



# IMPLEMENTATION





## CHAPTER 12 IMPLEMENTATION

The Implementation policies are intended to indicate the means which will be used to achieve the objectives and policies of this Plan and are presented in the following areas:

- **Managing Growth and Change** – This section outlines tools and processes that will be used by the City to implement the objectives and policies of this Plan.
- **Municipal Incentives** – This section highlights incentive-based tools that provide the City with the ability to support appropriate development and changes within the community.
- **Public Involvement** – This section outlines the processes that the City will use to ensure that appropriate public participation opportunities are incorporated into processes to amend this Plan, District Plans or the Zoning By-Law.
- **Plan Review, Amendments and Consolidation** – This section outlines the processes to be used by the City to undertake on-going review, amendments and consolidation of this Plan.
- **Monitoring and Assessment** – This section outlines the manner in which monitoring and assessment will be undertaken to understand the performance of this Plan, and work toward conformity with the Regional Official Plan.

### 12.1 OBJECTIVES

- (1) Encourage all people to provide input and support their participation in decision-making processes in which individuals are treated fairly and without bias in an open, orderly and impartial manner.
- (2) Provide clear and relevant information and notification to the community in a timely and appropriate manner.
- (3) Foster communication and education of issues to all people and groups.
- (4) Clearly define the roles of Council, the community and staff in the decision-making process.
- (5) Use appropriate legislated tools to achieve the objectives and policies of this Plan.

## 12.2 MANAGING GROWTH AND CHANGE

### 12.2.1 District Plans and Station Area Plans

- (1) While the Official Plan is a comprehensive set of development policies for the City as a whole, District Plans shall be used to indicate in greater detail, the manner in which the objectives, policies, and land use designations of the Official Plan are to be implemented within specific Districts. District Plans shall be in conformity with this Official Plan and the Regional Official Plan. Existing District Plans shall be reviewed and modified to conform with the policies of this Plan. District boundaries are illustrated on **Schedule C – District Boundaries**. Such boundaries are provided for information purposes only and may be adjusted as required without amendment to this Plan.
- (2) District Plans shown in the following Table 12-1 have been approved by the Council of the City of Waterloo and/or the Ontario Municipal Board.

**TABLE 12-1 APPROVED DISTRICT PLANS**

District Name	Date Approved (All District Plans approved by resolution of Council unless otherwise indicated)
Beechwood West	September 18, 1978
Central	February 1, 1977
Churchill Planning Unit	September 9, 1996
Clair Hills	October 6, 1997
Columbia	December 15, 1992
Columbia Hills	November 18, 1996
Conservation Meadows	March 6, 1995
Country Squire	March 3, 1980
Dearborn	June 15, 1981
Eastbridge	June 18, 1990
Erbsville	November 27, 1978
Lakeshore	February 2, 1975
Lakeshore North	March 22, 1976
Laurelwood	March 1, 1993 (Approved by the OMB)
Lexington	September 18, 1978
Lincoln	June 7, 1976
Northland	March 15, 1982
Rural East (Renamed "Grey Silo District" through this Official Plan)	September 15, 2008
UW Northwest Campus	April 19, 2010
UW Research & Technology Park	January 7, 2002
West Hill	August 24, 1998
Westvale	July 10, 1978
Willowdale	February 2, 1976

- (3) District Plans may be prepared to clarify the intent of Council and illustrate how the policies of this Plan may be implemented and may include such items as:
- (a) Overall population capacity and density related to the road and service infrastructure, and intended community character;
  - (b) Type and density of residential dwellings contained by land blocks;
  - (c) Location and approximate area of lands for community service facilities;
  - (d) Location and approximate area of open space recreation facilities, and conservation lands;
  - (e) Location and approximate area of commercial, institutional, and employment land uses;
  - (f) Location and approximate area of any complementary uses permitted by this Plan;



- (g) Identification of *Major Transit Station Areas* and establishment of specific policies for facilitating and encouraging development that supports transit in accordance with the provisions of section 3.8 of this Plan;
  - (h) General alignment and proposed rights-of-way of Primary and Secondary Roads;
  - (i) Identification of environmental functions and features requiring protection and determination of constraints to development;
  - (j) Identification of *pedestrian* and bicycle access links; and,
  - (k) Identification of how any specific policy of this Plan may be implemented.
- (4) A District Plan, a portion thereof, or amendment thereto, shall be adopted by resolution of Council. Such plans shall be in conformity with this Plan and the Regional Official Plan and shall clarify and illustrate how the policies of such Plans are to be implemented.
- (5) District Plans adopted by resolution of Council shall be subject to the following procedures:
- (a) The City shall notify residents or property owners within 120 metres of the District Plan boundaries for the purpose of informing them of the proposed public meeting(s) and of the location(s) where the plan may be obtained or examined, and for the purpose of inviting verbal or written input on the plan, at least 10 days prior to the date of the public meeting set out in policy 12.2.1(5)(c) below.  
The 120 metre distance may be increased by Council resolution.  
**OPA No. 22, approved June 11, 2019**
  - (b) Notification set out in policy 12.2.1(5)(a) above may occur by publication in the newspaper or by personal service or direct mail to the residents or property owners affected.
  - (c) Subsequent to the above notification, Council shall hold a public meeting or meetings for purposes of presenting the proposed District Plan or amendment and to receive and record verbal or written comment, support or objections to the plan;
  - (d) Subsequent to the public meeting, and after a reasonable time period for the preparation and lodging of written submissions, the City shall consider all input received and make changes deemed appropriate to the proposed District Plan or amendment, prior to adoption; and,
  - (e) The City may forego public notification and public meeting(s) prior to consideration and approval of a District Plan amendment, where determined by staff to be of minor significance or of a housekeeping nature. Written notice of approval will be given to all persons who would have otherwise

received notification. Any person is entitled to make representation before Council in support of or in objection to the amendment.

- (6) At Council's discretion, a District Plan, portion thereof, or amendment thereto, may be adopted by By-law, as an amendment to the Official Plan. Approval or amendment of a District Plan adopted as an amendment to the Official Plan, shall adhere to the notification, hearing and appeal procedures required for any amendment to the Official Plan, as set out in the Planning Act or the alternative procedure as set out in policy 12.4.2(5) of this Plan.
  - (a) It is anticipated that District Plans which seek to further refine land use designations for the purposes of implementing a Station Area Plan, will be adopted by By-law, as an amendment to the Official Plan.
- (7) In cases of clear conflict between the general policies of the Official Plan and the provisions of a District Plan, the policies of the Official Plan shall take precedence and efforts will be made to revise the subject District Plan or the Official Plan.
- (8) Decisions of Council with respect to District Plans or amendments thereto adopted by resolution are not subject to appeal mechanisms as outlined in the Planning Act. Where a District Plan or amendment thereto also involves an Official Plan Amendment or a Zoning By-Law amendment, such Official Plan Amendments or Zoning By-Law amendments are subject to appeal mechanism as outlined in the Planning Act.
- (9) Station Area Plans guide change to further the objective of creating vibrant, attractive places to live, work, study and play around LRT stops. Such Plans will provide policy and design direction for land use and built form as well as identifying opportunities for public and private investment in the public realm and mobility network within Major Transit Station Areas.
- (10) Components of Station Area Plans include, but are not limited to:
  - (a) An assessment of existing conditions and growth potential.
  - (b) A comprehensive land use plan that defines Major Transit Station Area boundaries and includes a vision, planned development concept and any associated development standards to support the desired form and function of *Major Transit Station Areas* as vibrant mixed-use communities.
  - (c) Design guidelines to implement transit-oriented development and support place-making around the stations by enhancing the public realm and creating vibrant, attractive and safe public spaces.



