



# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 4, 2021
<b>SUBJECT/REPORT NO:</b>	Waterdown Community Node Secondary Plan Study Area Project Update and Options Regarding the Interim Control By-law (By-law Nos. 20-101 and 20-102) (PED21085) (Ward 15)
<b>WARD(S) AFFECTED:</b>	Ward 15
<b>PREPARED BY:</b>	Melanie Pham (905) 546-2424 Ext. 6685
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

Planning Division staff are currently in the process of proposing a Secondary Plan for the Waterdown Community Node.

On May 20, 2020, Council passed two Interim Control By-laws (ICBL) (By-law Nos. 20-101 and 20-102) for lands which are under review as part of the Waterdown Community Node Secondary Plan study. The purpose of the ICBLs was to place a temporary freeze on most development in this area until the Waterdown Community Node Secondary Plan Study was completed. The ICBLs will expire on May 20, 2021, unless Council passes a resolution to extend them for a further 1-year time period, or until the study has been completed. The Waterdown Community Node Secondary Plan study is expected to be completed in late Q3, 2021 or early Q4, 2021.

## INFORMATION

### History

The Waterdown Community Node Secondary Plan Study was initiated in late 2018. A related study, the Waterdown Community Transportation Management Plan was

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OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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initiated in early 2019. Both studies are being conducted concurrently. A background report was received by Planning Committee on September 4, 2018 (PED18181) when the Waterdown Community Node Secondary Plan Study was initiated.

An additional study, the Waterdown Village Built Heritage Inventory (WVBHI), was also initiated in Waterdown in 2018. The WVBHI is an initiative to update the City of Hamilton's database of information on heritage buildings in the historic village of Waterdown. The goal of the inventory is to evaluate each property to determine if it has cultural heritage value or interest that should be recognized by listing on the Municipal Heritage Register, or further evaluated for potential designation under the Ontario Heritage Act. The Waterdown Inventory is being conducted in parallel with the Waterdown Community Node Secondary Plan to help inform the Plan policies and the development of urban design guidelines that will guide future change and development.

On May 20, 2020, Hamilton City Council passed Interim Control By-laws 20-101 and By-law 20-102, applying to the study area for the Waterdown Community Node Secondary Plan Study. By-law 20-101 applies to lands zoned under the Township of Flamborough Zoning By-law No. 90-145-Z. By-law 20-102 applies to lands zoned under Zoning By-law No. 05-200. The purpose of the Interim Control By-laws was to allow for the Waterdown Community Node Secondary Plan Study to be completed for the area, to ensure that the City's planning documents:

- Permit land uses, heights and densities in the area that support a complete community and the City's goals for Community Nodes; and
- Establish appropriate policies regarding land use, built form, infrastructure, residential intensification, heritage conservation, transportation, environmental protection and urban design that are beneficial for strengthening the community and the long-term prosperity of the City.

The effect of the By-laws was to temporarily freeze the lands from most land use changes for one year until such time as the Waterdown Community Node Secondary Plan Study was completed.

The current interim control by-laws expire on May 20, 2021.

## **Planning Act**

Subsection 38(1) of the Planning Act states that where the council of a local municipality has directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area, the council of the municipality may pass an interim control by-law for a period of time not exceeding one year, prohibiting

the use of land, buildings or structures within the municipality for such uses set out in the zoning by-law.

Subsection 38(2) allows council to extend the period of time of the interim control by-law so that the total time does not exceed two years from the date of the passing of the by-law.

No notice or hearing (public meeting) is required for an interim control by-law. However, the clerk is required to give notice of the decision within 30 days of passage of the by-law to the prescribed persons and public bodies. There is a 60-day appeal period associated with the passage of an extension to an interim control by-law.

### **Urban Hamilton Official Plan (UHOP)**

The lands subject to the current Interim Control By-laws are generally identified as a Community Node on Schedule E – Urban Structure of the Urban Hamilton Official Plan (UHOP). Policy E.2.3.3.11 states that detailed secondary plans shall be undertaken for Community Nodes to establish boundaries and provide greater direction on mix of uses, heights, densities, built form, and design.

Policy F.1.10 of the UHOP states:

Interim control by-laws are intended to be used, prior to the approval of any Planning Act applications, in areas where the City wishes to undertake a comprehensive study in an area that is experiencing development and/or redevelopment pressures. Matters related to land use, transportation, infrastructure, environment and other aspects of development may be addressed during the study period. Once the studies are complete, this Plan and the Zoning By-law shall be amended to reflect the recommendations determined by the study.

Council may enact an Interim Control By-law to allow the City to limit the use of land and buildings where Council has directed study(ies) be undertaken for land use planning purposes in a defined area of the City.

The Waterdown Community Node Secondary Plan Study is addressing land use planning matters as noted in Policy F.1.10, and the UHOP will be amended to include the Secondary Plan upon finalization of the study. Also, as noted on page 5 of Report PED21085, the area is experiencing some redevelopment pressures.

Therefore, the Interim Control By-law (ICBL) conforms to the UHOP.

