



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 17, 2014
<b>SUBJECT/REPORT NO:</b>	Official Plan Amendment to incorporate the Ancaster Wilson Street Secondary Plan into the Urban Hamilton Official Plan (PED12078(a)) (Ward 12)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Jennifer Haan 905-546-2424, Ext. 1230
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That draft Official Plan Amendment No. [redacted] to the Urban Hamilton Official Plan, attached as Appendix “A” to Report PED12078(a), to add a new Secondary Plan and associated mapping (Ancaster Wilson Street Secondary Plan), be adopted by City Council.

**EXECUTIVE SUMMARY**

Back in 2012, the Ancaster Wilson Street Secondary Plan was presented to Planning Committee (Staff Report PED12078), and subsequently adopted by Council on June 13, 2012. Due to the timing of the approval of the Secondary Plan and the appeals to the Urban Hamilton Official Plan (UHOP), the Secondary Plan was not incorporated into the UHOP.

Currently, the Ancaster Wilson Street Secondary Plan is in force and effect in the former Town of Ancaster Official Plan, and will continue to be until such time as an amendment to incorporate the Secondary Plan into the UHOP is final and binding. At this time, staff are bringing forward the required Official Plan Amendment, in order to incorporate the Ancaster Wilson Street Secondary Plan into the UHOP.

This UHOP version of the Secondary Plan is based on OPA #143 (By-law No. 12-133) which incorporated the Ancaster Wilson Street Secondary Plan into the former Town of Ancaster Official Plan. The UHOP amendment reflects the policies and terminology of the UHOP, the Ontario Municipal Board (OMB) decision on the site-specific appeal for lands located at 385 Wilson Street East, as well as the city wide OMB decision related to drive-through facilities.

***Alternatives for Consideration – See Page 8***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Not Applicable

Staffing: Not Applicable

Legal: As required by the Planning Act, Council shall hold at least one formal Public Meeting to consider an Official Plan Amendment.

**HISTORICAL BACKGROUND**

At the May 15, 2012, Planning Committee Meeting, staff presented Report PED12078 to incorporate the Ancaster Wilson Street Secondary Plan into the former Town of Ancaster Official Plan. The purpose of the Secondary Plan was to establish land uses, heritage and character conservation policies, urban design guidelines, infrastructure requirements, and development standards to guide the development and redevelopment of the lands for the next 20 years. The majority of development/redevelopment will be focused within the Community Node. The core objectives of the Secondary Plan include conservation of heritage, enhancing the viability of the area, improving pedestrian connectivity, and ensuring development is consistent with the character of Ancaster, while still promoting redevelopment. Accompanying Urban Design Guidelines were also prepared to promote the development of an attractive, compact, safe, and pedestrian-oriented urban environment.

The Ancaster Wilson Street Secondary Plan and Urban Design Guidelines were adopted by Council on June 13, 2012. The Report (PED12078) included a recommendation recognizing that an amendment to the UHOP was required. In addition, a draft of the UHOP amendment was included as Appendix “C” to the Report (PED12078). At the time, the UHOP was appealed to the OMB. Subsequent to Council’s adoption of the Secondary Plan as OPA #143 to the Ancaster Official Plan, there were eight appeals filed to the OMB. The eight appeals are summarized below:

- Two of the appeals were focused on the Low Density Residential 3 designation in the Douglas Road area.
- Five of the appeals were related to the prohibition of drive-through facilities on Pedestrian Predominant streets. These appeals were withdrawn as their concerns were being addressed through an appeal of the UHOP.
- One appeal was related to the property at 385 Wilson Street, and related to an OMB appeal respecting a site-specific development application.

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Of the eight appeals received, six were withdrawn by the appellants, including all five of the drive-through related appeals and one of the appeals related to Douglas Road.

One of the appeals related to Douglas Road was dismissed by the OMB by oral decision on November 22, 2012, (followed by written decision issued January 15, 2013), on the grounds that the appellants failed to make oral or written submission prior to the By-law being passed by Council.