- (d) Strategies to guide local mobility improvements to, from and within the station areas, anticipating the needs of all transportation modes while placing an emphasis on reduced automobile dependency in favour of active transportation modes and transit.
  - (e) Identification of implementation strategies, policies and regulatory framework to achieve desired goals for Major Transit Station Areas.
- (11) Station Area Plans support the implementation of the Official Plan and Zoning By-law as well as the application of Urban Design Guidelines to ensure that development applications and site plan applications within *Major Transit Station Areas*:
- (a) demonstrate an appropriate mix of transit supportive land uses;
  - (b) demonstrate compatibility and integration with surrounding planned land uses;
  - (c) contribute to an animated streetscape through the utilization of appropriate height, mixing of uses, massing, architectural design, setbacks, siting and landscaping, parking, public spaces and the *conservation of cultural heritage resources*; and,
  - (d) demonstrate strong linkages to *active transportation* networks that abut property boundaries. The City shall also encourage landowners within *Major Transit Station Areas* to work collaboratively to create linkages to *active transportation* networks that allow movement across property.
- (12) The City has approved, by resolution of Council, Station Area Plans for all *Major Transit Station Areas* located outside the Uptown Waterloo Urban Growth Centre, including:
- (a) Conestoga Station Area
  - (b) Northfield Station Area
  - (c) Research and Technology Station Area
  - (d) University of Waterloo Station Area
  - (e) Wilfrid Laurier University and Waterloo Park Station Area
- (13) Council will have regard for the policies and provisions of Station Area Plans when making decisions in relation to municipal policies, facilities and infrastructure as well as when considering approval of development applications.
- (14) In cases of clear conflict between the policies of the Official Plan and the provisions of a Station Area Plan with respect to land use, the policies of the Official Plan shall take precedence. In cases of clear conflict between the policies of a District Plan

and a Station Area Plan, the policies of the Station Area Plan shall take precedence.

- (15) Any portions of *Major Transit Station Areas* located within the boundaries of the Uptown Waterloo Urban Growth Centre will be planned as part of the Urban Growth Centre. Policies in Section 3.7 of this Plan shall apply to any *Major Transit Station Areas* located within the Uptown Waterloo Urban Growth Centre.
- (16) For clarity, Section 3.6 shall also apply to any *development* application that is within a *Major Transit Station Area* and a designated Node or Corridor.  
**OPA No. 14, approved January 11, 2018**

### 12.2.2 Zoning By-Laws

- (1) Zoning By-Laws will be used to regulate all matters authorized under the Planning Act, including but not restricted to the use of land and the character, location and use of buildings and structures.
- (2) Within three years of the approval of, or any future *municipal comprehensive review* of this Plan, the existing Zoning By-Laws shall be reviewed and amended, or a new Zoning By-Law prepared and approved, to conform to the policies of this Plan.
- (3) No Zoning By-Law or amendment thereto, shall be considered without adhering to the policies concerning public meetings and notification contained in this Plan.
- (4) Where a new Zoning By-law is prepared in accordance with 12.2.2.(2) of this Plan, the new Zoning By-law may contain site specific zoning to permit a land use, building and or structure that actually and lawfully existed on the date of the passing of the new Zoning By-law, if deemed appropriate by the City.
- (5) Notwithstanding anything to the contrary in this Plan, a new Zoning By-law prepared in accordance with 12.2.2.(2) of this Plan may recognize and carry forward site specific zoning and variances that existed on the day before the date the new Zoning By-law came into effect.
- (6) After the Province establishes prescribed conditions pursuant to subsection 34(16) of the Planning Act, the City may enact zoning that imposes one or more conditions on the use of land and or the use, erection or location of buildings or structures in

accordance with the prescribed conditions of the Province and any limitations thereto.

- (7) Without limiting any authority granted to the City pursuant to subsection 34(16.2) of the Planning Act, the City may require one or more agreements to secure conditions applied to zoning under policy 12.2.2.(6) of this Plan, and such agreements may be registered against the land to which it applies and be enforced by the City in accordance with applicable law.
- (8) Where this Plan applies a measurement in gross leasable area, the implementing Zoning By-law may use a measurement of building floor area for ease of administration.
- (9) Notwithstanding anything to the contrary in this Plan, the Zoning By-law may establish and apply one or more transition zones to specific areas and or properties to restrict development and redevelopment to existing conditions until such time as more detailed planning and related studies are undertaken to direct and guide the nature, scope and location of development and or redevelopment, protect natural features and systems where applicable, and determine appropriate and effective zoning provisions and boundaries for such areas and or properties through a site specific amendment to the Zoning By-law. Without restricting the foregoing, transition zones may be used where one or more of the following apply:
  - (a) district planning or a district plan review is required by the City prior to establishing zoning for a specific area and or property;
  - (b) a plan of subdivision, plan of condominium, or consent is required by the City prior to or in conjunction with establishing zoning for a specific area and or property;
  - (c) a block plan is required by the City prior to establishing zoning for a specific area and or property;
  - (d) there is an active zoning by-law amendment application on lands when a new Zoning by-law is implemented in accordance with 12.2.2.(2) of this Plan.

***OPA No. 22, approved June 11, 2019***

### **12.2.3 Holding Provisions**

- (1) Holding provisions will be used by the City in situations where it is necessary or desirable to zone the lands for development, but where development must be delayed pending completion or realization of one or more of the following:
  - (a) Availability of municipal infrastructure;
  - (b) A Record of Site Condition being submitted to the Province;

- (c) Measures to appropriately conserve cultural heritage resources;
  - (d) Phasing of development;
  - (e) Completion and registration of any Development Agreement under Section 37 of the Planning Act that is satisfactory to the City;
  - (f) Completion and registration of any Cash-in-lieu of Parking Agreement under Section 40 of the Planning Act that is satisfactory to the City;
  - (g) Measures to appropriately protect the natural environment including source water;
- OPA, No. 21, approved December 4, 2018**
- (h) Demonstrating compliance with the Provincial D-6 Guideline “Compatibility Between Industrial Facilities and Sensitive Land Uses” where there are potential land use compatibility issues associated with existing industrial uses operating in areas designated for *mixed-use* development that may include residential or other sensitive land uses.
  - (i) Facilitate the implementation of priority connections, active transportation connections and/or priority public spaces in accordance with the policies of this Plan.
- OPA No. 14, approved January 11, 2018**
- (j) Completion of land use compatibility, safety, noise and or vibration studies in proximity to transportation corridors, including but not restricted to highways and rail corridors.
  - (k) Completion of noise studies for stationary noise sources.
  - (l) Completion of a Loading Study.
  - (m) Completion of a Parking Study.
- OPA No. 21, approved December 4, 2018**
- (n) Verification of sufficient servicing (water, sanitary, and or stormwater) capacity and availability to fully service the development and lands;
  - (o) Verification of sufficient utility (hydro and or natural gas) capacity and availability to fully service the development and lands;
  - (p) Verification of sufficient transportation capacity and transportation infrastructure within the surrounding road network affected by the development and or use of the lands;
  - (q) Completion of a Block Plan;
  - (r) Completion of wind studies and or shadow studies;
  - (s) Burial of hydro infrastructure;
  - (t) Measures related to the transitioning of industrial areas as contemplated on Schedule ‘I’ of this Plan;
  - (u) Measures to protect sensitive uses on known contaminated sites and or potentially contaminated sites;



- (v) Completion of a site specific urban design study for the development and related lands;
- (w) Verification through site plan control that the development will conform to the urban design policies of this Plan, the City's Urban Design Manual, and applicable urban design studies;
- (x) Verification of sufficient community uses and or community infrastructure to service the development and related lands;
- (y) Verification of floodplain safe access.
- (z) Measures for flood protection, flood control and or flood proofing of lands, buildings and structures.
- (aa) Ensure the implementation of Specific Provision Area (SPA) policies;
- (bb) Ensure the payment of monies; and
- (cc) Completion of conditions, studies or requirements related to a proposed zoning amendment.

