uses to the immediate neighbourhood. The Commercial area shall contain a range of retail shops and services that serve the need of residents in the surrounding neighbourhoods. The preferred format is a variety of commercial uses, buildings and building sizes.

A.6.3.3.1.16.1.1 Uses permitted shall proved for a range of retail uses to serve the need to residents in the surrounding neighbourhoods and shall not complete with the retail function of the downtown.

A.6.3.3.1.16.1.2 The Commercial area shall also serve as a focus for the adjacent neighbourhood(s) by creating a sense of place.

A.6.3.3.1.16.1.3 The following uses may be permitted on lands identified and designated Commercial on Schedule M-2a:

i) commercial uses;

ii) open space uses; and

A.6.3.3.1.16.1.4 The following uses shall be prohibited on lands designated Commercial:

i) residential uses and other sensitive land uses;

ii) auto-oriented commercial uses such as drive-through establishments, gas stations, and auto repair garages; and

iii) hotels.

A.6.3.3.1.16.1.5 Single retail commercial uses shall be limited to a maximum floor area of 6,000 square metres.

A.6.3.3.1.16.1.6 The maximum height of building shall be 4 storeys;

A.6.3.3.1.16.1.7 The maximum amount of retail commercial floor space permitted in the area designated Commercial shall be 15,000 square metres.

A.6.3.3.1.16.1.8 Office uses on the same lot shall not exceed 3,000 square metres.

A.6.3.3.1.16.1.9 All offices within the Commercial designation shall not exceed 10,000 square metres of gross floor area.

A.6.3.3.1.16.1.10 Given the location of the lands designated Commercial within the neighbourhoods, proximity to the waterfront and access constraints, single use large format retail buildings shall be discouraged.

A.6.3.3.1.16.1.11 Areas designated Commercial shall be planned and designed to be integrated with and easily accessible from the surrounding neighbourhood by a range of transportation modes including the automobile, transit, and active transportation.

A.6.3.3.1.16.1.12 For streets where a road allowance widening is required, the setback under the zoning by-law must be taken from the widened road allowance;

A.6.3.3.1.16.1.13 All buildings shall be located up to the street to create a strong pedestrian orientation with the main entrances on a street, and barrier free access at street level.

A.6.3.3.1.16.1.14 Buildings shall be encouraged to locate up to the street with multiple retail units and multiple entrances oriented to the street, or other similar means to animate the streetscape.

A.6.3.3.1.16.1.15 The design and massing of buildings shall minimize shadow and wind impacts on the public realm.

A.6.3.3.1.16.1.16 The design of new developments shall have respect for the light, views, and privacy enjoyed by residents in adjacent buildings and areas.

A.6.3.3.1.16.1.17 Parking areas shall be provided at the rear of sites, underground and/or in above-grade structures, with access from public streets or laneways, where possible.

A.6.3.3.1.16.1.18 Above-grade parking structures shall be fronted by retail at the street level.

A.6.3.3.1.16.1.19 For the lands designated Commercial and shown as Site Specific Area 6 on Schedule M-2a: Barton-Tiffany Area General Land Use, the following additional policies shall apply:

i) In addition to Policy A.6.3.3.1.16.1.3, a *production studio* shall also be permitted;

ii) A *production studio* shall mean the use of land, building or structure used for creation and production of motion pictures or audio or video recordings and the associated warehousing prop and set design and storage. Digital media uses, such as animation studio and associated software development and processing, but shall not include the mass reproduction of film;

iii) In addition to Policy A.6.3.3.1.16.1.4, outdoor storage associated with a *production studio* shall be prohibited;

iv) A *production studio* shall only be permitted if:

a) the site is developed as a campus setting; and,

b) if the *production studio* is combined with a range of commercial uses constructed as part of or prior to the construction of the *production studio*;

v) Commercial uses shall be located close to the street to create a strong pedestrian orientation with the *production studio* located interior to the site;

vi) The implementing Zoning By-law shall identify the following requirements:

a) appropriate setbacks for the *production studio* to regulate function and built form;

b) the location of parking;

c) minimum gross floor area thresholds required for commercial development to ensure a range and variety of commercial uses are built at the same time or in advance of the *production studio*; and

d) Phasing and timing of commercial uses in association with the *production studio*.

vii) In accordance with Subsection D.11 – Complete Application Requirements and Formal Consultation, the urban design brief submitted as part of a development application shall include:

a) A campus masterplan detailing the layout and arrangement of buildings associated with the *production studio* and commercial uses shall address matters such as the following:

1) Vision as contained within the Urban Design Guidelines;
2) Massing and articulation of all buildings;
3) Shadow and wind impacts;
4) Circulation;
5) Street animation;
6) Sustainability;
7) Accessibility;
8) Compatibility with adjacent land uses; and
9) Publicly accessible open space areas.

b) A Traffic Impact Study. (OPA No. 240)

A.6.3.3.1.16.2 Medium Density Residential

Within the Barton Tiffany Special Policy Area, the Medium Density Residential Designation, the predominant built form shall be low rise to mid rise buildings. The intent is to permit ground related low and mid rise residential uses and permit mixed use buildings that have retail and service commercial stores at grade.

The Medium Density Area shall be an extension of the neighbourhood and provide for a transition between the existing neighbourhood on the south side of Barton and the Commercial Area to the north.

A.6.3.3.1.16.2.1 The following uses shall be permitted on lands identified as Medium Density Residential on Schedule M-2a:

i) multiple dwellings;

ii) Commercial uses permitted in the Commercial Designation as set out in policy A.6.3.3.1.16.1 provided the use is located on the ground floor of a multiple storey building with residential units above; and

iii) open space and parks.

A.6.3.3.1.16.2.2 The density of development shall be in the range of 60-150 units per gross hectare;

A.6.3.3.1.16.2.3 Building height shall be a maximum of 4 storeys;

A.6.3.3.1.16.2.4 Buildings with a height greater than 4 storeys to a maximum of 8 storeys may be permitted subject to the completion and approval of an urban design study by the City of Hamilton prior to any required rezoning amendments;

A.6.3.3.1.16.2.5 Site layout and design including the location of outdoor amenity space, and building design including the location of non-habitable space shall implement the recommendations of noise studies completed to the satisfaction of the City in consultation with the appropriate railway company in accordance with Policies A.6.3.4.5.1 to A.6.3.4.5.12.

A.6.3.3.1.16.2.6 Outdoor amenity areas accessory to residential uses must meet sound level criterion set out in Provincial guidelines. Where necessary, buildings should be oriented to mitigate potential noise impacts on outdoor amenity areas.

A.6.3.3.1.16.2.7 Outdoor amenity areas located on the south side of residential structure fronting onto Barton Street must be located above the first storey.

A.6.3.3.1.16.2.8 Where buildings are located up to the street, the principal entrances shall face the public street providing direct access from the sidewalk. Buildings should have a consistent minimum setback.

A.6.3.3.1.16.2.9 Front yard setbacks shall be generally consistent with the setbacks of adjacent buildings.

A.6.3.3.1.16.2.10 For streets where a road allowance widening is required, the setback under the zoning by-law must be taken from the widened road allowance.

A.6.3.3.1.16.2.11 Parking areas generally shall be provided at the rear of sites or underground, with access from public streets or laneways.

A.6.3.3.1.16.2.12 Direct driveway access to individual units, garages fronting public streets and front yard parking shall not be permitted.

A.6.3.3.1.16.2.13 The design and massing of buildings shall minimize shadow and wind and noise impacts on the public realm.

A.6.3.3.1.16.2.14 The design of new developments shall have respect for the light, views and privacy enjoyed by residents in adjacent buildings and areas.

A.6.3.3.1.16.2.15 Notwithstanding Policies A.6.3.3.1.16.2.2, A.6.3.3.1.16.2.3, A.6.3.3.1.16.2.4, A.6.3.5.1.2.3, A.6.3.5.2.4, and A.6.3.5.2.5, the lands designated Medium Density Residential and identified as Site-Specific Area 1 on Schedule M-2a shall be subject to the following policies:

i) The density of development shall range from 60 to 300 units per gross hectare;

ii) Building height shall be a maximum of 8-storeys; and,

iii) Development can proceed on the lands identified as subject to Site-Specific Area 1 on Schedule M-2a prior to the completion of the comprehensive Urban Design Study.

A.6.3.3.1.16.3 Low Density Residential

Within the Barton Tiffany Special Policy Area, the Low Density Residential area shall be comprised of low density residential uses that will infill the streetscape along Bay Street North.

With the development of vacant and underdeveloped lots, the residential uses will extend the neighbourhood along Bay Street. In addition, the residential development will assist in the transition of Bay Street from a Primary Mobility Street to a Neighbourhood Mobility Street, north of Strachan Street West.

A.6.3.3.1.16.3.1 Notwithstanding policy A.6.3.5.1.2.3 of this Plan, the following uses shall be permitted on lands designated Low-Density on Schedule M-2a:

i) single detached, semi detached, street townhouses and stacked townhouses; and

ii) open space and parks.

A.6.3.3.1.16.3.2 Building height shall be a maximum of 3 storeys.

A.6.3.3.1.16.3.3 The density of development shall range from 25 to 60 units per gross hectare.

A.6.3.3.1.16.3.4 Residential development within the Low Density Residential Designation shall be subject to Site Plan Control.

A.6.3.3.1.16.3.5 Site layout and design including the location of outdoor amenity space, and building design including the location of non-habitable space shall implement the recommendations of noise studies completed to the satisfaction of the City in consultation with the appropriate railway company in accordance with Policies A.6.3.4.5.1 to A.6.3.4.5.12.

A.6.3.3.1.16.3.6 Residential buildings and structures shall be oriented to buffer accessory outdoor amenity areas to mitigate noise impacts

A.6.3.3.1.16.3.7 Any outdoor amenity area accessory to residential uses proposed along Bay Street North must be located above the first storey and shall be designed to address stationary and transportation noise sources.

A.6.3.3.1.16.3.8 The existing scale, type and character of new development shall generally reflect existing low density development in the neighbourhood.

A.6.3.3.1.16.3.9 Lot dimensions and building setbacks shall be generally consistent with other Low Density Residential properties in the neighbourhood.

A.6.3.3.1.16.3.10 Garages and parking may be located to the rear of the property and accessed from rear laneways where feasible.

A.6.3.3.1.16.3.12 For streets where a road allowance widening is required, the setback under the zoning by-law must be taken from the widened road allowance.

A.6.3.3.1.17 In Mixed Use areas:

i) apartment buildings and apartment buildings with ground-floor, street-related commercial and/or community uses are permitted and encouraged;

ii) the range of commercial uses permitted on the ground floor shall include retail stores, restaurants, take-out restaurants, business and personal services, and professional offices;

iii) the range of community uses permitted on the ground floor shall include day nurseries, schools, libraries and places of worship;

iv) the density and height of development shall be governed by the maximum heights identified on Schedule “M-4”;

v) existing grid patterns of streets, blocks and open spaces, and/or those proposed by this plan, shall be respected;

vi) buildings generally shall be built close to or at the front property line, subject to the development satisfying sightline requirements entering the public road allowance;

vii) for streets where a road allowance widening is required, the setback under the zoning by-law must be taken from the widened road allowance;

viii) ground-floor uses shall have their main entrances on the street with barrier free access, at grade;

ix) parking areas shall be provided at the rear of sites, underground and/or in above-grade structures behind buildings, with access from public streets or laneways;

x) above-grade parking structures shall be located within buildings and fronted by street-related commercial, community and/or residential uses;

xi) front yard parking shall not be permitted;

xii) private amenity space shall be provided on balconies and terraces and/or within internal courtyards outdoors and indoors;

xiii) common amenity space shall be consolidated to create useable spaces;

xiv) the design and massing of buildings shall minimize shadow and wind impacts on the public realm; and;

xv) the design of new developments shall have respect for the light, views and privacy enjoyed by residents in adjacent buildings and areas.