The last appeal related to 385 Wilson Street East resulted in a settlement between the City and the appellant (written decision issued June 10, 2013), which led to the inclusion of Site Specific Policy – Area “F” in the Secondary Plan, which reflected an earlier OMB decision (PL111062) dated July 31, 2012, for the same property, and a policy change related to new commercial developments in the Low Density Residential 3 designation.

On August 16, 2013, the majority of the UHOP was brought into force and effect by OMB decision. In accordance with the OMB decision, the Ancaster Wilson Street Secondary Plan will remain in force and effect under the Ancaster Official Plan, until an amendment to the UHOP to incorporate the Secondary Plan is approved.

**Chronology**

May 15, 2012: Planning Committee and Statutory Public Meeting.

Planning Committee tabled the Secondary Plan and directed staff to report back with proposed revisions to provide for future trail connections to the open space lands from the properties fronting on Wilson Street, including, but not limited to 437 Wilson Street (Mount Mary lands).

June 5, 2012: Staff consulted with interested parties and reported back to Planning Committee with proposed amendments to the Secondary Plan relative to active transportation and connectivity to the Ancaster Village Core. Planning Committee recommended that the Secondary Plan be approved, as per the revised recommendations.

June 13, 2012: Council passed By-law 12-133 to adopt Official Plan Amendment No. 143 (Ancaster Wilson Street Secondary Plan) to the Ancaster Official Plan.

June 22, 2012: Notice of Adoption and Approval of an Official Plan Amendment issued.

July 12, 2012: Appeal period expired. A total of eight appeals were received.

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January 15, 2013: OMB decision regarding the remaining Douglas Road appeal.

June 10, 2013: OMB decision regarding 385 Wilson Street East issued.

August 16, 2013: OMB decision on the UHOP. Ancaster Wilson Street Secondary Plan remained in effect under the Ancaster Official Plan. An amendment is required to incorporate the Secondary Plan into the UHOP.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Policy Framework**

#### Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) (2014) provides policy direction on matters related to land use planning, conservation and development. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under this Act.

The PPS requires municipalities to focus growth and development in Settlement Areas where vitality and regeneration of these areas shall be promoted (Policy 1.1.3.1). This provision is implemented through various Policies such as 1.1.1b) and 1.1.3.2, which encourage providing for a mix of uses and densities to efficiently use land, resources and infrastructure, which support active transportation and transit, as well as provide opportunities for intensification and redevelopment.

In addition to efficiently using land, the PPS provides direction on ensuring that natural features/areas shall be protected for the long term (Policy 2.1.1), and requiring that significant built heritage resources and significant cultural heritage landscapes shall be conserved (Policy 2.6.1).

The Ancaster Wilson Street Secondary Plan promotes the efficient use of land and development patterns that support strong, healthy communities, protects the natural environment, and conserves significant heritage resources and landscapes. The Secondary Plan policy direction is consistent with the PPS.

#### Places to Grow (2006)

The Places to Grow Growth Plan (2006) provides Provincial policy direction for municipalities within the Greater Golden Horseshoe to build strong, prosperous communities by managing growth and promoting economic prosperity. The Growth Plan guides decisions on a wide range of issues, including: transportation, infrastructure

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planning, land use planning, urban form, housing, and natural heritage and resource protection.

The Growth Plan indicates that growth should be managed by directing a portion of new growth to the built-up areas of the community through intensification, reducing dependence on the automobile through the development of mixed-use and pedestrian-friendly urban environments, and encouraging the creation of complete communities.

Through the Ancaster Wilson Street Secondary Plan, intensification and redevelopment are balanced with the need to ensure compatibility between existing and new development. The Secondary Plan conforms to the policies of the Growth Plan.

### Niagara Escarpment Plan

The Niagara Escarpment Commission (NEC) is responsible for the protection of the Escarpment and lands within its vicinity. A portion of the Secondary Plan area is designated “Urban Area” and “Escarpment Natural Area” within the Niagara Escarpment Plan. The “Urban Area” designation means that lands may be developed in accordance with specific development criteria. However, development should respect the visual and natural environment of the Escarpment. The policies of “Escarpment Natural Area” designation promote the protection of these natural areas. The policies and land use designations within the Ancaster Wilson Street Secondary Plan meet the intent of the Niagara Escarpment Plan policies.