***OPA No. 22, approved June 11, 2019***

- (2) The holding zone by-law shall zone the lands for their future intended use and shall identify the lands subject to the holding provisions by adding the holding symbol "H" to the zoning category or to certain uses within the zoning category indicating that development of the lands cannot proceed until the symbol "H" is removed.
- (3) The holding Zoning By-Law shall specify the land uses to be permitted in the interim while the holding symbol is in effect, as well as any regulations applying to these lands affected by the holding provisions.
- (4) To provide clarity, implementing Zoning By-Laws approved under Section 36 of the Planning Act shall set out the following:
  - (a) The nature of the condition(s) or requirement(s) that are responsible for the application of holding zone controls;
  - (b) The actions which must be taken in relation to such condition(s) or requirement(s) in order for the removal of the holding zone symbol to be considered by the City; and,
  - (c) The level of government responsible for providing clearance that the condition or requirement for removing the holding provision has been met, as well as the named official or designate responsible for providing such clearance.
- (5) Implementation of holding provisions pursuant to policy 12.2.3 (2) may be by way of site-specific Zoning By-Laws, which may include one or more properties.

#### 12.2.4 Site Plan Control

- (1) For the purposes of policies 12.2.4 (2) through (11), development shall have the same meaning as defined in Section 41 of the Planning Act.
- (2) The City will control the provision of certain site-related facilities and features associated with all development through the mechanism of the Site Plan Control By-law as provided for in the Planning Act. Site Plan Agreements provided for in the Planning Act may also be required and may be registered on title.
- (3) The Site Plan Control Area shall constitute all of the lands contained within the Official Plan of the City of Waterloo Planning Area and shall govern all types of development.
- (4) The City may, by by-law, exempt one or more land uses from Site Plan Control.
- (5) Approval of *site plans* will be required prior to the issuance of building permits for all development located in the Site Plan Control Area and not exempt from Site Plan Control as set out in the Site Plan Control By-law. Building permit drawings shall reflect the approved *site plan* building elevations
- (6) Coloured elevation drawings showing plan, elevation and cross section views may be required for all proposed development and adjacent buildings and for all residential development containing greater than two units including boarding houses located in the Site Plan Control Area defined in policy 12.2.4 (3) of this chapter, in accordance with Section 41 of the Planning Act.
  - (a) Elevation drawings shall include matters of massing, conceptual building design, interior walkways and the relationship of the proposed building to adjacent buildings, streets and exterior areas to which members of the public have access, as well as matters relating to exterior and *sustainable design* including, without limitation, the character, scale, appearance and design features of buildings, and the *sustainable design* elements on any adjoining street or highway under the City's jurisdiction set out in Section 41(4)(e) of the Planning Act. For the purpose of Site Plan Control, building appearance shall include the design, shape and coordination of architectural features such as balconies, cornices, banding, building materials, colour, dormers, frieze, parapet, windows, and any other design feature that affects the appearance of the building and exterior façades.

- (7) Widenings of *roads* shall be required as a condition of *site plan* approval for development within the Site Plan Control Area abutting those *roads* shown on **Schedule ‘G’ - Highways to be Widened**. The extent of such widenings are outlined in Table 5-2 of this Official Plan, and such widenings shall be governed by the policies contained in section 5.4.8, “Designated Road Allowance Policy - Widenings”.
- (8) When considering applications for *site plan* approval, the City will co- operate with the Regional Municipality of Waterloo to ensure that the Regional Municipality of Waterloo has been afforded a reasonable opportunity to require the owner of the land to provide widenings of *roads* that fall within Regional jurisdiction and other site related facilities and conditions as outlined in the Planning Act and the Regional Official Plan, and to enter into one or more agreements as may be required by the Region pursuant to the provisions of the Planning Act.
- (9) When considering applications for any *site plan* approval within the City of Waterloo Site Plan Control Area, it is the policy of Council that such applications with any building six storeys or greater in height, be accompanied with a statement or analysis from a qualified professional addressing the wind, snow deposition and shadow impacts created by the proposed building on *pedestrian* comfort levels and setting out the appropriate design measures to reduce or mitigate any such adverse impacts. Impact study criteria shall be established by the City and implemented through the *site plan* process.
- (10) *Site plan* control is a key mechanism to implement the Urban Design policies contained in the City Form Chapter of this Plan, subject to the Provisions of the Planning Act and any amendment thereto.
- (11) *Site plan* control is a key mechanism to implement Council approved Urban Design guidelines. City approved guidelines shall form the basis for *site plan* approval including the review and approval of building elevations to the satisfaction of the City of Waterloo.

### 12.2.5 Subdivision Control

- (1) While recognizing that the authority to approve subdivisions rests solely with the Council of the Regional Municipality of Waterloo based on recommendations from Area Municipal Councils, Council of the City of Waterloo shall use the Subdivision Plan approval process in accordance with the provisions of the Planning Act, to

ensure that developing areas conform to the policies of this Plan and are consistent with District Plans.

- (a) The City may undertake a process to request the delegation of subdivision approval authority from the Regional Municipality of Waterloo to the City of Waterloo.
- (2) Subject to the provisions of the Planning Act, Council may pass by-laws to exempt properties from Part-Lot Control where:
- (a) Three or more lots are to be created within a property located within a Registered Plan of Subdivision;
  - (b) Semi-detached lots are to be split within a Registered Plan of Subdivision;
  - (c) Lots for zero side yard single detached houses are created from a property within a Registered Plan of Subdivision; and
  - (d) Employment land lots are created within a Registered Plan of Subdivision.

#### **12.2.6 Temporary Use By-laws**

- (1) Temporary use by-laws may be used to permit the temporary use of lands, buildings or structures for a purpose that would otherwise not be permitted in the Zoning By-Law and/or this Plan.
- (2) Any temporary use by-law may authorize the use of lands, buildings or structures for a period of up to three years.
- (3) Temporary use by-laws shall be processed pursuant to Section 39 of the Planning Act and as set out in policies 12.4.3 and 12.4.4 of this Section.
- (4) The City, at its sole discretion, may grant extensions of the temporary use. Any extension shall be granted by way of by-law, and shall not exceed three years.