A.6.3.3.1.17.1 The following policies shall apply to the lands known municipally as 41 Stuart Street, designated Mixed Use and identified as Special Policy Area 8:

i) Notwithstanding Policy A.6.3.3.1.17 iv), a maximum 10-storey mixed use building shall be permitted, subject to the following:

a) The building height is appropriately transitioned to the adjacent residential uses to the south, by providing the appropriate step backs to achieve a 45 degree angular plane measured 14 metres up from average grade at the southern lot line which may be implemented by the Zoning By-law.

b) The westerly building setback shall be 3.0 metres to respect the cultural heritage value of the property located at 51 Stuart Street.

ii) Notwithstanding Policy A.6.3.3.2.10, no dedication of private lands shall be required in order to achieve the right-of-way widths set out in Policy A.6.3.3.2.4.

A.6.3.3.1.17.2 Notwithstanding Policy A.6.3.3.1.17 iv), for the lands known municipally as 468, 470, 474, and 476 James Street North, designated Mixed Use and identified as Special Policy Area 10 on Schedule “M -2”: General Land Use Map of West Harbour Secondary Plan, a seven-storey mixed use building shall be permitted in accordance with the implementing Zoning By-law Amendment.

A.6.3.3.1.17.3 The following shall apply to the lands known municipally as 222, 226 and 228 Barton Street East and 255, 257, 261, 263 and 265 Wellington Street North, designated Mixed Use and identified as Site Specific Policy Area – 13 on Schedule M-2: General Land Use of the West Harbour (Setting Sail) Secondary Plan:

i) In addition to Policy A.6.3.3.1.17 i), an apartment building with ground-floor, street-related commercial uses and second floor commercial uses shall be permitted;

ii) In addition to Policy A.6.3.3.1.17 ii) a professional medical office shall be permitted on the ground floor;

iii) The range of commercial uses permitted on the second floor of the building shall include business, personal services, professional office, and professional medical offices; and,

iv) Notwithstanding Policy A.6.3.3.1.17 iv), the maximum building height shall be 7 storeys.

A.6.3.3.1.18 James Street and Barton Street are the prime retail streets in West Harbour. In Prime Retail areas:

i) mixed use developments with ground-floor, street-related commercial and community uses are permitted and encouraged;

ii) most of the street-facing portion of the ground floor of buildings shall be reserved for street-related commercial and/or community uses, including retail stores, restaurants, take-out restaurants, business and personal services, and/or professional offices;

iii) the ground floors of all buildings shall have windows and doors opening onto the street to provide “eyes on the street” and an interesting pedestrian experience;

iv) the range of uses permitted on upper floors shall include residential, live/work and office. Two-storey retail stores are permitted, and personal services are permitted on the second floor of buildings;

v) new institutional uses, including social services, schools and places of worship, may be permitted;

vi) the density and height of development shall be governed by the maximum heights identified on Schedule “M-4”;

vii) buildings generally shall be built close to or at the front property line to maintain a consistent street wall subject to the development satisfying sightline requirements entering the public road allowance;

viii) for streets where a road allowance widening is required, the setback under the zoning by-law must be taken from the widened road allowance;

ix) ground-floor uses shall have their main entrances on the street, with barrier free access at grade;

x) parking areas shall be provided at the rear of sites, with access from public streets or laneways;

xi) the design and massing of buildings shall minimize shadow and wind impacts on the public realm; and,

xii) the design of new developments shall have respect for the light, views and privacy enjoyed by residents in adjacent buildings and areas.

A.6.3.3.1.18.1 The following shall apply to the lands known municipally as 245 Catharine Street North, designated “Prime Retail” and identified as Site Specific Policy Area 7 on Schedule “M-2”: General Land Use Map of West Harbour Secondary Plan:

i) That in addition to the uses permitted by Policy A.6.3.3.1.18 i) and iv), multiple dwellings, maisonettes, stacked townhouse and block townhouse dwelling units are also permitted. (OPA No. 241)

A.6.3.3.1.19 In Local Commercial areas:

i) commercial uses, such as retail stores, restaurants, take-out restaurants, banks, professional offices and personal services, are permitted;

ii) other uses, including office and residential, are permitted and encouraged above the ground floor;

iii) auto-oriented commercial uses, such as gas stations and auto repair garages are not permitted. For greater clarity, this policy does not prohibit drive-through restaurants.

iv) except grocery stores, large-scale retail uses are generally not permitted;

v) the maximum height of buildings shall be 4 storeys;

vi) front yard setbacks shall be consistent with the setbacks of adjacent buildings;

vii) for streets where a road allowance widening is required, the setback under the zoning by-law must be taken from the widened road allowance;

viii) buildings shall be oriented to a public street, with main entrances on a street, with barrier free access at street level;

ix) parking shall be located at the rear or side of buildings; and,

x) loading and service areas shall be located at the rear of buildings wherever feasible.

A.6.6.3.3.1.20 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.

A.6.3.3.1.24 In Institutional areas:

i) institutional uses, such as hospitals, nursing homes, day nurseries, schools, libraries, museums, places of worship and social services, are permitted;

ii) notwithstanding the policies set out above, in areas designated Institutional, professional medical offices are permitted provided they are compatible with the surrounding area and are in keeping with the Local Commercial policies A.6.3.3.1.19 of this plan;

iii) the maximum height of buildings shall be 3 storeys, except where otherwise identified on Schedule “M-4”;

iv) parking areas shall be provided at the rear of sites, underground and/or in above-grade structures behind buildings; and,

v) the design and massing of buildings shall minimize shadow and wind impacts on the public realm.

A.6.3.3.1.25 In Public Open Space areas:

i) publicly-accessible open spaces, including parks, squares, trails, and public art are permitted;

ii) indoor and outdoor public recreational facilities are permitted; and,

iii) recreational equipment rental and maintenance facilities are permitted.

A.6.3.3.1.26 In Marine Recreational areas:

i) buildings and facilities for the purposes of recreational boating, including marinas, club houses, indoor and outdoor storage areas, docks and access roads, are permitted;

ii) public open spaces, trails, and roads are permitted;

iii) the height of buildings shall not exceed 2 storeys; and,

iv) small-scale commercial uses ancillary to marine recreational uses, such as restaurants, marine supply stores, boat service and repair shops and recreational equipment rental facilities, are permitted.

A.6.3.3.1.27 In Shipping and Navigation areas, the primary uses permitted are the port-related uses set out in the City of Hamilton Official Plan, including but not limited to:

i) the movement, management, safety and convenience of ships;

ii) uses involving the carriage of goods or passengers to other modes of transportation;

iii) related storage and processing;

iv) vessel and barge docks;

v) industry and commerce related, incidental or necessary to the port; and,

vi) recreational boat facilities.

A.6.3.3.1.28 A live/work use, defined as a dwelling unit in which an individual also operates a commercial business, may be permitted in all areas within West Harbour, except Open Space and Institutional areas. Live/work uses shall be compatible with neighbouring uses and built form, and shall have no adverse environmental impacts in terms of noise, vibration, emissions and air quality. Any traffic or parking issues arising from the commercial aspect of the use shall be addressed to the satisfaction of City staff.

A.6.3.3.1.29 In addition to the Land Use Policies of this plan, the following policy shall apply:

Auto -oriented commercial uses such as gas stations, auto repair garages, other drive-through services including but not limited to drive-through restaurants, or other uses normally classified as highway commercial will not be permitted in the following areas:

i) Properties that front or flank along James Street North, including the proposed James Street Pier;

ii) Properties designated “Prime Retail Streets” on Barton Street and Pier 8;

iii) The southwest corner of MacNab Street North and Stuart Street (land designated “Local Commercial”);

vi) The southwest corner of Bay and Barton Streets (land designated “Local Commercial”); and,

v) The southeast corner of Barton and Oxford Streets (land designated “Local Commercial”).

A.6.3.3.1.30 Further to policies in A.6.3.3.1.19 and A.6.3.3.1.25, this policy will clarify that no auto-oriented commercial uses such as gas stations, auto repair garages, other drive through services including but not limited to drive-through restaurants, or other uses normally classified as highway commercial shall be permitted in the area bounded by Wellington Street North on the east, Strachan Street East and West on the south and Hamilton Harbour on the west and north.

A.6.3.3.2 Public Realm

A.6.3.3.2.1 Schedule “M-5” depicts the Public Realm plan for West Harbour. The Public Realm includes streets, parks and other publicly-accessible open spaces, such as trails, public piers, promenades, plazas and school grounds.

Streets

A.6.3.3.2.2 The *West Harbour Transportation Master Plan* is the primary policy document governing the operations of the street system in the area. All plans and improvements for streets in the area shall conform to this Secondary Plan and the *West Harbour Transportation Master Plan*.

A.6.3.3.2.3 The historic grid street pattern in West Harbour will be retained and enhanced through the following measures intended to improve pedestrian, cycling and vehicular mobility and maintain the character of neighbourhoods:

i) ensuring all new development adheres to a street grid pattern;

ii) extending existing streets to serve new development where feasible;

iii) eliminating dead-end streets where feasible;

iv) requiring new public streets through large redevelopment sites; and,

v) acquiring land for public streets through redevelopment.

A.6.3.3.2.4 The street network for West Harbour is shown on Schedule “M-5”. Streets are classified, and will be improved, according to their intended mobility function and physical character. Streetscape Master Plans may be prepared by the City to provide a broad, long-term vision of such improvements on these streets. There are three types of streets in West Harbour:

i) Primary Mobility Streets provide for the mobility of through traffic, people and goods, connecting major activity centres and neighbourhoods within West Harbour, and connecting to points outside the area. The right-of-way width of Primary Mobility Streets shall be 20 metres with the exception of Cannon and Wellington which are designated as 26.21m road allowances. The following are Primary Mobility Streets:

a) Cannon Street East and West
b) Barton Street East
c) York Boulevard
d) Guise Street East
e) Dock Service Road
f) Burlington Street East
g) Bay Street North (to Strachan)

h) James Street North
i) Strachan Street West and East (to John)
j) Wellington Street North
k) John Street North (south of Strachan)
l) Ferguson Avenue (north of Burlington)

ii) Neighbourhood Mobility Streets provide for the mobility of traffic, people and goods within West Harbour and to serve the local land uses. The right-of-way width of Neighbourhood Mobility Streets shall be 20 metres with the exception of Stuart Street and Barton Street which is designated as a 25 metre road allowance. The following are Neighbourhood Mobility Streets:

a) Bay Street (north of Strachan)
b) Guise Street West
c) Burlington Street West
d) Ferguson Avenue North (south of Burlington)
e) John Street (north of Strachan)
f) Locke Street North
g) Barton Street West
h) Queen Street North
i) Hess Street North
j) Stuart Street (west of Bay)

iii) Local Streets provide access to businesses and residences, on-street parking and pedestrian movement as a priority over traffic movement. The right-of-way width of Local Streets shall be 18-20 metres.

iv) The following policy shall apply to the lands known municipally as 280 Barton Street West and identified as "Site Specific Policy Area -3 :

1) Notwithstanding Policy A.6.3.3.2.4 ii), the right-of-way width of Barton Street West, a Neighbourhood Mobility Street, shall be 21 metres for the property located at 280 Barton Street West. (OPA No. 235)

A.6.3.3.2.5 Notwithstanding Policy B.3.1.19 iii) the road widening along Stuart Street shall be taken entirely on the south side of the right of way and the road widening for Barton Street shall be taken entirely on the north side of the right of way.