### Municipal Policy Framework

#### Urban Hamilton Official Plan (UHOP)

The Ontario Municipal Board approved the Urban Hamilton Official Plan, in part, on August 16, 2013. The majority of the policies in the UHOP are now in force and effect. Lands within the Ancaster Wilson Street Secondary Plan are designated or identified as follows:

- Schedule “A” – Provincial Plans: Natural Area, Urban Area (Niagara Escarpment Plan Designations);
- Schedule “B” – Natural Heritage System: Core Areas, Linkages, Parks and Open Space;
- Schedule “C” – Functional Road Classification: Major Arterial (Wilson Street), Minor Arterial (Rousseaux Street, Fiddler’s Green Road, Jerseyville Road), Collector (Halson Street, Old Dundas Road, Amberly Boulevard);
- Schedule “E” – Urban Structure: Community Node, Major Open Space; and,

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- Schedule “E-1” – Urban Land Use Designations: Neighbourhoods, Mixed Use – Medium Density, Institutional, Open Space.

The City’s Urban Structure is detailed on Schedule E of Volume 1 of the Plan. The Urban Structure details the key land use components of the City, including Neighbourhoods, Employment and Open Space areas. The Urban Structure also identifies an interconnected series of Nodes and Corridors. Nodes are located in areas such as the downtowns of former municipalities, which are intended to provide a broad mix of uses and contain higher densities than the surrounding neighbourhoods.

Part of the Wilson Street area is identified as a Community Node on Schedule “E” – Urban Structure. Community Nodes are intended to function as vibrant, mixed-use areas, which promote new development that respects the existing built form, provides linkages between core and surrounding areas, and encourages active transportation. The Ancaster Community Node has a target density of 50 people and jobs per hectare over the next 20 years.

In Volume 3 of the UHOP, a portion of the Ancaster Wilson Street Secondary Plan area is identified as Area Specific Policies UA-1, UA-2 and UA-3. In addition, there are three Urban Site Specific Policies, UAN-2, UAC-2, and UAC-3, that exist within the Secondary Plan area. These Area Specific and Site Specific Policies are either reflected in the policies of the Secondary Plan or have been carried forward as a Site Specific Policy Area in the Secondary Plan.

The designations and policies of the Ancaster Wilson Street Secondary Plan take their direction and are consistent with the policies of the UHOP. However, an amendment is required to the UHOP in order for the Secondary Plan to be implemented. The purpose of the Official Plan Amendment is to:

- Amend the existing schedules in Volume 1 to reflect the Ancaster Wilson Street Secondary Plan;
- Amend streets identified as “pedestrian predominant streets”;
- Incorporate the Ancaster Wilson Street Secondary Plan into Volume 2;
- Delete three existing Area Specific Policies from Volume 3; and,
- Delete three existing Site Specific Policies from Volume 3.

The proposed Amendment is attached as Appendix “A”.

## **RELEVANT CONSULTATION**

During the preparation of the Ancaster Wilson Street Secondary Plan from late 2010 to 2012, a range of consultation methods were utilized. The range of consultation included three Public Information Centres, five meetings with the Citizen’s Liaison Committee (CLC), meetings with key stakeholders and community organizations, circulations to

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internal City departments and external agencies, meetings with the Technical Advisory Committee (TAC), as well as the statutory Public Meeting.

In developing the draft amendment to the UHOP, staff consulted with the Policy Planning Section and Legal Services Division, regarding the OMB decision on the UHOP settlements, and OMB decision regarding OPA No. 143 to the Ancaster Official Plan (Ancaster Wilson Street Secondary Plan).

The project website has been, and will continue to be, utilized to provide information related to the UHOP amendment.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

As outlined above in the Historical Background section of this Report, the Ancaster Wilson Street Secondary Plan is currently in effect in the Ancaster Official Plan. Since the Secondary Plan was approved before the OMB decision on the UHOP transition, provisions were incorporated into the UHOP approval. Specifically, as per the transition policy outlined in Section 4.2.4 under Attachment 2 to Ontario Municipal Board decision dated August 16, 2013, the former Town of Ancaster version will remain in effect until such time as an amendment to the UHOP Volume 2 to include the Secondary Plan has been approved, and is final and binding.

