Consultation Summary  
Waterdown Community Node Secondary Plan

**Event:**  Focus Group Meeting (Special Focus Group Meeting)  
**Location:**  Virtual Meeting held via WebEx (due to Covid-19)  
**Date:**  September 29, 2021  
**Time:**  6:30 pm to 8:00 pm  
**Participants:**  6 (2 Stakeholder/Residents and 4 Staff/Consultants)

### Event Description
City staff have been working over the summer to prepare the draft zoning for low-rise residential, commercial and institutional to align with the final draft Secondary Plan. The draft zoning was posted on the City’s website for public comment starting September 23, 2021. Given the interest of the focus group with respect to zoning, the City hosted a special focus group meeting (attendance was optional) to provide a short overview on the draft zoning and to receive questions and comments.

Presentations at the Focus Group Meeting were provided by City Staff on the draft zoning. The meeting was facilitated by Sue Cumming, Cumming+Company. The presentations were followed by a Q&A and discussion period.

### What We Heard

**Draft Zoning**
Following the presentation, the facilitator led a discussion on feedback to the draft zoning.

Questions and Comments noted (these are numbered for reference purposes and are verbatim):

1. **For the C5a (the pedestrian friendly downtown section) you had indicated that you would like to change that or keep it, because I guess the BD Zoning was 3 storey – so this is more a correction/clarification, is it going to stay as a 3 storey or be reduced from the 6-8 (which is now the C5) to a 3 storey, on the Dundas part of Mill Street and part of Main Street?**

   Response from City Staff: It will be reduced to 3 storeys, the parent by-law or the parent zone (which is the C5a zone that’s across the city) will still allow 6 storeys. What we’re doing in this area is we apply a special exception to this area, where we say: notwithstanding that the zone permits the 6 storeys, in this area only 3 storeys are permitted. Then we have a secondary plan policy as well that says that to back that up.

   Follow-up comment/question: So, the C5a is still there. I’m now just curious – if someone wanted to purchase a property, and they went to zoning and asked what the zoning is on
this, is this portion of what you're explaining right now indicating that it is a 3 storey or is it still a C5a and they have to do their homework to find out that it actually can't be?

Follow-up response from City Staff: All of our zoning mapping that’s publicly available online would show the special exception, so the way that its written it would have C5a and then behind it (if there’s a special exception) a number that applies to it. An individual looking into the zoning, would know right up front that there is a parent zone you need to look at as well as the special exceptions, and that they are all part of the same Zoning by-law so it would be clear right from the outset that there are these other requirements that apply.

Follow-up comment/question: That would also include the area of the commercial zone that’s in the Mill St. heritage district (the jam factory, the old town hall, the old library, all that) is going to be stuck at the same zoning at 3 stories. Even though I know there’s different protections because its heritage

Follow-up response from City Staff: Yes, it would all be under one special exception, all those requirements including that height – it covers the whole area that we’ve identified as that historic commercial area in the urban design guidelines. Then we’ve also identified that as a special policy area in the secondary plan too. It is all the mixed use lands from the creek over to Hamilton Street.

2. You had indicated something about the two corner properties that are exempt. I know one was a gas station and it’s been boarded up for a long time and they’ve got proposals to build things there, but nothing has happened. Are they still being allowed to build a gas station or not?

Response from City Staff: On the northeast corner where that old gas station was, there is a special exception that already exists that allows for the gas station (even though it’s in a pedestrian focused zoning right now which wouldn’t allow it normally). The gas station use has now ceased, and it has not been operating for a while. We’re proposing to remove that completely because our policies on the pedestrian focused area don’t support that, so we are proposing to take out the gas station permissions. On the southwest corner (formerly old fireworks store), the City has received an application for a 3 storey building. We are not expecting any of those uses, anything like a gas station to go in. But we’re taking those out of the zoning as well given our policy language around creating a pedestrian focus at that intersection.

Follow-up comment/question: I think there’s still something proposed for the northeast corner, the one that’s on the southwest corner is up for sale again.

Follow up response from City Staff: There was an approval with a site plan, and we don’t know if they are trying to sell it as a lot with approved development. We never know if something might change so we want to take out those very car-oriented uses just to be absolutely sure we don’t get those sorts of things if they’re not existing right now.
3. Once you come out of the pedestrian area, you’re saying that pedestrian area is going to continue up Hamilton to White Oaks – is that correct?