#### **12.2.7 Property Standards By-law**

- (1) The City supports the maintenance and rehabilitation of existing buildings and property in order to extend the useful life of the individual properties, conserve energy and to enhance the quality of Planning Districts and/or neighbourhoods.
- (2) The City recognizes that the existence of physical deterioration and neglect within communities serves to erode confidence in those communities. The City may, therefore, pass a Property Standards By-law subject to the provisions of the Municipal Act and such By-law may apply:



- (a) To any defined area or areas within the municipality;
  - (b) To commercial, employment, residential, institutional, vacant, or open space properties;
  - (c) To the physical appearance of yards and passageways including the accumulation of debris and rubbish;
  - (d) To the adequacy of sanitation including drainage and garbage;
  - (e) To the physical condition of all buildings or structures; and,
  - (f) To the occupancy of the buildings.
- (3) Enforcement and administration of a proposed Property Standards By-law will generally be undertaken on a complaint basis, however systematic enforcement of the By-law may be applied for certain classes of property or within certain areas.

### 12.2.8 Development Charges By-law

- (1) The City of Waterloo shall apply, calculate and collect Development Charges in accordance with the provisions of the Development Charges By-law.
- (2) Development charges are a mechanism to ensure that the cost of growth is appropriately funded.

### 12.2.9 Parkland Dedication

- (1) The City shall approve a parkland dedication by-law that fully authorizes the City to require appropriate parkland dedication within the City of Waterloo in accordance with the policies of this Section and the policies included in Section 10.5.2.1 of the Open Space designation.
- (2) Parkland dedication policies shall not apply to lands that are within a plan of subdivision approved under the provisions of the Planning Act, if the land in the plan has already been conveyed to the City for park or public purposes or a payment in lieu of such conveyance has already been accepted by the City.
  - (a) Additional parkland dedication above and beyond what may have been previously required may be applicable in the case of re- designation of commercial or industrial lands to a use with a higher parkland dedication rate, as set out in policy 12.2.9 (3)(a) below.
- (3) It is a policy of this Plan that lands for park or other public recreational purposes shall be conveyed to the City, or cash-in-lieu of the conveyance of such lands for



park or other public recreational purposes shall be paid to the City, as a condition of development of lands for residential, industrial, commercial, and institutional purposes, pursuant to the provisions of the Planning Act, at the rate of:

- (a) 2% of the lands to be conveyed to the City for park or other public recreational purposes as a condition of commercial and industrial development and 5% of the lands to be conveyed to the City for park purposes or other public recreational purposes as a condition of all other uses unless the alternative parkland dedication rate applies.
  - (b) An alternative parkland dedication rate of up to 1.0 hectare per 300 units will be set out within the parkland dedication by-law and may be applied at the City's discretion to proposals for residential development as well as residential portions of *mixed-use* developments.
  - (c) Cash-in-lieu of parkland to be paid to the City for the value of the required conveyance where, in the opinion of the City, no suitable lands are available on the subject property for park or other public recreational purposes, or where more suitable lands are available outside the subject property for park or other public recreational purposes which are accessible to the residents of this area.
- (4) The amount of cash to be accepted in lieu of parkland dedication shall be an amount based on the appraised market value of the land as set out in the Planning Act. For convenience, the City of Waterloo may establish an appropriate fixed amount of cash to be paid for residential, industrial, commercial, and institutional sites that are proposed for development. Any established fixed amount shall be updated every five years, at a minimum.
- (5) Where the City accepts cash-in-lieu of land conveyance to satisfy the parkland dedication requirements of the Planning Act, the funds shall be paid into a special account and shall primarily be spent on land acquisition for additional parks in developing or *redeveloping* areas and to develop the newly acquired lands. Funds may also be considered to support upgrading of existing parks/facilities, provided the need to upgrade is due to *intensification* of the surrounding neighbourhood.
- (6) For the purposes of parkland dedication, acceptability of the parkland shall be determined by the City. Any parkland proposed to be dedicated to the City shall, in the opinion of the City, be suitable for development and use by the City as parkland and satisfy the following criteria:
- (a) Such lands shall be free of stormwater drainage issues;
  - (b) Such lands shall not form part or all of a stormwater management facility;

- (c) Such lands generally are not encouraged adjacent to a Regional Arterial or City Arterial *road* as designated on **Schedule ‘E’ – Road Classification System**, if the intended use is a neighbourhood playground;
- (d) Such lands should generally be located in proximity to the areas of highest population density;
- (e) No environmental contamination has occurred on the lands, the lands have been satisfactorily restored or that a Record of Site Condition is provided;
- (f) Lands are of a suitable size, shape and in a location appropriate for the development of park facilities and amenities in accordance with the parks hierarchy and development guidelines as set out in this Plan and supporting implementation documents; and,
- (g) Lands are not considered to be Core or Supporting Natural Features (or associated buffers), *hazardous lands or hazardous sites* as defined in the Environment policies of this Plan.

#### 12.2.10 Committee of Adjustment

- (1) The Committee of Adjustment shall be guided by the policies of this Plan in making decisions regarding the granting of minor variances, consents for the division of land, or regarding legal non-conforming uses pursuant to provisions of the Planning Act.
  - (a) The City recognizes the importance of groundwater recharge in sustaining the City’s and Region’s municipal drinking water. As such the Committee should be mindful of the cumulative effect of such changes when considering the application.
- (2) Prior to recommending approval of a variance for a new multiple residential building, or an extension or enlargement of an existing multiple residential building in a designated Node or Corridor where the proposed development does not conform to the Zoning By-Law, the Committee of Adjustment shall place a higher priority on the provision of adequate landscaped open space relative to the provision of parking. The criteria by which adequate landscaped open space will be assessed include:
  - (a) Ability to provide a front yard depth capable of supporting large caliper trees;
  - (b) Ability to provide screening, using trees and other landscaping, on properties that abut low density residential areas; and,
  - (c) Ability to provide snow storage on site.

- 
- (3) For clarity, the following are key considerations for staff in reviewing residential *intensification* projects that seek relief from the Zoning By-Law:
    - (a) Whether the property is overbuilt, or there are other opportunities elsewhere to accommodate the identified form of *intensification*;
    - (b) Existing services can support *intensification* in the effected area;
    - (c) The identified form of residential *intensification* recognizes and enhances the housing mix, scale and density within the neighbourhood and within individual planning districts by having regard to natural vegetation, lot frontages and areas, parking requirements, building height, coverage, mass, setbacks, privacy and overview.
  
  - (4) It is a policy of this Plan that an application to the Committee of Adjustment to decrease required parking to allow for the conversion of amenity space to non-amenity space (including but not restricted to dwelling units, commercial units, and offices) shall be deemed not to meet the intent of this Plan, and deemed not to be minor in nature. To decrease required parking to allow for the conversion of amenity space to non-amenity space, an application to amend the Zoning By-Law shall be required. Such an application is discouraged.

***OPA No. 22, approved June 11, 2019***

### 12.2.11 Non-Conforming Land Uses

#### Properties Not Conforming to the Official Plan

- (1) Any land use existing on the date of approval of this Plan that does not conform with the land use designations as shown on **Schedule 'A' – Land Use Plan** or the policies related thereto should, as a general rule, cease to exist in the long term.
  
- (2) Where the land use does not conform to the policies of this Plan, the City may acquire and hold, sell, lease or redevelop a property in accordance with the provisions of the Planning Act. Special attention will also be given to the possibility of re-establishing the use in a location consistent with the policies of this Plan.

#### Properties Not Conforming to the Zoning By-Law

- (3) Any land use that does not conform to the provisions of the Zoning By-law should, as a general rule, cease to exist in the long term.
  