A.6.3.3.2.6 The Primary Mobility Streets and Neighbourhood Mobility Streets identified on Schedule “M-5” may be subject to streetscape enhancements within the existing right-of-way. These improvements shall be coordinated with other streetscape initiatives in the area and may include sidewalk widenings,

improved street lighting, improve accessibility, additional trees, improved bicycle facilities and/or other landscaping features.

A.6.3.3.2.7 The City will continue to strengthen connections between the Waterfront and the Escarpment, and Downtown Hamilton. The preparation of Detailed Streetscape Plans for Bay Street, James Street and John Street shall be completed as Schedule B Municipal Class EA projects. The Streetscape Master Plans shall establish the vision and overall design intent for improvements of the public realm. The Detailed Streetscape Plans provide a functional detailed design for streetscape improvements and are identified in the Streetscape Master Plans. The Detailed Streetscape Plans shall:

i) generally maintain the nature of the existing streetscape, in terms of buildings, front yards, sidewalks, the boulevard and the edges of the roadway;

ii) maintain the street function in accordance with the West Harbour Transportation Master Plan;

iii) recognize the need to provide a balanced transportation network that serves pedestrians, cyclists, transit and vehicles;

iv) recognize the need of the City, in cases of critical subsurface infrastructure issues, to adjust the curb lines, but this shall only be done to the extent needed to address the critical infrastructure issues; and,

v) utilize the *Hamilton Downtown Mobility Streets Master Plan* as a reference document only.

A.6.3.3.2.8 The following should be used to help ensure all streets provide a safe and comfortable pedestrian environment: appropriately-designed sidewalks, Urban Braille, landscaping, special lighting, seating areas, transit shelters, signage system and other amenities.

A.6.3.3.2.9 Existing alleys will be maintained and, where feasible, extended to serve residential and commercial development. The City may approve alley closures only where development adjacent to the alley can be serviced from a public street without compromising the urban design objectives of this plan, particularly as they relate to streets and heritage buildings.

A.6.3.3.2.10 The City may, at its discretion, require dedication of private land prior to approval of Plans of Subdivision and Site Plan Applications in order to achieve the street network shown in Schedule “M-5” and the right-of-way widths set out in Policy A.6.3.3.2.4. New public streets on dedicated lands shall be designed, built and landscaped by the developer to the satisfaction of City staff. The landscaping plan for the property shall include

improvements in the boulevard, which shall be paid for and constructed by the developer.

A.6.3.3.2.11 The City will continue to implement the *Ferguson Avenue Master Plan* for the public realm in the corridor. Land uses within the corridor shall comply with the policies of the West Harbour Secondary Plan.

A.6.3.3.2.12 To monitor the traffic generated by new development, the City shall develop a transportation tracking method for West Harbour. Where a development application exceeds 100 residential units or where major cultural institution or commercial floor area is greater than 500 square metres, a Traffic Impact Study will be completed and to update the transportation network data as a condition of development approval.

Open Space

A.6.3.3.2.13 It is the City's objective to establish and maintain, to the extent possible, a comprehensive network of public open spaces in West Harbour linked to open spaces in adjacent neighbourhoods and Downtown, as shown on Schedule "M-5". This network will include:

i) a system of parks and open spaces on the waterfront, as close to the water's edge as feasible, from the High Level Bridge to Eastwood Park, linked and complemented by the Waterfront Trail and including a physical connection to Dundurn Park;

ii) enhanced green-space and trail connections between Bayfront Park and Ferguson Avenue through the lands on the south side of Strachan Street;

iii) existing neighbourhood parks, i.e., Central Park, Bayview Park, Eastwood Park and Jackie Washington Rotary Park;

iv) existing school yards.

A.6.3.3.2.14 Public open spaces shall be subject to a high standard of design aimed at promoting safety, comfort, enjoyment, accessibility, usability, and planting. The City may develop and apply design guidelines for publicly-accessible open spaces that demonstrate how these goals can be achieved.

A.6.3.3.2.15 New development shall contribute to the creation of public open space in West Harbour. The method of contribution, whether a dedication of parkland or cash-in-lieu, shall be determined by the City during its review of plans of subdivision and rezoning applications.

A.6.3.3.2.16 The City will work with the Public and Separate School Boards to ensure school yards remain open to the public and the facilities on school grounds have regard for the open space and recreational needs of the local community. The City will seek agreements with the School Boards to ensure that, in the event a school site is considered for closure and disposal, the relevant School Board will consult with the City regarding the City's interest in the site prior to making an offer for sale.

A.6.3.3.3 Heritage

A.6.3.3.3.1 In accordance with the *Ontario Planning Act* and the *Ontario Heritage Act*, West Harbour will promote the conservation of significant built heritage resources and cultural heritage landscapes.

A.6.3.3.3.2 Land use regulations and municipal incentive programs will be used in the retention, conservation, rehabilitation, restoration or adaptive reuse of properties that have been designated under the Ontario Heritage Act and/or listed in the City's Inventory of Buildings of Architectural and/or Historical Interest.

A.6.3.3.3.3 The City may introduce incentive programs pursuant to the provisions of the *Ontario Heritage Act*, the *Ontario Planning Act*, the *Municipal Act* and other applicable legislation, and may include grants, loans, permit fee rebates and density bonuses, to encourage the appropriate retention, restoration and/or adaptive reuse of buildings with historic character or architectural value.

A.6.3.3.3.4 A Heritage Impact Assessment, in accordance with the Official Plan for the City of Hamilton, and to the satisfaction of the City, may be required for any private development or public initiative that proposes to erect, demolish or alter buildings or structures on or adjacent to properties that are:

i) designated under the Ontario Heritage Act;

ii) listed on the City's Inventory of Buildings of Architectural and/or Historical Interest;

iii) sites featuring open spaces, vistas or cultural heritage landscapes listed on the City's Cultural Landscape Resources Inventory; and/or,

iv) within or adjacent to a Heritage Conservation District.

A.6.3.3.3.5 The Heritage Impact Assessments, where required, shall be submitted with development or building permit applications and shall be reviewed by the City's Municipal Heritage Committee.

A.6.3.3.3.6 The City may require that, as part of development or redevelopment of land, heritage properties be retained on-site and incorporated, used or adaptively reused as appropriate to the proposed development and land use. Retention of a heritage feature on lands subject to development may be a condition of development approval. Specifically, heritage easements pursuant to the Ontario Heritage Act, may also be required and negotiated, as well as development agreements.

A.6.3.3.3.7 New development adjacent to heritage buildings or in areas containing heritage buildings shall:

i) reflect the setbacks, heights and cornice lines of adjacent heritage buildings;

ii) support the creation of a continuous street wall;

iii) maintain a consistent street orientation and building line;

iv) be encouraged to reflect the character, massing and materials of surrounding buildings.

A.6.3.3.3.8 The City shall demonstrate leadership by pursuing opportunities to conserve municipally-owned heritage resources in West Harbour.

A.6.3.3.4 Urban Design

A.6.3.3.4.1 New development, redevelopment and alterations to existing buildings in West Harbour shall respect, complement and enhance the best attributes of West Harbour and shall adhere to the following urban design principles:

i) Create a comfortable and interesting pedestrian environment;

ii) Respect the design, scale, massing, setbacks, height and use of neighbouring buildings, existing and anticipated by this plan;

iii) Generally locate surface parking at the rear or side of buildings;

iv) Provide main entrances and windows on the street-facing walls of buildings, with entrances at grade level; and,

v) Ensure barrier-free access from grade level in commercial mixed use developments.

A.6.3.3.4.2 The City may establish a design review process to review development applications and proposed public initiatives in Areas of Major Change and

Corridors of Gradual Change to help ensure proposals support the objective of this plan to achieve excellence in design.

A.6.3.3.4.3 The City shall demonstrate leadership by designing new public buildings and spaces and maintaining and upgrading existing public facilities, streets and spaces to a consistent and high standard.

A.6.3.3.4.4 The integration of public art into the design of buildings and open spaces is strongly encouraged.

A.6.3.3.4.5 The vistas of Hamilton Harbour and the key views leading to the harbour identified on Schedule "M-5" shall be preserved. As development occurs and the public realm is extended, the City may identify additional important vistas and view corridors for preservation without amendment to this Plan.

A.6.3.3.5 Public Transit

A.6.3.3.5.1 New development and redevelopment shall support the use of public transit by creating a comfortable pedestrian environment and providing main entrances on public streets, close to intersections where appropriate.

A.6.3.3.5.2 The City shall continue to provide convenient public transit to existing development in West Harbour and shall seek to provide at least the same level of transit service to new development. It is the City's goal to ensure most dwelling units in the area are within 400 metres walking distance of a transit stop, where permitted by the built pedestrian environment.

A.6.3.3.5.3 Public street improvements shall maintain or improve transit accessibility.

A.6.3.3.5.4 In its operation of the street system, the City may employ transit priority measures, such as exclusive lanes for buses, transit-controlled signals and turn restrictions, at strategic locations to maintain or improve the level of public transit service in West Harbour.

A.6.3.4 Environmental Policies

The policies in this section focus on the natural environment of West Harbour—earth, water and air—and how changes in the built environment can protect and enhance elements of the natural environment.

A.6.3.4.1 General

A.6.3.4.1.1 Environmental Protection Act requirements may apply to sites formerly occupied by industrial, commercial and institutional uses.

A.6.3.4.1.2 The design and construction of new development and redevelopment shall incorporate best practices and appropriate building technology to minimize energy consumption, conserve water, reduce waste and improve air quality.

A.6.3.4.1.3 New development and redevelopment shall be encouraged to incorporate rooftop terraces, greenwalls, rooftop gardens and/or other green technologies to improve micro-climatic conditions, energy efficiency, air quality and for stormwater management.

A.6.3.4.1.4 To reduce energy consumption and improve air quality, a balanced transportation network for automobiles, public transit, bicycles, and pedestrians, including efficient routes for walking and cycling, shall be provided and promoted in West Harbour.

A.6.3.4.1.5 In accordance with federal regulations, filling of the harbour shall generally be prohibited. Only where a significant public and/or environmental benefit will result without unacceptable impacts on aquatic habitats or water quality shall a proposal for minor filling be considered, and then only after submission of a detailed impact study to the relevant government agencies.