Response from City Staff: Yes, the Pedestrian-Focused Zoning would be applied to that whole strip along Hamilton.

Follow-up comment/question: The zoning itself still would allow (because it’s zoned for 6-8 storeys with the proper setbacks and all that) that’s still in place up there but still pedestrian focused?

Follow-up response from City Staff: Yes, that wouldn’t be part of another special exception, it would just have the base C5a Zoning which is 6 storeys. We are adding in that stepback requirement which would change the form of the building so that the upper storeys are a little further back from the rest of the building – from the first two storeys, if you’re going up to something that’s say, 6 storeys in height.

4. On the institutional part of it. I know some of those institutions are actually within the heritage district, so that’s got a certain amount of protection that can be done through the Heritage Act. Some are outside specifically, and some have been brought to the attention of the whole community – one of them is the St. James Church at 306. I know you’re saying that if you do something to the building, its designated or that you have to keep the building relatively intact, but if you build around on that property, I thought you said there’s going to be a maximum of 2 storeys – is that correct?

Response from City Staff: Yes, so that’s talking about how those institutional zones allow those single detached, semi-detached and then street town houses on some of those lots, so it would apply to those uses that we want them to stay at 2 storeys. The Official Plan policy would allow an applicant to request a zoning amendment to go up to 3 but they have to meet other requirements. They would have to place a 2 storey unit directly abutting existing residential areas or providing a buffer. An amendment may be able to be supported if the applicant were putting it in the centre of the site and there were other things between the existing residential and that 3 storey building.

Follow-up comment/question: I did see the proposal that was going to go in there, and it looked like it was 2 storeys on the perimeter but possibly 3 storeys as a walk up on the interior around the Church. So that wouldn’t be permitted per se?

Follow-up response from City Staff: That would not be fully permitted, I have seen that drawing that’s been submitted, and those 3 storey units under what I’m proposing would not be allowed, they would need to drop it down to 2 storeys. I think right now, the zoning might not allow those walk ups either because it’s considered a stacked unit and those aren’t permitted in the Zoning By-laws right now. That would require a zoning amendment even under their current permissions.
5. For the old Vans house that they wanted to subdivide into 3, were you indicating that there are certain setbacks – the proposal that went through to the Committee of Adjustment, they’re so tight that they say the eaves are going to be over on the neighboring property. I know this hasn’t been implemented yet but if it was, would that be allowed or do you still have to have the setbacks if somebody’s going to divide one property with the Vans house keep that house, basically eliminate the backyard with a dwelling and put one on the side yard that would be so close to the fence line that the eaves would almost overhang the neighboring property.

Response from City Staff: My understanding is that they were applying for minor variances at the same time to the current zoning, so if those were approved through the Committee of Adjustment then that would carry forward likely. I don’t think that it would be appropriate for the City to take those permissions away through this process, considering the timing is off. When I was looking at it, it’s hard to fully determine what is proposed as they didn’t provide building envelopes for where they were proposing to place the homes on the 2 lots that they were creating. That makes it difficult to judge whether they are meeting the zone regulations that are being proposed here, especially as it relates to the front yard, rear yard setbacks and the side yard setbacks. With the existing dwelling, you are right that the rear yard would be about 3.5 metres. They do have a generous exterior side yard siding onto Parkside Drive. That seems to have been part of the justification of the Committee of Adjustment in supporting it. It is difficult without the actual building envelopes to actually confirm if what they’re proposing is actually fully compatible.

6. So, for the residential portion of it, two things on this: you said the residential portion was going to be deferred until the review the residential portion throughout the City, I thought that was already done when they came up with the SDU units. Or the secondary dwelling units, allowing 3 dwellings either a separate, or a detached garage or basement on those properties. So, I’m just wondering does any of this affect that or across the City is it the same thing?

Response from City Staff: We are keeping the secondary dwelling zoning as is, so everything we’ve proposed is to try and supplement that. With respect to timing and coordination of City Council’s review, the Waterdown character zoning is planned to go forward in advance of the consultation on By-Law 05-200 for low density residential zones.