- (4) In special instances, however it may be desirable to permit the extension or enlargement of a building or structure in order to avoid unnecessary hardship. It is

the intention of this Plan that any such extension or enlargement shall be processed as a site specific amendment to the Zoning By-Law or an application to the Committee of Adjustment pursuant to the provisions of the Planning Act, whichever is applicable.

- (5) The Committee of Adjustment shall consider the following prior to considering approval of an application for the extension or enlargement of a building or structure, where the *existing* land use does not conform to the Zoning By-Law:
  - (a) The proposed extension or enlargement will not have negative impacts on surrounding lands or uses;
  - (b) The proposed extension or enlargement will not significantly impact the ability of the *existing* land use to cease to exist in the future;
  - (c) The proposed extension or enlargement represents a reasonable increase to the size of the building or structure;
  - (d) Characteristics of the existing building or structure and the proposed extension or enlargement will be examined with regard to noise, vibration, fumes, smoke, dust, odour, lighting, traffic generating capacity, and risk to life and property;
  - (e) Surrounding lands will be afforded reasonable protection by the provision of landscaping, buffering or screening; appropriate setbacks for buildings or structures; and devices and measures for reducing nuisances;
  - (f) Traffic and parking conditions in the vicinity will not be adversely affected;
  - (g) Adequate provisions will be made for off-street parking and loading facilities; and,
  - (h) All municipal services such as water, sewers, and *roads* will be adequate.
  
- (6) Pursuant to the provisions of the Planning Act, the Committee of Adjustment may permit a use of the property that is similar to the purpose for which it was used, or a use that is more compatible with the uses permitted by the Zoning By-Law. The Committee of Adjustment shall consider the following when reviewing such applications:
  - (a) The proposed use should be an improvement over the existing use in terms of appearance and function in relation to the surrounding area, and more closely approach the intent of the policies of this Plan and provisions of the Zoning By-Law;
  - (b) The proposed use should be viewed as an interim use and should be considered in relation to the economic life of the use and structure; and,
  - (c) The proposed use should not create or cause an increase of nuisance factors such as noise, vibration, fumes, smoke, dust, odours, lighting, or traffic so as to result in the incompatibility of the use with its surrounding area.

- (7) Where the use does not conform to the Zoning By-Law, the City may acquire and hold, sell, lease or redevelop a property in accordance with the provisions of the Planning Act. Special attention will also be given to the possibility of re-establishing the use in a location consistent with the policies of this Plan.

### 12.2.12 Capital Works Program

- (1) Policies of this Plan which may require direct financing of municipal undertakings shall be implemented in conjunction with the City of Waterloo Capital Budget and Capital Expenditure Forecast, and in conjunction with the Regional Municipality of Waterloo Capital Budget and Forecast.

### 12.2.13 Staging of Development

- (1) Staging of development shall generally adhere to the following servicing principles:
  - (a) To promote the completion of development in serviced areas, where possible, prior to servicing undeveloped areas;
  - (b) To give priority to development areas that are adjacent to existing developments and support the achievement of minimum *intensification* targets within the *built boundary* as set out in policy 3.3 of this Plan; and,
  - (c) To give priority to development of areas most easily and economically serviced.
- (2) This Plan recognizes the need to maintain an ongoing supply of *employment* areas to act as an incentive for economic growth. Circumstances may arise which warrant the extension of services to new *employment areas* prior to the substantial completion of existing *employment areas*.
- (3) The City, through its ten-year Capital Expenditure Forecast will schedule the provision and construction of municipal services. This forecast will be reviewed and/or revised on an annual basis, at which time the City shall have regard for the long and short term schedule of servicing requirements set out in the most current City of Waterloo Development Charge Study and the Staging of Development Report.
- (4) The City encourages that field crops be maintained on lands designated for future urban use until such time as they are required for urban use. Lands may be used

for transitional uses until required for urban uses. Refer to section 10.6 for policies related to lands in transition to urban uses.

- (5) The City shall require the preparation of a Staging of Development Report setting out its intentions with regard to the scheduling and processing of Plans of Subdivision for residential, industrial and commercial development. The frequency of updating the Staging of Development Report will be determined by the City as needed. The preparation of any Staging of Development Report will take the following into consideration:
  - (a) Existing servicing capacity;
  - (b) Servicing improvements necessary to accommodate household growth to 2031;
  - (c) Implementation of servicing improvements; and,
  - (d) Proposed development within designated Nodes and Corridors that is anticipated to provide support for the *intensification* target within the *built boundary* as set out in policy 3.3 of this Plan.

#### 12.2.14 Complete Applications

- (1) A complete application includes required plans and/or drawings, forms, fees, prescribed information and material as required under the Planning Act and associated regulations, any other information prescribed by Provincial authority, a covering letter, and all supporting information identified through pre-application consultation, as set out in this policy section, deemed necessary to assess the implications of an application for approval under the Planning Act. In order to ensure that all the relevant and required supporting information pertaining to a planning application is available at the time of submission, the City of Waterloo may request applicants who apply for Amendments to the Official Plan, Amendments to the Zoning By-Law(s) or consent to submit reports and/or studies in support of the application(s) before the application(s) would be considered complete under the Planning Act. For clarity, complete application requirements are not applicable for *site plan* applications.
  - (a) The City may develop standards or guidelines for applications not identified above, including *Site Plan* applications, to provide direction to applicants with regard to submission of complete applications;
  - (b) For City-initiated Amendments to the Official Plan and/or Zoning By-law, the City will adhere to the requirements of the Ontario Planning Act on matters relating to public notice, required information and other applicable matters.

**OPA No. 11, approved December 11, 2014**

- (2) Where enabled by the Ontario Planning Act, Council may, by by-law, require a pre-application consultation meeting, the purpose of which is for the applicant to discuss their proposal with staff (and other public agencies) as required prior to the submission of their application(s). The meeting shall also allow the City to determine what supporting information (i.e. reports and/or studies) is required as part of a complete application submission.

***OPA No. 11, approved December 11, 2014***

- (3) In accordance with policy 12.2.14 (1) and in addition to information prescribed by Provincial authority, the following supporting information, at a minimum, shall be required as part of a complete application for Amendments to the Official Plan, Amendments to the Zoning By-Law(s) or consent:
  - (a) Prescribed application fee(s);
  - (b) Completed application form(s);
  - (c) Prescribed information and material as required under the Planning and associated Regulations;
  - (d) Covering letter, which outlines the nature of the application(s) and details of the pre-application consultation meeting(s) with City staff and other agencies (if applicable);
  - (e) Appropriate plans and/or drawings; and,
  - (f) Any studies identified through pre-application consultation and as provided by policies 12.2.14 (4) and 12.2.14 (5).