## **Scope of Study**

The study area for the Waterdown Community Node Secondary Plan Study is approximately 139 hectares in size. It is generally bounded by Parkside Drive to the north, by Grindstone Creek and First Road to the east, and generally extends west to Goldenview Court, and south to the southern end of Main Street (see Appendix “A” to Report PED21085). The Secondary Plan is being completed by City staff in four phases:

- 1) Background research, project launch and visioning (phase completed),
- 2) Information analysis and development of options (phase completed),
- 3) Determination of a preferred land use plan and urban design guidelines (phase underway); and,
- 4) Final approval and implementation of the Secondary Plan (pending completion of phase 3).

Two supporting studies are part of the Secondary Plan process, the development of Urban Design Guidelines and the completion of a Cultural Heritage Review. These two supporting studies are being completed by external consultants as per the City’s existing roster contract procedure. A future servicing study will be undertaken once a preferred plan has been endorsed, to confirm any local level servicing infrastructure improvements needed.

## **Status of Study**

Phases 1 and 2 of the Secondary Plan Study have been completed.

Phase 1 was completed between fall 2018 and fall 2019. Extensive public consultation took place in the first phase of the project, including two meetings with a community focus group; five meetings with various community groups; three pop-up events at the Waterdown library, the Waterdown Farmer’s Market, and the Waterdown annual Ribfest; an online survey; a community workshop; and an urban design workshop.

Phase 2 of the project took place from fall 2019 to the fall of 2020. This phase of the project was impacted by the temporary suspension of public consultations due to COVID-19, which caused a delay in the work plan timeline. Phase 2 consultations were conducted virtually, and included online commenting, two meetings with a community focus group, and an online public information meeting.

The study is currently in the third phase, which includes determination of a preferred land use plan, policy directions and urban design guidelines. Consultations on a draft Secondary Plan and draft Urban Design Guidelines are planned for late May and June

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of 2021. Due to COVID-19 safety measures, Phase 3 public consultations will be conducted virtually to ensure the safety of staff and residents. Public consultations will include a meeting with the project's community focus group, a virtual public meeting, and materials posted online for review and comment. The draft Urban Design Guidelines will be reviewed by the City's Design Review Panel in June 2021.

Once phase 3 consultations are completed, staff will be reviewing feedback received and making adjustments to the draft Secondary Plan and Urban Design Guidelines as needed. A final preferred Secondary Plan and Urban Design Guidelines, as well as a final Cultural Heritage Review Report, is expected to be scheduled for Planning Committee's consideration in late Q3, 2021 or early Q4, 2021. A final Waterdown Community Transportation Management Plan will be brought forward concurrently with the Secondary Plan.

### **Development Interest in the Study Area**

There continues to be some development interest in the study area, primarily in proximity to Hamilton Street and Dundas Street. The table below shows a list of projects that had either already begun construction, or that had already commenced the approvals process prior to the enactment of the ICBL. These projects are permitted to proceed in accordance with the ICBL.

219 Dundas Street East	Mixed use development with 40 residential townhouses and six commercial units.
30 Hamilton Street South	Seven storey multiple dwelling with 99 units.
295 Dundas Street East	Two storey mixed use development with commercial on ground floor and one residential unit above.
263 Parkside Drive	Townhouse development with 44 units.
118 Main Street North	Demolition of existing single detached dwelling and construction of new dwelling.
115 Hamilton Street North	Proposal for a grocery store expansion. (draft site plan approval)
100 Hamilton Street North	Proposal for a seven storey retirement residence. (draft site plan approval)
5 Hamilton Street North	Proposal for a six storey multiple dwelling with 74 dwelling units and one commercial unit. (draft site plan approval)
18 Hamilton Street North	Proposal for a two storey commercial building. (draft site plan approval)
272 Dundas Street East	Proposal for a three storey building with commercial on the ground floor and eight residential units above. (draft site plan approval)

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During the Interim Control By-law Period, there has been minimal new development activity. Two demolition permits for single detached dwellings and related building permits were issued, and two formal consultation requests have been received.

**Formal Consultations:**

306 Parkside Drive	Proposal to retain existing church and develop 40 townhouses on a portion of the property.
241 Dundas Street East	Proposal for a six storey mixed use building.

**Options for Consideration**

With respect to the Interim Control By-law, there are two options which may be considered:

1. Council may choose not to extend the in-effect time period of the Interim Control By-laws. If they are not extended, they will expire on May 20, 2021, prior to the completion of the Waterdown Community Node Secondary Plan Study. There is potential for development applications to be submitted prior to the approval of the Secondary Plan, which may not be consistent with policy directions and urban design guidelines recommended as part of the Secondary Plan study.
2. Council may choose to extend the in-effect time period for the By-laws until for up to one additional year, to ensure that no building permits can be issued until the Secondary Plan study has been completed. If the By-laws are extended, it is estimated that they could be rescinded in fall 2021, based on the expected timeline for completing the study. A draft Interim Control Extension By-law has been attached as Appendix “B” to report PED21085 should Council decide to extend the by-laws.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” – Study Area Map  
Appendix “B” – Interim Control Extension By-law