Therefore, the purpose of this Report is to undertake an amendment to bring forward the UHOP version of the Secondary Plan. The direction for the proposed amendment comes from Recommendation b) in Report PED12078, and subsequently from the OMB decision on the UHOP.

The amendment to the UHOP presented in this Report (see Appendix “A”) is based on the Ancaster Official Plan Amendment. Policies have been reworded to reflect both Policy and terminology used in Volume 1 of the UHOP. Specifically, reference has been made back to the parent policies under Volume 1. It should also be noted that this amendment includes a reference back to the drive-through provisions that were dealt with through the appeals to the UHOP.

In addition, the Policies and Land Use Map have been amended to include Site Specific Policy – Area “F” (385 Wilson Street East), to reflect the OMB decision dated July 10, 2013, related to the Ancaster Wilson Street Secondary Plan appeal.

Site Specific Policy – Area “F” permits the subject lands to be developed in accordance with the previous OMB Decision (PL111062) dated July 31, 2012, despite the policies contained within the Ancaster Wilson Street Secondary Plan. OMB decision PL111062 permitted a new three-storey (12.63 m) medical centre to be constructed, subject to two conditions. The first condition required the owner/applicant to conduct a Heritage Impact Assessment to the satisfaction of the City’s Manager of Community Planning

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and Design (now the City's Manager of Development Planning, Heritage and Design). The second condition required the medical centre to be constructed substantially in accordance with the drawings and notes appended to the OMB decision, which set out the elevations, materials, colours, dimensions, roof pitches, window, and other details. If the subject lands were not developed in accordance with the OMB decision PL111062, dated July 31, 2012, the proposed development shall be subject to the policies of the Ancaster Wilson Street Secondary Plan.

In addition, the Policies and Land Use Map have been amended to include Site Specific Policy – Area "G" (370 Wilson Street East) to reflect the OMB decision dated August 16, 2013, related to the UHOP settlement and drive-through facilities on Pedestrian Predominant Streets. Site Specific Policy – Area "G" permits the existing drive-through facility on the subject lands. Any new drive through facilities proposed on a Pedestrian Predominant Street shall only be permitted in accordance with Policy E.4.6.29 of Volume 1, and any other applicable policies of the Official Plan.

Finally, the Policies and Land Use Map have been amended to include Site Specific Policy – Area "H" (54 Wilson Street West) which incorporates the existing Volume 3 Site Specific Policy UAC-2 policies currently applicable to the subject lands. The Volume 3 Site Specific Policy will be deleted as it has now been incorporated into the Secondary Plan.

## **ALTERNATIVES FOR CONSIDERATION**

### **Approve the Plan**

Council could choose to approve the Ancaster Wilson Street Secondary Plan. This approval would incorporate the Ancaster Wilson Street Secondary Plan into the UHOP, and the current version of the Secondary Plan in the Ancaster Official Plan, would no longer be in force and effect.

### **Modify the Plan**

Council could choose to approve the Ancaster Wilson Street Secondary Plan, with modifications. This alternative would result in a Plan that differs from the version of the Plan that was approved by Council in 2012.

### **Deny the Plan**

Council could choose not to approve the Ancaster Wilson Street Secondary Plan. However, as per the transition policies from OMB decision dated August 16, 2013, the Ancaster Wilson Street Secondary Plan would continue to be in force and effect under the Ancaster Official Plan instead of in the UHOP.



**ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN**

**Strategic Priority #1**

A Prosperous & Healthy Community

*WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.*

**Strategic Objective**

- 1.1 Continue to grow the non-residential tax base.
- 1.3 Promote economic opportunities with a focus on Hamilton's downtown core, all downtown areas and waterfronts.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A” to Report PED12078(a): Official Plan Amendment No. [REDACTED] to the Urban Hamilton Official Plan.

/JH