A.6.3.4.1.6 Remaining industrial uses in West Harbour that have had, or continue to have, significantly adverse impacts on the physical environment and quality of life of residents are encouraged to relocate to appropriate areas within the city. Such impacts may include soil contamination, groundwater contamination, air pollution, noise pollution, dust and/or odours.

A.6.3.4.2 Soil and Groundwater Quality

A.6.3.4.2.1 Applications for new development and redevelopment on active and former industrial lands shall include Phase 1 and Phase 2 Environmental Site Assessments to the satisfaction of the Ministry of the Environment. Where these assessments reveal the presence of contaminants in concentrations above the Ministry standards for the intended use of the property, the proponent shall be required to prepare, submit for approval and implement a remediation plan in accordance with Ministry policies and guidelines.

A.6.3.4.2.2 Where City-owned land was previously occupied by industrial uses, or is otherwise suspected of containing contaminated soils, the City shall conduct Phase 1 and Phase 2 Environmental Site Assessments of the lands and, in conjunction, with improvements and/or redevelopment of the land, will implement a remediation plan to the satisfaction of the Ministry of the Environment.

A.6.3.4.3 Water Quality

A.6.3.4.3.1 Development shall contribute to the improvement of water quality in Hamilton Harbour.

A.6.3.4.3.2 Stormwater shall be managed using a suite of lot, conveyance and end-of-pipe solutions. Rainwater shall be considered a resource rather than a waste product.

A.6.3.4.3.3 The City shall continue to promote and facilitate the disconnecting of down spouts from the combined sewer system.

A.6.3.4.4 Aquatic and Terrestrial Habitats

A.6.3.4.4.1 It is an objective of this Plan to ensure the protection, restoration and enhancement of aquatic habitat in West Harbour, subject to the review and approval by relevant agencies, including Hamilton Region Conservation Authority and the Department of Fisheries and Oceans. In particular, the Areas of Significance and Areas of Sensitivity identified on Schedule “M-6” shall be protected. The City will encourage and support initiatives to protect and enhance these areas.

A.6.3.4.4.2 In conjunction with the planning and implementation of future development and public realm improvements envisioned in this Plan, the City, in cooperation with the relevant agencies, will study opportunities to enhance aquatic habitats within the Areas of Opportunity identified on Schedule “M-6”.

A.6.3.4.4.3 Management of aquatic plants in marina basins shall be coordinated with regulatory government agencies and marina operators to allow safe boating and to minimize environmental impacts and protect and enhance, where possible, the harbour fishery, and that aquatic plant management and removal activities be limited to times of the year when fish spawning is not occurring.

A.6.3.4.4.4 Hamilton Harbour and naturalized portions of the shoreline have been identified in the Regional Official Plan as Environmentally Significant Area (ESA) #48. Development applications for rezonings, severances, plans of subdivision, site plan approval or minor variances for lands within or adjacent to the ESA must include an Environmental Impact Statement that assesses the possible impacts of the proposal. Development shall not adversely affect, degrade or destroy any of the qualities which are the basis for the area’s ESA designation.

A.6.3.4.4.5 The City of Hamilton may complete a comprehensive sediment quality investigation for the West Harbour.

A.6.3.4.4.6 The City of Hamilton shall require groundwater studies be completed by a proponent for those developments adjacent to the shoreline or on shore landfill as part of the environmental site assessment process.

A.6.3.4.4.7 Disturbance of the shoreline, near shore landfill, or the sediments should be avoided or minimized until the associated risks are better understood and these environmental investigations may be done concurrently with the Marine Recreation Master Plan.

A.6.3.4.4.8 The shoreline of Hamilton Harbour provides residents with recreational, economic, scenic, and ecological opportunities. To protect the valued terrestrial and aquatic ecosystem of this area, the City will:

i) encourage agencies and landowners (including the City of Hamilton) to consider opportunities to enhance and restore areas along the shoreline to a more natural state;

ii) protect existing vegetation and naturalized areas along the shoreline, within the water and bottom of the harbour, along the Iroquois shoreline embankment (between the harbour and York Boulevard) and within the planning area generally. Vegetation in natural areas will be left to mature so it contributes to the aesthetics of the area. It is recognized that selective pruning of vegetation may be required at strategic points along the shoreline to permit views of the harbour;

iii) maintain the integrity of natural areas and enhance linkages between natural habitat along the shoreline;

iv) encourage agencies and landowners to use native vegetation species appropriate to the location whenever possible when planting within natural areas;

v) encourage habitat enhancement and naturalization projects where appropriate at Bayfront Park, Pier 4 Park, Hamiltonian Pier and Waterfront Trail;

vi) manage nuisance wildlife such as Canada Geese, gulls and other waterfowl so they are not a nuisance to park use and do not negatively impact the health of beach areas and water quality; and,

v) retain qualified professionals to manage wildlife in consultation with Remedial Action Plan partners, the City of Hamilton and residents.

A.6.3.4.5 Noise and Vibration

Sensitive Land Uses

A.6.3.4.5.1 Development of noise sensitive land uses, in the vicinity of the Stuart Street Rail Yard and the rail line shall comply with all applicable provincial and municipal guidelines and standards.

A.6.3.4.5.2 Any required noise or vibration study shall be prepared by a qualified professional, preferably a professional engineer with experience in environmental acoustics, in accordance with recognized noise and vibration measurement and prediction techniques, in accordance with all applicable provincial and municipal guidelines and standards.

A.6.3.4.5.3 Development applications including Official Plan amendment, Zoning By-law amendments, Plans of Subdivision, and Consents, proposing residential or other noise sensitive land uses within 500 metres of the Stuart Street Rail Yard or 400 meters of a railway line as determined by the City of Hamilton in consultation with the appropriate railway company shall be required to prepare a noise feasibility study and/ or a detailed noise study to the satisfaction of the City in consultation with the appropriate railway company.

A.6.3.4.5.4 As determined by the City in consultation with the appropriate railway company, a vibration study may be required to be submitted for development proposed within 75 metres of the Stuart Street Rail Yard or a railway line.

A.6.3.4.5.5 As determined by the City, any required *noise feasibility study*, *detailed noise study*, or vibration study, shall be submitted prior to or at the time of application submission, and shall be completed to the satisfaction of the City and where appropriate in consultation with the appropriate railway company The required studies shall provide recommendations for noise and/ or vibration mitigation, as appropriate to ensure that maximum sound levels are not exceed in accordance with provincial guidelines.

A.6.3.4.5.6 Where feasible and in compliance with other policies, the City shall ensure that land use arrangements which minimize the impact of noise and vibration be considered in the review of any development proposal.

A.6.3.4.5.8 Where a noise study completed to the satisfaction of the City identifies and recommends appropriate mitigation measures, the recommendations shall be implemented as a condition of approval. Measures may include:

a) sound isolation or sound reduction measures, construction techniques, and materials including the acoustical performance of exterior walls, windows and doors;

b) layout and design of the structure including the size and location of windows and doors, or outdoor living areas and the location of non-habitable space within the structure to further mitigate noise impacts;

c) spatial separation from the source, including the insertion of permitted sound-insensitive uses between the source and receivers;

d) acoustical barriers such as berms, sound barrier versions of living walls, walls, favourable topographic features, or other intervening structures, where appropriate and according to all other policies of this Plan.

A.6.3.4.5.9 Where a noise study completed to the satisfaction of the City in consultation with the appropriate railway company identifies and recommends that actual or potential noise impacts should be indicated to future tenants or purchasers, the recommendations shall be implemented as a condition of approval and may include noise impact advisories such as warning clauses, agreements such as subdivision and condominium agreements, agreements under the Industrial and Mining Lands Compensation Act, covenants, and environmental easements.

A.6.3.4.5.11 New technologies may offer opportunities for innovative noise and vibration abatement techniques not yet contemplated. The development and use of such techniques shall be encouraged.

A.6.3.4.5.12 Sound barriers in the form of berms or free-standing walls are not preferred and should be avoided wherever possible.

Commercial Land Uses

A.6.3.4.5.13 Development applications including Official Plan amendment, Zoning By-law amendments, Consents, Variances, or Site Plans proposing commercial uses may be required to prepare a noise feasibility study and/ or a detailed noise study to the satisfaction of the City to verify that there will be no adverse impacts on existing or future sensitive land uses in proximity, in accordance with all applicable provincial and municipal guidelines and standards, with particular reference to mechanical equipment, loading docks, refuse handling and truck traffic.

A.6.3.4.5.14 New technologies may offer opportunities for innovative noise and vibration abatement techniques not yet contemplated. The development and use of such techniques shall be encouraged.

A.6.3.4.5.15 Sound barriers in the form of berms or free-standing walls are not preferred and should be avoided wherever possible.

A.6.3.5 Areas of Major Change

Within West Harbour, there are three areas planned for significant land use change, as identified on Schedule “M-1”—the Waterfront, Barton-Tiffany and the Ferguson-Wellington Corridor. In addition to the other policies in this plan, the policies below apply specifically to these Areas of Major Change.

A.6.3.5.1 The Waterfront

Waterfront Vision

A.6.3.5.1.1 Development and improvements in the Waterfront shall help realize the City’s vision of a waterfront that:

i) is beautiful, publicly-accessible and inviting;

ii) promotes a healthy world class harbour;

iii) offers a variety of attractions to Hamilton residents and visitors;

iv) facilitates active and passive enjoyment of the harbour;

v) contains a variety of linked open spaces at the water’s edge, including parks, trails, promenades and plazas;

vi) enhances recreational boating opportunities;

vii) accommodates waterfront-appropriate commercial amenities;

viii) accommodates new residential neighbourhoods;

ix) is active throughout the day, the week and the year;

x) enhances adjacent neighbourhoods and complements the vision for Downtown;

xi) extends the existing grid pattern of streets in West Harbour; and,

xii) displays pride in the city’s heritage and excellence in design.

Stuart Street Rail Yard

A.6.3.5.1.2 Stuart Street Rail Yard

A.6.3.5.1.2.1 The Stuart Street Rail Yard, designated Utilities on Schedule "M-2", and identified as the Rail Yard, bounded by Bay Street, Stuart Street and the

Open Space designation, and the Harbour is recognized as a Class III Industrial Facility as set out in Provincial Guidelines as amended from time to time.

A.6.3.5.1.2.2 For the purposes of policy A.6.3.5.1.2.1 a Class III Industrial Facility is defined as a place of business for large scale manufacturing or processing, characterized by: large physical size, outside storage of raw and finished products, large production volumes and continuous movement of products and employees during daily shift operations. It has frequent outputs of major annoyance and there is high probability of fugitive emissions.

A.6.3.5.1.2.3 Residential and other sensitive land uses are prohibited within 150 metres of the Stuart Street Rail Yard.

A.6.3.5.1.2.4 All proposed *development* adjacent to railways or railway yard shall ensure that appropriate safety measures such as setbacks, berms, and security fencing are provided to the satisfaction of the City and in consultation with the appropriate railway company.

Waterfront Recreation Area

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.