What might end up happening and it’s all just based on timing – this will be in place, and if there are no appeals about this residential zoning then it can likely be carried forward into By-Law 05-200 at the same time that that comes in across the City after they finish their consultations. If there is an appeal though, then that might need to be held in abeyance for a while and extend to the nature of the appeals. But what we’re trying to do is get the character zoning in place to support the secondary plan as soon as possible.

Follow-up comment/question: So, we can expect that through the low-density residential, there may be changes coming across the city in addition to the SDU regulations?
Follow-up response from City Staff: Yes, the zoning staff team are working to update and amalgamate all of the previous bylaws, so they’re providing low density residential zones that would apply across all of the new city of Hamilton. The Dundas low density zones, the Flamborough, Hamilton, Glanbrook they’re all being combined to create a new set of low density residential zones. But what we’re doing here would still be carried forward eventually.

7. **On one of your slides: there is a chart you can go through that has all the addresses and what sort of By-law or changes for those addresses – I noticed that there is no address that seems to be in the Heritage District. Is that only because the Heritage District has its own guidelines? I was looking through and it says Mill St. North and it says 218, 220 that but there’s nothing down to 49, 43, 40 or any of those were on it at all.**

Response from City Staff: We will review this chart and double check to see if we have missed these addresses. The intent is to carry forward the zoning across all of the low-density residential zones. The Heritage Conservation District does trump everything and because it’s all approved through the heritage permit process, it is deemed to comply with it. But we were trying to bring forward this zoning to cover that area as well. So that might be an oversight and we will look into it. If it is not on the explanatory chart, it still can be seen on the maps and on the draft zones.

8. **We talked about the gas station but I don’t remember discussing anything with that property right behind it, the old Canada Trust roundabout that was going to go in there. Is that a commercial piece that could be absorbed for example if it was bought by the Plaza to increase the footprint of the plaza? Its right behind the gas station – it faces onto Dundas.**

Response from City Staff: That is in the Pedestrian-Focused zoning as well. We did put a small chunk of the area on Dundas Street in it partly because the on-street transit stop might be there as well, and its approaching that intersection so we wanted to make that whole area consistent. So that is going to have the same permissions as the Pedestrian-Focused Zoning that will prohibit those car-oriented uses.

Follow-up comment/question: If he ever wants to change it, or sell it, or knock it down, is there a height restriction? What would be the height restriction on somebody who could purchase that footprint and do something with it? Because it is not quite the heart of the village, but it is pretty much the heart of the village.

Follow-up response from City Staff: The Urban Design Guidelines show a specific example of how that specific site could develop, because they used it as a demonstration site to demonstrate some of the concepts they were trying to bring forward. I think the guidelines really recognize that that’s a very important site for the area. In terms of height, it would have the same 6 storey height limit in the zoning as the rest of the Hamilton Street properties, but there is a policy in the Urban Hamilton Official Plan that allows you to go up to 8 storeys. Then in the Secondary Plan, that is only allowed on that west side.
of Hamilton Street because that is where we have those big, deep lots that you can put some intervening uses in that bring the height levels down as you get toward the existing neighborhood. So, somebody could come in and apply for a variance or a zoning amendment to go up to 8 storeys, the zoning right now only allows 6 storeys, but the Official plan policy would allow up to 8 storeys.

9. On Hamilton Street as we get up to Memorial Park, that lot that’s owned by that doctor or the group of doctors – they knocked all the trees down recently. On your maps, it almost looked like there had been some dividing of that property because, there’s that empty property now and there’s the apartment building, which is on John Street. What is permitted and has the permit for that structure gone far enough that it is exempt from what you are doing at the present time?

Response from City Staff: A site plan application has been submitted. So, I think it’s well on its way to approval and I think it’s a retirement home that was proposed – of about 7 storeys. This lot right now in the secondary plan is high density residential that basically is consistent with the properties in behind it on John Street that are also high density residential going up to 8 storeys on those properties. We’re recognizing that the proposal that’s come in, we’re allowing similar heights to those high density lots on John Street.

10. You mentioned the size of lots that are in Waterdown – when you look at it on google or on maps, they are all very large, and they have tiny little houses on them. In the plan, in the whole concept, do we have some control? Looking into the future a bit - suppose a developer comes in and prices drop down a little bit from today’s crazy heights – but somebody comes in and buys a bunch of properties and then combines the land mass and starts to try to develop some stuff. In that kind of a concept, what restrictions are there so we don’t end up having that kind of attempt. Is preventing something of that sort in this process?