***OPA No. 11, approved December 11, 2014***

- (4) In accordance with policy 12.2.14(1), the following supporting information may be required as part of a complete application, to be determined through pre-application consultation with City staff and other public agencies:
  - (a) Planning Justification Report;
  - (b) Transportation Impact Study;
  - (c) Servicing Report;
  - (d) Stormwater Management Plan;
  - (e) Tree Preservation Report and Plan;
  - (f) Hydrogeological and Water Balance Assessment;
  - (g) Watershed or Subwatershed Study;
  - (h) Floodline Delineation Study;
  - (i) Architectural/Urban design Report;
  - (j) Environmental Site Assessment;
  - (k) Ministry of the Environment (MOE) Record of Site Condition (RS(C));
  - (l) A Technical Standards and Safety Authority (TSSA) Contaminant Management Plan;

- (m) Environmental Impact Study or Scoped Environmental Impact Study;
- (n) *Archaeological Assessment*;
- (o) *Heritage Impact Assessment*;
- (p) Shadow Impact Study;
- (q) Wind Study;
- (r) Noise Study;
- (s) Vibration Study;
- (t) Geotechnical Study;
- (u) Slope Stability Study;
- (v) Construction Dewatering Plan;
- (w) MOE Permit to Take Water;
- (x) Market/Retail Impact Study or Retail Analysis;
- (y) Concept *Site Plan* and Building Elevations;
- (z) Erosion and Sediment Control Plans;
- (aa) Recreation and Leisure Impact Assessment; and,
- (bb) Other studies or reports identified through pre-application consultation.

***OPA No. 11, approved December 11, 2014***

- (5) These broad categories of reports and studies (supporting information) are not intended to preclude Council and its delegated approval authorities from requiring additional reports and studies as part of a complete application or from identifying reports or studies during the planning process if circumstances necessitate the need for such information as part of the decision making process. The more specific scoping of reports and studies to be submitted by an applicant will be identified by appropriate staff at the pre-application consultation meeting.

***OPA No. 11, approved December 11, 2014***

- (6) The City may request electronic versions of any of the supporting information submitted with a complete application and may stipulate the format of the digital submission.

***OPA No. 11, approved December 11, 2014***

- (7) All supporting information submitted in accordance with policies 12.2.14 (3) through 12.2.14 (5) must be conducted by a qualified professional retained by and at the expense of the applicant. The City may refuse to accept the supporting information if it considers the quality of the submission unsatisfactory.

- (8) The City may require a peer review of any supporting information submitted in accordance with policies 12.2.14 (3) through 12.2.13 (5) by an appropriate agency or qualified professional at the applicant's expense.

- (9) The City may require applicants who amend complete applications to participate in an additional pre-application consultation meeting or meetings and may require the submission of revised or additional supporting information before the City would consider the amended application complete under the Planning Act.  
***OPA No. 11, approved December 11, 2014***

### 12.2.15 Development Permit System

- (1) The City may adopt a development permit by-law under Section 70.2 of the Planning Act to establish a Development Permit System. Any Development Permit System will support one or all of the following Official Plan objectives:
  - (a) Supporting a compact urban form within the Built-up Area;
  - (b) Facilitating a high standard of urban design;
  - (c) Supporting the protection of the environment;
  - (d) Streamlining the development review process.
- (2) Prior to adopting a development permit by-law, the City will identify one or more areas as Development Permit Areas by way of an amendment to this Plan.
- (3) The approval authority of a development permit application in an established Development Permit Area may be delegated to the Commissioner of Integrated Planning and Public Works. Such approval authority may be delegated in whole or part, and will be set out in a Development Permit By-law.  
***OPA No. 11, approved December 11, 2014***
- (4) The Commissioner of Integrated Planning and Public Works may provide Council, or another body appointed by Council, the opportunity to provide comments on a development permit application, or portions of a development permit application which Council has delegated authority, prior to the application being considered for approval. The Commissioner may also refer any development permit application, in whole or part, to Council for their consideration and potential approval. Additional policies regarding the approval process related to any Development Permit System shall be contained in a Development Permit By-law.  
***OPA No. 11, approved December 11, 2014***
- (5) A development permit will be required prior to undertaking any development within a defined Development Permit Area. For the purposes of policies 12.2.15 (1)

through 12.2.15 (7), development shall have the same meaning as defined in Ontario Regulation 608/06 of the Planning Act.

- (6) Any Development Permit By-law will identify uses that are permitted within a Development Permit Area. Those uses will support the Official Plan objectives identified in policy 12.2.15 (1) above, and will be permitted based on the following criteria:
  - (a) Uses support a compact Uptown Urban Growth Centre;
  - (b) Uses support revitalization and stability of neighbourhoods that are in transition;
  - (c) Uses support public transit;
  - (d) Uses support the *complete community* concept, providing opportunities for people at all stages of life to live, work, learn, shop, and play within close proximity; or
  - (e) Uses support the continued transition to an economy that features a technologically-advanced employment base.
  
- (7) The City may require or attach conditions within a Development Permit Area, as provided in Section 8 of Ontario Regulation 608/06.
  
- (8) The types of conditions that may be included in the Development Permit By-law shall relate to the following:
  - (a) The completion of required studies;
  - (b) The achievement of performance criteria, including those related to achieving a high standard of urban design, and any agreement(s) securing off-site parking or cash-in-lieu of parking;
  - (c) The protection of the natural environment, or remediation of lands;
  - (d) The efficient use, or conservation of energy;
  - (e) The provision of transportation *infrastructure*;
  - (f) *Conservation of cultural heritage resources*;
  - (g) The availability of municipal *infrastructure*; and
  - (h) Entering into agreements relating to any condition.

### 12.2.16 Other Relevant Legislation

- (1) Council will review and monitor existing and future legislation contained in the Planning Act, the Municipal Act, and other relevant Provincial statutes and where appropriate, amend existing by-laws or pass new by-laws to ensure uses of land are regulated and controlled in accordance with the policies of this Plan.

## 12.3 MUNICIPAL INCENTIVES

### 12.3.1 Height/Density Bonusing

- (1) Zoning By-Laws, pursuant to Section 37 of the Planning Act, may be enacted to authorize increases in height and/or density that would not otherwise be permitted in the Zoning By-Law in return for facilities, services or matters that would comply with the general intent of this Plan.
- (2) Authorized increases in height and/or density will be used as a tool to support the City's policy objectives within the Official Plan. The potential for authorized increases in height and/or density will apply to lands which, at the time of application, satisfy the following criteria:
  - (a) Is located within a designated Node or Corridor; and,
  - (b) Is well served by existing or planned transit.
- (3) Any facilities, services or matters for density bonusing will be secured through the use of agreements that are registered on title to the lands. The City will require the property owner to enter into one or more agreements with the City, which may be registered against the title of the affected property, specifying the terms under which the density bonus will be granted.
- (4) With regard to facilities, height and/or density bonusing will not relate to the ongoing maintenance costs of facilities, but may relate to capital facilities or cash-in-lieu toward planned or actual capital facilities, above and beyond any contributions provided under the provisions of the Planning Act or Development Charges Act or other applicable statute(s).
- (5) Subject to policy 12.3.1(6), the City may, at its sole discretion, authorize increases in height and/or density in return for any of the following facilities, services or matters:
  - (a) Significantly enhanced off-site *pedestrian* connections, including *pedestrian* connections to transit facilities, and streetscape improvements on public boulevards;
  - (b) Significantly enhanced off-site bicycle facilities;
  - (c) Building design that is capable of achieving certification under a recognized environmental design certification system;
  - (d) Public art, representing 1% of the value of construction for the development, pursuant to the City's Percent for Public Art Policy;

- (e) Superior outdoor amenity area design that functions as public space for the community at large;
- (f) Improvements to City parks or public spaces;
- (g) Preservation/enhancement of the natural environment, above and beyond the existing requirements in this Plan;
- (h) Remediation of a contaminated site;
- (i) Adaptive re-use of a *cultural heritage resource*, where a *Heritage Impact Assessment* find that the heritage attributes and integrity of the *cultural heritage resource* will be *conserved* through the proposed development;
- (j) Developments which receive senior government funding for the provision of special needs, assisted or other subsidized housing;
- (k) Developments that include an affordable housing component;
- (l) Provision of community facilities, such as arts or cultural facilities, community centres or recreation facilities, or child care centres;
- (m) Other local improvements identified in a City Community Improvement Plan, capital budget, district plans, environmental strategies, and/or other implementation plans or strategies;
- (n) The dedication of useable public parkland or cash-in-lieu of parkland, beyond the minimum requirements, to the City's satisfaction, and in accordance with the dedication of parkland or cash-in-lieu requirements;
- (o) The provision of active transportation connections that serve areas beyond the subject lands, consisting of pedestrian/cycling paths/walkways in accordance with the policies of this Plan and the City's Urban Design Manual; and,
- (p) Enhanced indoor and/or outdoor common amenity space or landscaped open space areas that are accessible to the public, go beyond the City's minimum requirements, and are consistent with the policies of this Plan and the City's Urban Design Guidelines.