A.6.3.5.1.4 As a regionally-significant open space, Bayfront Park will continue to be planned, designed and operated to encourage and accommodate a variety of civic events and recreational activities. Future improvements will be guided by the Hamilton West Harbour Waterfront Recreation Master Plan.

A.6.3.5.1.5 In addition to the uses permitted by Policy A.6.3.3.1.21, restaurants, cafés, and food and beverage vendors are permitted in Bayfront Park, provided such uses:

i) are generally located near the entrance to the park, overlooking Macassa Bay;

ii) are small-scale and not greater than two storeys, and in totality do not occupy more than 1,500 square metres;

iii) are accessory to the open space and recreation function of the park;

iv) have no adverse impact on aquatic and terrestrial habitats;

v) have an architectural quality that enhances the park; and,

vi) comply with any restrictions the City may impose on such uses to limit noise impacts.

A.6.3.5.1.6 An above-grade parking structure is permitted on the parking area for Bayfront Park, immediately south of the Combined Sewer Overflow tank. The design of a parking structure in this location shall be of a high architectural standard and shall not obstruct vistas of the harbour and waterfront from Bay Street.

Piers 6-8

A.6.3.5.1.7 Piers 6-8 will be the focus of physical improvements and development that combine new civic spaces and promenades with residential, cultural and mixed-use buildings to establish over time a series of linked destinations and a distinct, urban waterfront neighbourhood.

A.6.3.5.1.8 Pier 6 will be extended and improved to accommodate small-scale commercial amenities, such as restaurants and cafés, and a public promenade at least 10 metres wide. The extension shall be subject to approval by the relevant agencies with regulatory authority over the harbour. Options for the extension that do not require fill shall be preferred.

A.6.3.5.1.9 Development of Pier 8 shall extend and refine the existing grid of streets and blocks, as indicated on Schedule “M-2”. The precise location of new streets shall be determined in Plans of Subdivision but shall generally conform with the street pattern in Schedule “M-2”.

A.6.3.5.1.10 The City will initiate, in conjunction with development on Pier 8, the design and construction of a civic plaza or park. The design and programming of the space shall encourage year-round public use.

A.6.3.5.1.11 Notwithstanding Policy A.6.3.3.1.17, in the Mixed Use area on Pier 8:

i) institutional uses of a cultural nature, such as museums and galleries, are permitted and encouraged;

ii) apartment buildings and apartment buildings with institutional uses of a cultural nature on the ground-floor or lower floors are permitted and encouraged;

iii) public open spaces are permitted;

iv) buildings shall be generally built to the front property line;

v) ground-floor commercial uses ancillary to a cultural use, such as a restaurant or retail store, are permitted, provided they occupy no more than 20% of the total non-residential floor area;

vi) parking areas shall be provided underground and/or in above-grade structures;

vii) above-grade parking structures shall be located within buildings and fronted on all levels by commercial, cultural or residential uses;

viii) front yard parking shall not be permitted;

ix) private amenity space shall be provided on balconies and terraces and/or within internal courtyards;

x) common amenity space shall be consolidated to create useable spaces;

xi) the design and massing of buildings shall minimize shadow and wind impacts on the public realm; and,

xii) the design of new developments shall have respect for the light, views and privacy enjoyed by residents in adjacent buildings and areas.

A.6.3.5.1.12 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.

A.6.3.5.1.13 In addition to the uses permitted by Policies A.6.3.3.1.13, A.6.3.3.1.14, and A.6.3.3.1.18 a public parking garage is permitted on the block north of Guise Street, between the future extensions of Hughson Street and John Street. A public parking garage in this location shall be integrated with, and fronted on all sides and all levels by, residential or commercial uses.

A.6.3.5.1.14 In addition to the uses permitted by Policy A.6.3.3.1.21, restaurants, cafés, and food and beverage vendors are permitted in areas designated Open Space, provided such uses:

i) are small-scale and not greater than two storeys, and in totality do not occupy more than 1,500 square metres;

ii) are accessory to the open space and recreation function of the area;

iii) have no adverse impact on aquatic and terrestrial habitats;

iv) have an architectural quality that enhances the open space areas; and,

v) comply with any restrictions the City may impose on such uses to limit noise impacts,

A.6.3.5.1.15 Notwithstanding Policy A.6.3.3.1.13 i) and A.6.3.3.1.14 i), street townhouses shall not be permitted on Piers 7-8.

A.6.3.5.1.16 Prior to zoning by-law amendments to permit the development of any new buildings on Piers 7 and 8, a comprehensive urban design study of the entirety of both piers shall be completed. The study shall determine the appropriate height and massing of new buildings, taking into consideration impacts on public views, sunlight penetration, privacy and wind conditions. If the urban design study recommends building heights greater than the maximum heights permitted by the above-referenced policies, an amendment to this plan shall be required.

A.6.3.5.1.17 Prior to approval of any new development on a single block or multiple blocks on Piers 7 and 8, a comprehensive traffic calming study shall be completed and implemented. The study shall include the area north of the CN railway line.

A.6.3.5.1.18 On Piers 7-8, direct driveway access to individual dwelling units, private garages fronting public streets and front yard parking shall not be permitted.

A.6.3.5.1.19 The Federal Government shall be encouraged, on the lands it owns on Pier 8, to accommodate additional cultural and educational uses that may be proposed and which complement and support the Canada Marine Discovery Centre.

A.6.3.5.1.20 The City and the Federal Government, in consultation with the Hamilton Port Authority, shall undertake to provide continuous public open space around Pier 8, approximately 30 metres wide and including a water's edge promenade.

A.6.3.5.1.21 The City shall cooperate with the Hamilton Port Authority to achieve the development objectives for the Pier 8 lands leased to the Port Authority.

A.6.3.5.1.22 Signage identifying publicly-accessible buildings and public spaces on Pier 8 shall be used for wayfinding via James Street, Victoria Avenue and Burlington Street (east of Ferguson Avenue).

Pier 9

A.6.3.5.1.23 Notwithstanding Policy A.6.3.3.1.20, the institutional uses on Pier 9 that existed on the date of adoption of this Plan, including the HMCS Star property and the land-based facilities serving visitors to HMCS Haida, will continue. The City has the right of first refusal on Pier 9, as per the Minutes of Settlement between the City and the Hamilton Port Authority dated October 20, 2000. Should the Federal Government decide to sell lands occupied by HMCS Star, the City shall act on its right of first refusal and seek to acquire the property.

A.6.3.5.1.24 When the current uses on Pier 9 cease, the City shall initiate a land use and urban design study to determine the appropriate mix of uses, height and massing of buildings, and layout of streets and open spaces on the property. The study shall result in new Secondary Plan policies for the district based on Policy A.6.3.5.1 and the following long-term objectives for the district:

i) provide continuous public open space along the water's edge;

ii) accommodate residential development at densities of up to 300 units per hectare of development land (i.e., excluding public open space);

iii) accommodate cultural and educational uses;

iv) protect important public views and vistas of the harbour and waterfront; and,

v) buffer residential and other sensitive land uses from industrial and port-related uses on Pier 10.

Pier 10

A.6.3.5.1.25 In accordance with the Port of Hamilton Land Use Plan, dated June 2002, and consistent with the City of Hamilton Official Plan, Pier 10 will continue to be used for existing uses and uses permitted by the Shipping and Navigation land use designation. Should the Port of Hamilton decide to sell Pier 10, the City shall act on its right of first refusal and seek to acquire the property.

A.6.3.5.1.26 If and when Pier 10 is owned by the City, the City shall initiate a land use and urban design study to determine the appropriate mix of uses, height and massing of buildings, and layout of streets and open spaces on the property. The study shall result in new Secondary Plan policies for the pier.

Water-based Uses

A.6.3.5.1.27 Seasonal water-based uses, such as ferries, water taxis, tour boats and charter boats, are encouraged in the Waterfront. Generally, the land-based components of such uses shall be restricted to Piers 5-8. Any such uses and their proposed location shall be assessed based on the nature, size and docking requirements of the craft; the impacts of the use on the adjacent public realm and views along the waterfront and to the harbour; and the City's ability to provide emergency services to the use and ensure public safety. Such uses shall require approval by City Council and the relevant agencies with regulatory authority over the harbour.

A.6.3.5.1.28 Due to their impacts on views of the harbour from water's edge open space and their servicing and access requirements, permanent water-based uses, such as floating hotels and restaurants, are not permitted in the Waterfront.

A.6.3.5.2 Barton-Tiffany

A.6.3.5.2.1 The relocation of remaining industrial uses, the remediation of contaminated land, and the conversion of industrial lands to residential uses are promoted in Barton-Tiffany. The boundary of Barton-Tiffany is shown on Schedule "M-1".

A.6.3.5.2.2 The City of Hamilton acknowledges the importance of industry to the regional economy. Nevertheless, it is a central principle of this Plan that the decline of heavy industrial activity in the West Harbour is expected to continue. In keeping with City's objective to have Industrial uses in the West Harbour relocated to a more suitable area of the City, where it will be more compatible with surrounding uses, existing and planned. The City shall actively help existing Industrial uses in the West Harbour search for new industrial sites.

A.6.3.5.2.3 The location of new and realigned streets in Barton-Tiffany shown on Schedules "M-2" and "M-5" is approximate, and as such, ~~some~~ flexibility regarding the final alignment of streets without amendment to this plan is permitted.

A.6.3.5.2.4 Prior to development occurring, the City shall complete a comprehensive urban design study and provide guidelines for Barton-Tiffany including the following:

i) Appropriate building heights, set backs and landscaping;

ii) Other built form controls intended to protect view sheds, as shown on Schedule "M-5", and prevent buildings from creating a barrier or wall effect;

iii) The provision of an east-west continuous open space recreational trail on the south side of Stuart Street, Queen Street and the North Side of Barton Street to Locke Street with a minimum width of 5 metres to be accommodated within the required 25 metre right of way width. The alignment of the recreational trail is shown conceptually on Schedule M-5 and will be determined at the time of development;

iv) The provision of open space; and,

v) Noise attenuation, including such techniques as innovative building design, open space buffers and vegetative planting.

A.6.3.5.2.5 Where development is proposed prior to initiation of an urban design study for Barton-Tiffany, the developer may be required to submit an urban design study for the entire Barton-Tiffany Special Policy Area. The urban design study shall address the matters set out in Policy A.6.3.5.2.4 and shall be completed to the satisfaction of the City.

A.6.3.5.2.6 The City shall seek to relocate the Public Works facilities on Barton Street and Bay Street to allow the expansion, reconfiguration and improvement of Central Park. The adaptive re-use of all or a portion of the Barton Street Works building for recreational or other public uses shall be considered prior to demolition.

A.6.3.5.2.7 Subject to the relocation of the affected Public Works facilities, the City shall undertake to expand, reconfigure and improve Central Park as schematically shown on Schedule “M-2”. Any surplus lands created from the expansion and not required for street extensions may be sold for private residential development.

A.6.3.5.2.8 Permit additional residential density where the City determines there is a need to increase densities of development in Barton-Tiffany and Ferguson-Wellington corridor, to assist economically with the clean up of brownfield areas and soil contamination. The density increase will be subject to the City of Hamilton’s ERASE program.