Response from City Staff: There is a lot of language in the Secondary Plan about the existing neighborhoods and trying to maintain their character and then as part of that, we have set out the permitted uses and they are all low density uses. Based on the whole vision and everything that’s explained in the secondary plan, it would be very difficult for someone to come in and buy up a bunch of properties that are outside of our defined node area within the neighborhoods and try and build something like that, it would be very difficult.

Follow-up comment/question: Right now, I regularly drive past two little houses on Church Street, in an ideal situation those two combined properties would probably be big enough for somebody to buy them and try to put up a condominium complex – something like those 3 storey buildings that are going up in the Old Colin property. That can’t be done?

Follow-up response from City Staff: No that wouldn’t be permitted. But some of the work we’ve been doing for example is if somebody tried to buy up 2 lots and they tried to build
a monster home on there, some of those situations about trying to prevent the higher houses that are out of character with the area as well. That’s happening as well where people are buying up lots with the very small houses and trying to build something much bigger – we’re just trying to put in some parameters to keep the character of the area when somebody does that.

11. These are large properties and I realize there’s a lot of concern and pressure from the Province is to intensify, that you got to build up. But for a lot of these we’re concerned about land massing basically – you know you buy a number of lots, then it becomes a larger lot, and it brings attention again on something that’s going through the process right now: on Main Street 44 and 50 Main St. and it’s got a 19th century home on one property and a lot beside that is empty. The proposals been that they want to put in a complex/a town home complex in there (that’s rumour, nothing has gone through the city yet) There have been variances to try to merge those properties and to try to create a very large L shaped property. I’m curious on the zoning – a development like that right downtown right beside the old Flamborough Mews commercial complex – it is residential though - allow a large scale 6-8 storey complex? They are trying to put in 8 storeys. the City apparently rejected that for 6 storeys, so then the developer wanted to buy the property to the north, Glen’s house, to try and form a land massing development which we have been fighting. We fought at the Committee of Adjustment for the severance and at that point we won only because it was tabled. So, I'm curious – on this proposal that you’re putting through does a project like that – which hasn’t gone through its only gone through to a certain extent, you can’t stop it now – have any weight to say that really doesn’t fit in with the old neighborhood. From the neighborhood it’s going to affect the streetscape because you’re going to mow down a lot of healthy trees. So, I’m just curious, would this help that in any way?

Response from City Staff: We haven’t received anything from those landowners other than the severance application that was tabled. When we did the Cultural Heritage Review – the whole area, the whole Main Street area, was recommended to be recognized as a cultural heritage landscape, and the housing fabric along that street was part of what made it significant (those individual house type of lots). So, we kept that designation (the same as the rest of the street) low density 2 as well. It would not permit townhouses so there would need to be an Official Plan amendment and a zoning amendment if that proposal were to be made, because right now what we’re trying to do with that Main Street landscape is maintain the same types of places that are found on the rest of the Street.

12. There was a lot of talk that we were considering expanding the Heritage District or creating a new one and getting rid of the existing bylaw and just expanding it to protect that area mainly along Dundas Street and Main Street. Is that still in the proposal to look at after this is complete?
Response from City Staff: Yes, that was part of the Cultural Heritage Report that our consultants did. I think they will be recommending a study area boundary as part of their final report as well. So that’s something to look for when we bring it to Planning Committee and make that as a separate recommendation to Council as part of that report that we submit a request for budget funding to do that study. That would be undertaken once that is approved.

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<th>Wrap-up and Next Steps</th>
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<td>The Focus Group members were encouraged to submit comments on the draft zoning through the website. Comments about what individuals like and what they are concerned about were noted to be important for the consideration and finalization of the zoning.</td>
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<td>One member asked if it is preferable for one set of comment or for individual comment to be submitted with City staff preferring the latter.</td>
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<tr>
<td>Public Consultation on the draft zoning material will continue to October 14, 2021. City Staff will be working to prepare the final documents and staff reports to position all of this work to be put to City Council in 2021 or at he latest early 2022.</td>
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<td>City staff further thanked the Focus Group members for participating at special meeting of the Focus Group.</td>
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