**OPA No. 14, approved January 11, 2018**

- (6) In all cases, appropriate development review processes will be utilized to ensure:
  - (a) The site is suitable for the proposed density and/or height in terms of parking, landscaping, and other site-specific requirements;
  - (b) Any increase in density and/or height is compatible with the planned scale and character of the surrounding neighbourhood and has a minimal impact on neighbouring land uses; and
  - (c) That community services, infrastructure and transportation impact issues are adequately addressed, if applicable. A Transportation Impact Study, Servicing Report, and any other relevant supporting information may also be



required. All relevant supporting information may require, at the City's request, examination of off-site impacts.

- (7) The positive impacts of the exchange should benefit the surrounding areas experiencing the increased density.
- (8) Applications to exceed the maximum height limits of the Zoning By-Law must demonstrate how the impact of the increased height will be minimized on adjacent low or medium density areas. Consideration will be given to the extent to which a proposal meets the urban design objectives and policies of this Plan as well as provisions of the City's Urban Design Manual related to compatible development, human scale development, character, building design, landscape design and buffer standards. With the goal of incorporating appropriate building massing to minimize shadow impacts, retain views and complement the planned scale and densities of adjacent properties, appropriate mitigation measures would include, but are not limited to:
  - (a) Increasing the setback from abutting low or medium density residential area;
  - (b) Incorporating terraced massing on any side of the building that abuts a low or medium density residential area;
  - (c) Recognition of existing or planned grade changes between existing abutting low or medium density residential properties and the proposed development that would reduce the impact of the requested additional storeys to a similar impact as would occur if the building were built at the maximum limit in the Zoning By-Law and there was no grade change between it and abutting low or medium density residential uses; and,
  - (d) Recognition of existing features that provide a buffer between the property and adjacent low or medium density residential areas. Such features may include parks, greenspaces, environmental areas, hydro corridors, properties within non residential designations, and properties with height and density limits that serve to buffer low and medium density residential areas from higher density uses.
- (9) For lands within a Station Area as identified on **Schedule 'J' – Station Areas** or an associated sub-schedule, and where such lands are designated Employment and identified as an area where residential uses may be contemplated, the following shall apply:
  - (a) The City shall only consider approval of *development* applications authorizing increases in residential height and/or density where such applications include

an affordable housing component as part of the height/density bonusing proposal.

**OPA No. 14, approved January 11, 2018**

### 12.3.2 Community Improvement Plans

Under Section 28 of the Planning Act, Council may by By-Law designate part of, or the entire City, as a Community Improvement Project Area. It is the intent of Council to utilize Community Improvement Plans to promote and focus public and private sector investment into maintenance, rehabilitation, and redevelopment activities that improve the living and working conditions in the City.

- (1) The goals of community improvement are to:
  - (a) Preserve, redevelop and rehabilitate the built environment, including residential, commercial, industrial, and *mixed-use* areas;
  - (b) To make efficient use of existing *community uses* and other amenities;
  - (c) To ensure private and public community improvement activities are coordinated;
  - (d) To address existing land use conflicts, and minimize or mitigate future land use conflicts;
  - (e) To assist the City in identifying priorities for municipal expenditure regarding community improvement projects; and,
  - (f) To participate, wherever possible, in Federal and/or Provincial programs that facilitate community improvement.
  
- (2) Community Improvement Plans may be prepared and adopted to achieve one or more of the following objectives:
  - (a) Encouraging private sector renovation, repair, rehabilitation, redevelopment or other improvement of lands and/or building, including environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes, or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities;
  - (b) Improving or upgrading *community uses*;
  - (c) Encouraging or facilitating *intensification* or transit-oriented development;
  - (d) Preserving and enhancing the Uptown Waterloo Urban Growth Centre as a major focal point and destination for investment in institutional and region-wide public services, regional-serving land uses and activities such as recreational, social, cultural, entertainment, office, tourism, and significant employment uses;
  - (e) Maintaining and improving the transportation network and associated transportation *infrastructure*, including the *active transportation* network, and



- provide sufficient parking facilities, particularly within the Uptown Waterloo Urban Growth Centre;
- (f) Facilitating improvements to the built form or streetscape;
  - (g) Eliminating, mitigating or relocating incompatible land uses; and,
  - (h) Improving environmental, social, cultural, economic development, or safety conditions.
- (3) For an area to be designated as a Community Improvement Project Area, it must satisfy one or preferably more than one of the following criteria:
- (a) Building stock or property in need of rehabilitation or redevelopment;
  - (b) Opportunities exist to realize energy efficiency improvements or expand housing opportunities through redevelopment or conversion of residential lands and/or buildings;
  - (c) Known or perceived contamination of land or buildings;
  - (d) The presence of incompatible land uses or activities, including non-conforming uses, that disrupt the land use and/or lifestyle of the citizens of the area due to factors such as noise, odour, vibration, parking, loading, and traffic circulation;
  - (e) Deterioration or deficient *community infrastructure*, such as, but not limited to, road, sanitary and storm sewers, water mains, curbs and sidewalks, community facilities, open spaces, parks, streetscapes, and utilities;
  - (f) The presence of *cultural heritage resources* which would benefit from enhancement;
  - (g) Opportunities exist to facilitate *intensification* or support transit-oriented development within the *Built Boundary*;
  - (h) Deteriorated or insufficient parking facilities, road access or traffic circulation;
  - (i) Built form and/or streetscapes being incoherent or detracting from a neighbourhood; and
  - (j) Other significant environmental, social or community economic development reasons for community improvement.
- (4) The City may create Community Improvement Plans to address the goals and objectives in policies 12.3.2 (1) and 12.3.2(2), and may include any of the following actions within defined Community Improvement Project Areas:
- (a) Strategically use public monies to repair or upgrade *community infrastructure*;
  - (b) Utilize public monies to fund grants and/or loans to owners of land and their assignees for the purposes of carrying out the Community Improvement Plan, including rehabilitation of contaminated properties;



- (c) Municipal acquisition, and subsequent clearance, rehabilitation, redevelopment or sale/lease or otherwise dispose of land and buildings;
  - (d) Support of the conservation of *cultural heritage resources* through authorities provided in the Ontario Heritage Act, and the use of funding programs under that Act; and,
  - (e) Participation in senior level government programs that provide assistance to municipalities and/or private landowners for the purpose of community improvement, including application for financial assistance from such senior government programs.
- (5) The phasing of community improvements shall be prioritized according to:
- (a) The ability for the City to fund community improvement projects;
  - (b) The availability of senior level government programs that provide assistance for community improvement; and,
  - (c) The alignment of required capital expenditures to undertake community improvement with departmental priorities and associated capital budgets.
- (6) In developing Community Improvement Plans, Council will ensure that the public is involved in the planning process.
- (7) In accordance with the Planning Act, for furthering the community improvement goals and objectives and under such terms as Council considers appropriate, the City of Waterloo may provide grants or loans to the Regional Municipality of Waterloo for carrying out a Regional community improvement plan that has come into effect.