A.6.3.5.3 Ferguson-Wellington Corridor

A.6.3.5.3.1 The relocation of remaining industrial uses, the remediation of contaminated land, and the conversion of industrial lands to residential, institutional and commercial uses are promoted in the Ferguson-Wellington Corridor.

A.6.3.5.3.2 The location of new streets and street extensions in Wellington-Ferguson as shown on Schedule “M-2” is approximate, and as such some flexibility regarding the final configuration of streets is permitted. Should the land

south of Barton Street, north of the proposed pedestrian connection *(shown on Schedule "M-5")*, east of Ferguson Avenue, west of existing development located between Cathcart Street and Wellington Street be developed for commercial purposes, the proposed street extensions may not be required.

A.6.3.5.3.3 The following shall apply to the lands north of Barton Street, between Ferguson Avenue and Wellington Street, designated Institutional on Schedule "M-2":

i) In addition to the uses permitted by Policy A.6.3.3.1.20, health-related commercial uses, such as professional medical offices, pharmacies and medical supply stores, and hotels are permitted;

ii) New development shall front onto one or more of the adjacent public streets;

iii) New buildings on Barton Street shall be built close to or at the front property line;

iv) Buildings and/or landscaping shall be used to help define and enhance the streetscape of Ferguson Avenue;

v) Redevelopment shall incorporate the preservation, restoration and reuse of the historic building on Barton Street; and,

vi) Parking shall not be permitted in front of buildings facing Ferguson Avenue and Barton Street.

A.6.3.5.3.4 The following shall apply to the lands south of Barton Street, north of the proposed pedestrian connection *(shown on Schedule "M-5")*, east of Ferguson Avenue, west of existing development located between Cathcart Street and Wellington Street, designated Mixed Use on Schedule "M-2":

i) In addition to the uses permitted by Policy A.6.3.3.1.15, medium density residential 1 and 2 uses as referred to in policies A.6.3.3.1.13 i) and A.6.3.3.1.14 i), and local commercial uses as referred to in policy A.6.3.3.1.19 i) are permitted;

ii) New buildings on Barton Street shall be built close to or at the front property line with any storeys above the third storey set back from the property line to create a defined street wall;

iii) Buildings and/ or landscaping shall be used to help define and enhance the streetscape of Ferguson Avenue;

iv) Parking shall not be permitted in front of buildings facing Ferguson Avenue and Barton Street; and,

v) Driveway access for commercial development shall be from Barton Street or Ferguson Avenue. For loading purposes truck access shall be limited to Barton Street.

A.6.3.5.3.5 In areas within the Ferguson-Wellington Corridor designated Medium Density Residential 1 and Medium Density Residential 2 on Schedule "M-2", direct driveway access to individual dwelling units, private garages fronting public streets and front yard parking shall not be permitted, except where such conditions existed on the date of adoption of this Plan.

A.6.3.5.3.6 With the intent of enhancing the streetscapes of Barton Street and Ferguson Street, the City shall encourage the Province of Ontario to develop and implement a parking and landscaping plan for the Detention Centre site that meets or exceeds the City's standards for institutional uses.

A.6.3.5.3.7 The City shall seek to expand and improve Beasley Park to better serve existing residents in the Beasley Neighbourhood and serve new residents in the Ferguson-Wellington Corridor.

A.6.3.6 Corridors of Gradual Change

The Corridors of Gradual Change are identified on Schedule "M-1". They include the portions of York Boulevard and Cannon Street that border West Harbour, the portion of Barton Street between James Street and Wellington Street. The intent of the policies in this section is to enhance these corridors through positive, incremental change, acknowledging and reinforcing their mobility function as described in the West Harbour Transportation Master Plan. Redevelopment of private lands and public improvements within the municipal right-of-way provide opportunities to improve their vitality as commercial streets, their character and image, and their pedestrian environment.

A.6.3.6.1 General

A.6.3.6.1.1 The policies of this section shall apply to those properties with a lot line fronting the portions of York Boulevard, Cannon Street, Barton Street and James Street identified as Corridors of Gradual Change on Schedule "M-1". They shall also apply to the public road allowance within these corridors. Where land assembled for redevelopment includes a lot with frontage on a street within a Corridor of Gradual Change, the policies of this section shall apply to all of the land assembled to a maximum depth generally of 50 metres.

A.6.3.6.1.2 Streetscape improvements within the right-of-ways of Corridors of Gradual Change shall be guided by Streetscape Master Plans prepared for each Corridor.

A.6.3.6.1.3 None of the policies of this section is intended to conflict with or amend the Hamilton Downtown Mobility Street Master Plan, as it applies to Cannon Street and James Street. None of the policies of this section are intended to conflict with the Hughson Streetscape Master Plan or the Downtown Transportation Master Plan.

A.6.3.6.1.4 Redevelopment within Corridors of Gradual Change shall respect the scale and character of existing development in adjacent Stable Areas, providing an appropriate transition in the height and massing of buildings; screening any surface parking, loading and service areas; and minimizing traffic impacts on local streets.

A.6.3.6.2 York Boulevard

A.6.3.6.2.1 As a major entryway to the city, West Harbour and Downtown, the character and image of York Boulevard is of city-wide significance. Changes and improvements to the streetscape of York Boulevard, including its built form and landscaping, shall reflect design excellence and the desired image of the city as a whole.

A.6.3.6.2.2 Development and redevelopment on York Boulevard shall help to define the street in a consistent manner by:

i) orienting buildings to the street and building to the property line;

ii) locating main entrances on York Boulevard;

iii) having a consistent height of 5-6 storeys; and,

iv) locating all parking at the rear of buildings.

A.6.3.6.2.3 In addition to the uses permitted by Policy A.6.3.3.1.17, office buildings are permitted in the York Boulevard Corridor.

A.6.3.6.2.4 The maximum permitted height of buildings on York Boulevard is identified on Schedule “M-4”. Where lot depths allow, the height of buildings shall step down to a maximum of four storeys where the rear of a site is adjacent to low-rise housing.

A.6.3.6.2.5 Notwithstanding Policy A.6.3.3.1.17 i) - ii), ground-floor, street-related commercial uses, such as restaurants, local shops and services, are only

permitted at the corners where York Boulevard intersects with north-south streets, with full accessibility at grade and eyes on the street.

A.6.3.6.2.6 Development on vacant lots and parking lots on York Boulevard is encouraged.

A.6.3.6.2.7 In keeping with the objective to enhance York Boulevard as a key entryway to the city by promoting a consistent and high-quality streetscape environment, the City shall establish streetscape design guidelines to address a range of elements, including landscaping, street furniture, public art, transit shelters, commercial signage, lighting and bicycle facilities. Improvements within the right-of-way and new development and redevelopment fronting York shall adhere to the guidelines.

A.6.3.6.2.8 The City will consider operational and physical changes within the right-of-way, such as distinctive paving, enhanced lighting and traffic-calming devices, to facilitate safe pedestrian crossings on York Boulevard at frequent intervals.

A.6.3.6.3 Cannon Street

A.6.3.6.3.1 Redevelopment and improvements in the Cannon Street Corridor shall seek to better connect the neighbourhoods of West Harbour and Downtown, support existing and new commercial uses in strategic locations, create a safe and inviting pedestrian environment, and improve the street's overall image.

A.6.3.6.3.2 There shall be a presumption in favour of the preservation and adaptive reuse of buildings with historic and/or architectural value on Cannon Street in any development or redevelopment proposal. In addition to the uses permitted by Policies A.6.3.3.1.18 i) and A.6.3.3.1.19 ii), professional office and institutional uses are permitted on such properties.

A.6.3.6.3.3 Redevelopment adjacent to McLaren Park shall avoid locating parking, service and loading areas and blank walls adjacent to the park.

A.6.3.6.3.4 The designated road allowance for Cannon Street is 26.21 metres wide. Land dedications prior to the approval of Site Plan Applications will be required to achieve this width through the Corridor.

A.6.3.6.3.5 The West Harbour Transportation Master Plan, Downtown Transportation Master Plan, Hamilton Downtown Mobility Street Master Plan and Hughson Streetscape Master Plan shall guide improvements within the Cannon Street right-of-way.

A.6.3.6.4 Barton Street

A.6.3.6.4.1 Redevelopment and improvements in the Barton Street Corridor shall seek to reinforce its role as a retail street; better connect the residential areas to the north and south; create a safe and inviting pedestrian environment; and enhance the mixed-use character of the street.

A.6.3.6.4.2 The City shall prepare a Streetscape Master Plan for Barton Street to address the following: landscaping within the right-of-way; street furniture; transit shelters; commercial signage; lighting; bicycle facilities; and development permitted to encroach in the right-of-way. Improvements within the right-of-way, and development and redevelopment adjacent to Barton shall be guided by the master plan.

A.6.3.6.4.3 Development on parking lots fronting Barton Street is encouraged.

A.6.3.6.5 James Street

A.6.3.6.5.1 James Street is the primary retail street in West Harbour. Redevelopment and improvements within the James Street Corridor shall reinforce this function, preserve historic buildings and enhance the character of the street.

A.6.3.6.5.2 The City may reduce the parking requirement for commercial uses on James Street to help preserve and continue the historic pattern of development in portions of the corridor.

A.6.3.6.5.3 The Hamilton Downtown Mobility Street Master Plan, West Harbour Transportation Master Plan and Downtown Transportation Master Plan shall guide improvements within the James Street right-of-way.

A.6.3.6.5.4 The City shall develop and coordinate a parking strategy for James Street intended to support local businesses. The strategy shall address on-street parking regulations; the location and supply of public parking facilities; and opportunities to provide additional off-street public parking.

A.6.3.6.5.5 A public parking garage partly or wholly located within the rail trench and fronted at street level by commercial or community uses is permitted on James Street, across from LIUNA Station.

A.6.3.7 Stable Areas

The Stable Areas are identified on Schedule “M-1”. They comprise the generally low-density neighbourhoods that define the residential character of West Harbour. Significant physical change is not anticipated in Stable Areas. The intent of the policies in this section is to maintain and reinforce the character of existing neighbourhoods and to encourage the

replacement of inappropriate industrial and commercial uses with sensitively-designed residential development.

A.6.3.7.1 Land Use

A.6.3.7.1.1 The predominant land use in Stable Areas shall be Low Density Residential, with detached, semi-detached and street townhouses being the predominant types of housing.

A.6.3.7.1.2 Existing high-rise apartment buildings are permitted uses. However, where sites occupied by such buildings are proposed for additional development or redevelopment, the City shall review the permitted densities, heights and setbacks based on the principles and design objectives of this plan and may revise them accordingly.

A.6.3.7.1.3 Existing industrial and commercial uses in Stable Areas incompatible with neighbouring residential uses due to adverse noise, vibration, air quality and/or traffic impacts shall be encouraged to relocate to appropriate areas in the city.

A.6.3.7.1.4 Surface parking lots serving commercial or industrial uses outside Stable Areas are not permitted within Stable Areas.

A.6.3.7.1.5 Institutional uses within Stable Areas, including schools and places of worship, shall minimize the size of surface parking areas and landscape the edges of parking areas adjacent to public streets and residential areas.

A.6.3.7.2 Public Realm

A.6.3.7.2.1 The City may study and implement traffic calming measures on Local Streets to address the impacts of non-local traffic.

A.6.3.7.2.2 Eastwood Park shall remain a Community Park. The City shall develop and implement a master plan for Eastwood Park to improve its aesthetics and amenities, to better define its edges, and to screen land uses north and east of the park.

A.6.3.7.2.3 Bayview Park shall remain a Neighbourhood Park. The City shall develop and implement a master plan to improve its amenities. The plan shall include elements that interpret the site's heritage, such as a plaque or landscape feature.

A.6.3.8 Implementation

This section identifies the instruments, projects, studies and actions the City shall initiate to implement this Secondary Plan.

A.6.3.8.1 Zoning By-Law and Site Plan Control

A.6.3.8.1.1 The City of Hamilton will create and adopt new zoning by-laws for West Harbour in conformity with this Secondary Plan.

A.6.3.8.1.2 The City shall apply this Plan in its review of all rezoning and Site Plan Applications in West Harbour, assessing such applications against the principles and policy intent of the Plan.

A.6.3.8.2 Municipal Capital Projects

A.6.3.8.2.1 The City will prepare a capital budget outlining the following:

i) short, medium and long term capital projects arising from this plan;

ii) cost estimates for the capital projects identified above; and,

iii) special studies and projects arising from this plan, including timing for completion and their estimated cost.

A.6.3.8.2.2 The City shall incorporate capital projects and additional studies arising from this Plan into the municipal budgeting process.

A.6.3.8.2.3 The City shall seek to implement the new streets, public open spaces and other community benefits identified in this Plan through mechanisms set out in the *Ontario Planning Act*, such as Plans of Subdivision, Site Plan Control, Parkland Dedication and Section 37 Agreements. Alternatively, on municipally-owned land, the City may proceed with public realm improvements identified in this Plan in advance of private development.

A.6.3.8.2.4 The City shall recognize that there are a number of opportunities for investment and development in West Harbour. The Downtown West Harbour Coordinating Committee, with input from other stakeholders, shall continue to be responsible for coordinating municipal capital projects.

A.6.3.8.2.5 The City shall employ “best-practice” technologies in the design and development of public works in West Harbour and shall seek any available grant funds intended to support such technologies.

A.6.3.8.3 Affordable Housing

A.6.3.8.3.1 The City of Hamilton will partner with the senior levels of government, the private sector and community-based housing providers to promote the development of the City-owned land in the West Harbour for affordable rental and homeownership opportunities through various programmatic initiatives

A.6.3.8.4 Community Improvement Plan

A.6.3.8.4.1 Community Improvements Plans and other programs and initiatives may be developed to identify, guide, encourage, and track future development in the study area.

A.6.3.8.4.2 West Harbour is designated a Community Improvement Project Area, and the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan applies, and will continue to apply, to a large portion of West Harbour. The City may revise the ERASE Plan from time to time and may prepare additional Community Improvement Plans for West Harbour. Such plans should identify, rank and coordinate the public improvements set out in this Secondary Plan and others that may arise. Community Improvement Plans should also identify the programs and measures intended to promote development and the rehabilitation of existing buildings and properties. The City shall consult with the local community in preparing the Community Improvement Plan.

A.6.3.8.5 Land Acquisition and Remediation

A.6.3.8.5.1 The City shall seek to acquire all remaining private property on the south side of Strachan Street for the purpose of creating a continuous open space corridor between Bay Street and Ferguson Avenue.

A.6.3.8.5.2 Where City-owned land was previously occupied by industrial uses, or is otherwise suspected of being environmentally contaminated, the City will conduct Phase 1 and Phase 2 Environmental Assessments of the lands. Prior to, or in conjunction with, improvements to and/or redevelopment of the land, the City will implement a remediation plan to the satisfaction of the Ministry of the Environment. Where appropriate, Environmental Site Assessments and remediation plans will be coordinated with those required on neighbouring private or public lands.

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.

A.6.3.8.7 Stuart Street Rail Yard

A.6.3.8.7.1 The City shall seek the cooperation of CN and the operator of the rail yard in identifying and implementing measures that would mitigate the impacts of the rail yard as an industrial use and a physical barrier to waterfront access.

A.6.3.8.8 Park Master Plans

A.6.3.8.8.1 The City shall prepare facilities and landscaping master plans for Bayfront Park, Bayview Park, Eastwood Park, Central Park and Pier 4 Park. The plans shall be prepared in consultation with the local communities and park users.

A.6.3.8.9 Piers 7-8

A.6.3.8.9.1 The City shall work with the Hamilton Port Authority and Parks Canada to prepare an Action Strategy for Piers 7-8 that will implement the development and improvements envisioned by this Plan. The Action Strategy shall include:

i) a timetable for the relocation of port-related uses;

ii) a timetable for the relocation of existing recreational boat storage;

iii) an infrastructure phasing plan;

iv) a development phasing plan; and,

v) a relocation plan and timetable for the existing Navy League facilities and Brewer's Marine.

A.6.3.8.9.2 The City, in cooperation with the Hamilton Port Authority and Parks Canada, among other stakeholders, shall seek to identify and establish an appropriate Administrative Body that will be responsible for implementing the Action Strategy for Piers 7-8. The options for such a body, including a development authority, partnership or corporation, shall be considered.

A.6.3.8.9.3 The Administrative Body established for the development of Piers 7-8 may seek requests for competitive proposals from private developers in order to best implement the vision in this Plan.

A.6.3.8.9.4 The City shall initiate and complete an urban design study of Piers 7-8 to determine the appropriate height, massing and character of new buildings and the appropriate physical relationship between buildings and public open spaces. The primary intent of the study will be to refine the maximum building envelopes established by this Plan based on an analysis of public

views to the harbour, sunlight penetration, privacy and wind conditions. The study shall include a process of public consultation and shall be completed prior to the adoption of new development and Zoning By-law Amendments for Piers 7-8. If the urban design study recommends building heights greater than the maximum heights identified on Schedule "M-4", an amendment to this Plan shall be required.

A.6.3.8.9.5 The City may lease or sell land or enter into joint ventures or similar arrangements on Piers 7 and 8, excluding the lands designated Open Space or reserved for streets on Schedule "M-2", in order to achieve the development objectives for Piers 7 and 8.

A.6.3.8.10 Pier 9

A.6.3.8.10.1 When the current uses on Pier 9 cease, the City shall initiate a land use and urban design study to determine the approximate mix of uses, height and massing of buildings, and layout of streets and open spaces on the property. The study shall result in a new Secondary Plan for the district.

A.6.3.8.11 Barton-Tiffany

A.6.3.8.11.1 In accordance with Policy A.6.3.5.2.4, the City shall initiate an urban design study for Barton-Tiffany to guide development in the area, help ensure development proposals support the objectives of this plan and achieve excellence in design. The study shall include a process of public consultation.

A.6.3.8.12 Streetscape and Trail Studies

A.6.3.8.12.1 The City shall develop, adopt and implement streetscape guidelines or master plans for Corridors of Gradual Change where no such guidelines or plans currently apply. The guidelines and plans shall be coordinated with the Downtown Mobility Street Master Plan and Hughson Streetscape Master Plan, and shall address such matters as appropriate sidewalk widths, pedestrian crossings, trees and other landscaping, signage, lighting, and bicycle facilities.

A.6.3.8.12.2 The City shall initiate a feasibility study for a pedestrian crossing between Dundurn Park and the Waterfront Trail. The study shall consider location and design options for the crossing, and include a cost-benefit analysis of the options.

A.6.3.8.13 Neighbourhood Plans for Adjacent Areas

A.6.3.8.13.1 The City, in consultation with affected communities, may update the Neighbourhood Plans for those portions of Strathcona, Central and Beasley

Neighbourhoods not within West Harbour. The updated plans will have regard for the principles and policies of this Plan. In particular, policies applicable to York Boulevard and Cannon Street and properties on their south sides should generally reflect the corresponding policies for these corridors contained in this Plan.

A.6.3.8.14 Design Review

A.6.3.8.14.1 The City may establish a Design Review process for major public capital improvement projects in the Waterfront. The Design Review process may include review by an advisory committee, whose membership should include, at a minimum: a representative of the West Harbour residential community; the Ward 2 Councillor; a professional architect; a professional landscape architect; a professional planner or urban designer; and a member of the Hamilton Historical Board. The Design Review process will encourage participation from the local, national and international design communities.

A.6.3.8.15 Interpretation of the Plan

A.6.3.8.15.1 The West Harbour Secondary Plan consists of Sections A.6.3.2 through A.6.3.8 and Schedules “M-1” through “M-6”.

A.6.3.8.15.2 Illustrations and photographs are part of the plan for the purpose of illustration only and are not to be interpreted as prescriptive.

A.6.3.8.15.3 Schedule “M-5” represents a public realm framework for West Harbour. Minor adjustments and additions may be made to Schedule “M-5” without amendment to this plan.

A.6.3.8.15.4 The text and schedules of the City of Hamilton Official Plan continue to apply except where they are in conflict with this Secondary Plan, in which case the text and maps of this plan shall prevail.

A.6.3.8.16 Administration of this Plan

A.6.3.8.16.1 The background or explanatory notes contained in the side margins of this plan do not constitute a part of the Secondary Plan.

A.6.3.8.16.2 All studies required by the policies in this plan shall be submitted prior to any application under the *Ontario Planning Act* being deemed a complete application.

A.6.3.8.16.3 All permits and approvals issued by the City of Hamilton within the West Harbour Planning Area shall conform to this Secondary Plan.

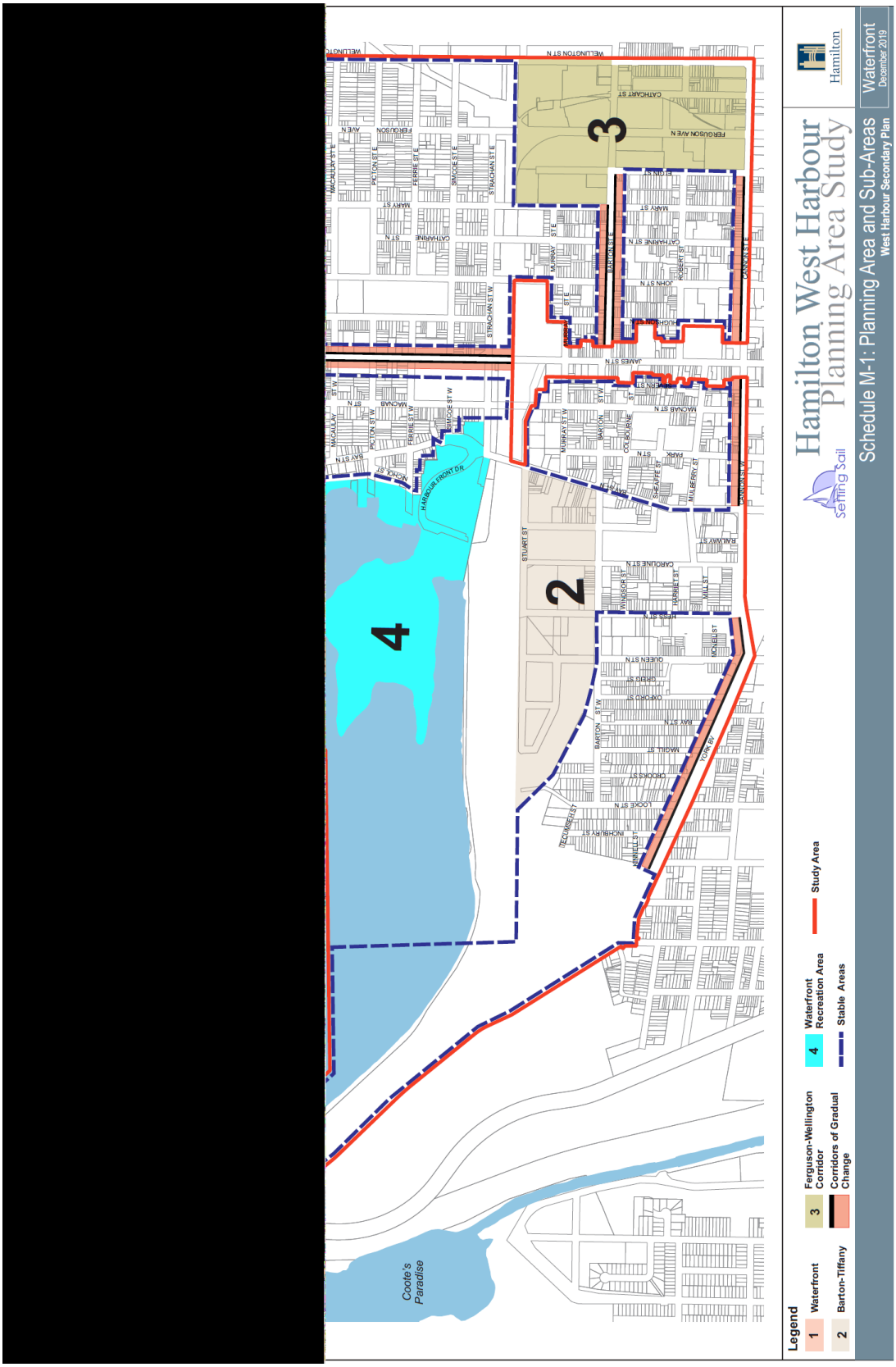
A.6.3.8.16.4 The Community Improvement Plan designation for West Harbour in the City's Official Plan shall continue to apply.

A.6.3.8.16.5 The objectives and criteria for all municipal grant and loan programs established under a Community Improvement Plan for West Harbour shall conform to this Secondary Plan.

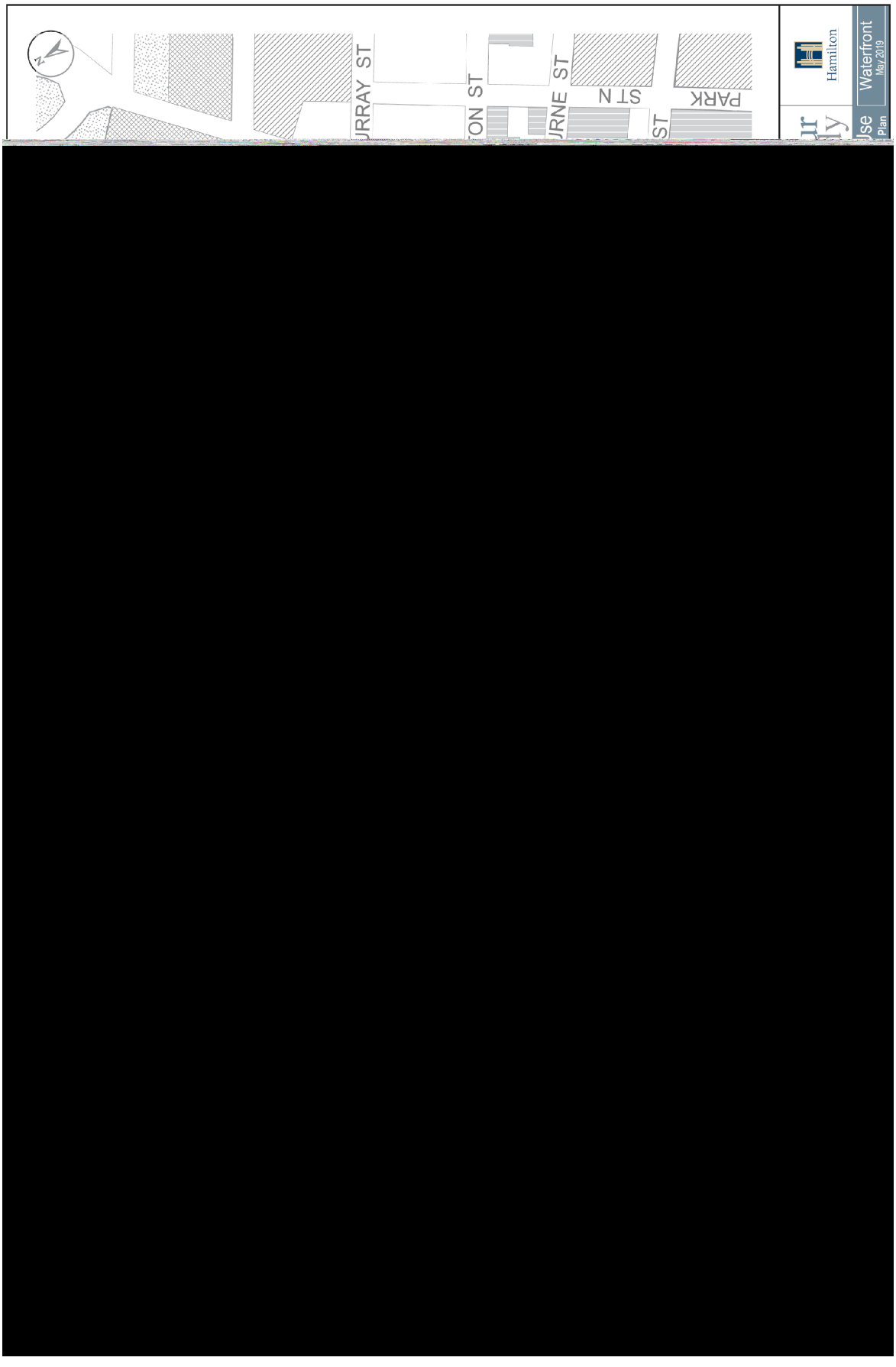
A.6.3.8.16.6 All municipal capital works programs undertaken within West Harbour shall conform to this Secondary Plan.

A.6.3.8.16.7 The Property Standards By-law shall be employed where appropriate to achieve the policy objectives of this plan.

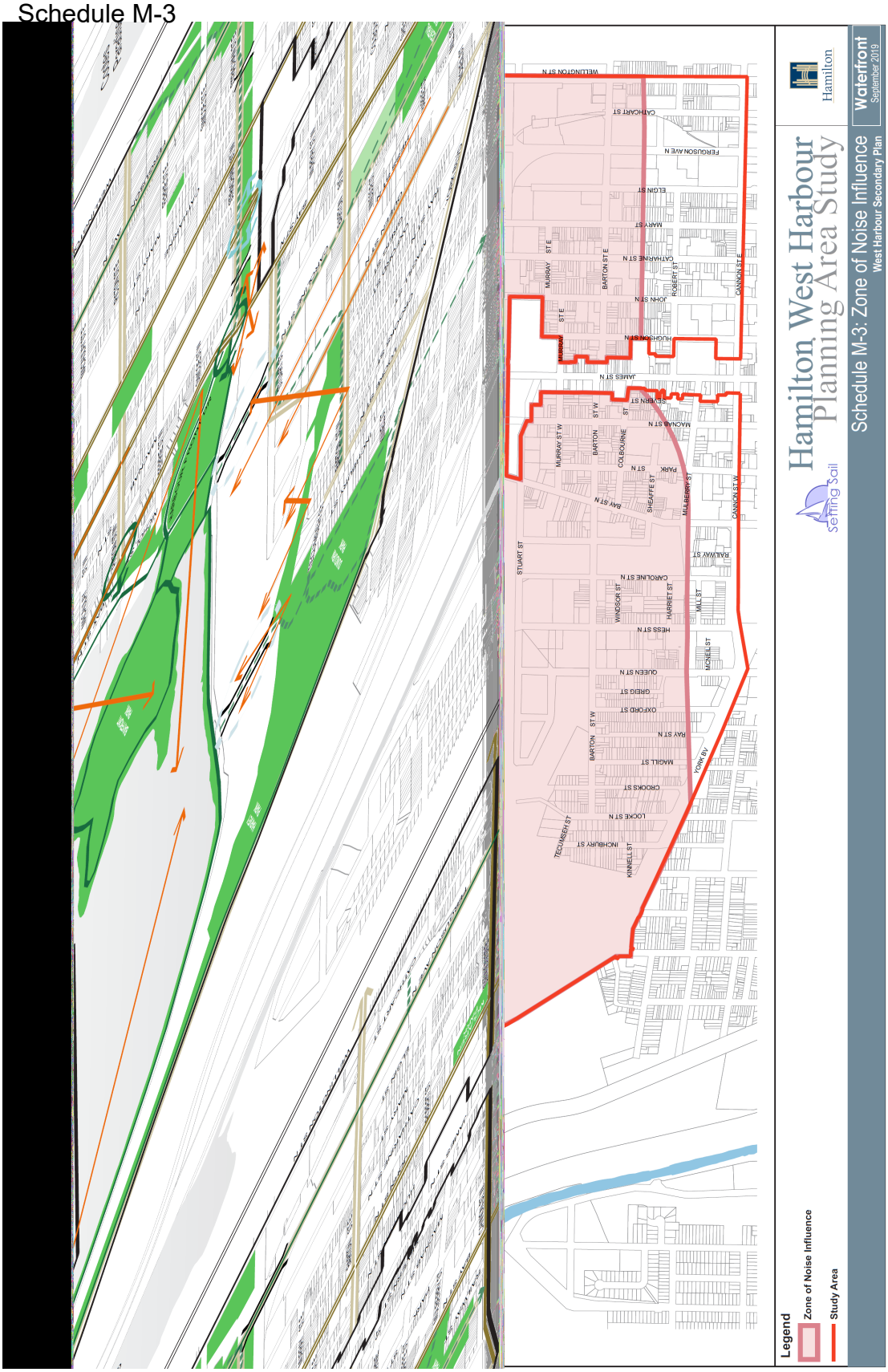
Schedule M-1


Hamilton West Harbour Planning Area Study
Setting Sail
Hamilton
Schedule M-1: Planning Area and Sub-Areas
West Harbour Secondary Plan
Waterfront
December 2019
Legend
1 Waterfront
2 Barton-Tiffany
3 Ferguson-Wellington Corridor
Corridors of Gradual Change
4 Waterfront Recreation Area
Stable Areas
Study Area
Coote's Paradise

Schedule M-2a



Schedule M-3


Hamilton West Harbour Planning Area Study
Setting Sail
Hamilton
Schedule M-3: Zone of Noise Influence
West Harbour Secondary Plan
Waterfront
September 2019
Legend
Zone of Noise Influence
Study Area