### 12.3.3 Cash-in-lieu of Parking

- (1) Cash-in-lieu of parking, as set out in section 6.6.2 of the Transportation Chapter may be used to promote a compact urban form, while accommodating additional development, and at the same time creating a funding source for strategically-located parking facilities.
- (2) Funds collected from any cash-in-lieu of parking agreements as set out in section 6.6.2 shall be paid into a special account and shall be used for the acquisition of lands or provision of off-street parking as deemed appropriate by the City.

## 12.4 PUBLIC INVOLVEMENT

### 12.4.1 General Public Involvement Policies

- (1) Council recognizes that citizen and stakeholder engagement is an essential component of decision making, and will seek methods to improve citizen and stakeholder participation, while balancing the need to process applications within the timelines prescribed by the *Province*. To those ends, Council will:
  - (a) Encourage all people to provide input, and support public participation in the decision-making process, where individuals are treated fairly and without bias in an open, orderly and impartial manner;
  - (b) Promote citizen and stakeholder awareness of applications, studies and initiatives by involving and informing citizens and stakeholders early and as often as practical;
  - (c) Make available to the public, the Official Plan, District Plans, Zoning By-Laws, and other planning policies and guidelines of Council, to foster greater awareness and knowledge of planning matters; and
  - (d) Appoint Committees of Council as a means to provide strategic advice and recommendations to Council on a range of issues. All meetings held by Committees of Council shall be open to the public.
  - (e) Utilize community networks, such as neighbourhood associations, as a means of engaging citizens at the neighbourhood level.
  
- (2) The City will develop and update, as appropriate, Public Involvement Guidelines that will provide a framework, and in general a more consistent City-wide approach, for how the City will involve the public, while recognizing that the City has legal obligations to process specific applications within prescribed timelines that are set out in legislation.
  
- (3) It is recognized that decisions of Council with respect to the adoption of Official Plans or amendments thereto or Zoning By-Laws or amendments thereto, are subject to the provisions of the Planning Act as outlined below under “Public Meetings and Notification” and more specifically, Sections 12.4.2 through 12.4.4 of this Plan.
  
- (4) The Public Involvement Guidelines are intended to build on the City’s existing capacity for public involvement by:
  - (a) Enhancing the City’s and the public’s awareness and understanding of public involvement; and,



- (b) Providing practical guidance for public involvement, which clarifies the type of involvement, roles and expectations associated with each approach.
- (5) The Guidelines will outline a continuum of public involvement that has three basic public involvement strategies, they are: Inform, Consult and Engage. The strategies are complementary approaches that can be used independently or in combination within the context of a single public involvement process.
- (6) The Public Involvement Continuum expands the involvement strategies to one or a combination of five decision-making approaches or levels. These are related to the broader strategies of Informing, Consulting and Engagement, and vary correspondingly in the extent of stakeholder involvement and potential policy influence. These public engagement levels are:
  - (a) Inform and Educate;
  - (b) Gather Information;
  - (c) Discuss;
  - (d) Engage; and,
  - (e) Partner.

#### 12.4.2 Public Meetings and Notification

- (1) Notwithstanding any Public Involvement Guidelines that Council may approve pursuant to policy 12.4.1 (2) above, the Planning Act contains provisions regarding public meetings, notification requirements, and processing timelines for the adoption of or revisions to land use documents. In certain instances, the Planning Act allows a municipality to provide notice in a different manner than those described in the Planning Act and its regulations, provided that an alternative method is outlined in the municipality's Official Plan.
- (2) The City of Waterloo will use the provision for an alternative method as outlined in policy 12.4.2 (5) below to allow for enhanced consultation during the early review process and not rely solely on the notice of public meeting as outlined in the Planning Act. This will foster communication and education of issues to people and groups early in the decision- making process.
- (3) The City shall require signage in order to provide notification for proposed Official Plan Amendments, Zoning By-Law Amendments, Plans of Subdivision and applications to the Committee of Adjustment. Such signage shall be posted on the subject site by the applicant indicating the basic details of the application. The

wording, design and placement of the sign is to be approved by the City of Waterloo.

- (4) Details of proposed Official Plan Amendments, Zoning By-Law Amendments, Plans of Subdivision and Plans of Condominium shall be circulated for comment to all agencies and boards that are considered to have an interest in the matter within 15 days of receiving any application that is deemed a complete *development* application.
- (5) With regard to proposed Amendments to the Official Plan or Zoning- Bylaw(s), the following shall apply:
  - (a) Two public meetings may be held to inform and secure the views of the public with respect to the approval of an Amendment to the Official Plan or Zoning By-Law. The first meeting shall be known as the Informal Public Meeting and the second shall be known as the Formal Public Meeting. City staff may waive the Informal Public Meeting where there is a desire to expedite the approval process or where the holding of such meeting would serve no useful purpose.
  - (b) The purpose of the Informal Public Meeting is to present the proposed Amendment and to obtain the preliminary comments of those affected by the proposed Amendment. The Informal Public Meeting shall be open to the public and any person who attends the meeting shall be afforded an opportunity to make representations regarding the proposed Amendment. After the meeting, the application will be referred to municipal staff for a report. The municipal staff report shall be considered at the Formal Public Meeting. This meeting shall be open to the public and any person who attends the meeting shall be afforded an opportunity to make representations in respect of the proposed Amendment.
  - (c) Depending on the nature and scope of the application, there may be benefit to holding neighbourhood open house(s) in addition to the Formal and Informal Public Meetings, in order to provide the community additional information regarding technical studies and the scale and scope of the proposal. These open house sessions would be information sharing and informal in nature.

### 12.4.3 Informal Public Meeting

- (1) Notice for an 'Informal Public Meeting' shall be given:
  - (a) By publication in a newspaper that is, in the Clerk's opinion, of sufficiently



general circulation in the area to which the proposed Amendment would apply that would give the public reasonable notice of the meeting;

- (b) Where the proposed amendment is not a general amendment, by personal service or prepaid first class mail to every owner of land, in the area to which the proposed Amendment would apply and to every owner of land within 120 metres of the area to which the proposed Amendment would apply, as shown in the last revised assessment roll, at the address shown on the roll, but where the Clerk has received written notice of a change of ownership of land, notice shall be given to the new owner at the address set out in the written notice.

The 120 metre distance may be increased by Council resolution; and  
***OPA No. 22, approved June 11, 2019***

- (c) By personal or prepaid first class mail to the Clerk of each Area Municipality, any part of which is within one kilometre of the area to which the proposed Amendment applies.
- (2) The Informal Public meeting shall be held not sooner than 10 days after the requirements for the giving of notice, as set out in section 12.4.3 (1) of this chapter, have been complied with.
- (a) Notice of the proposed Amendment shall be given by personal service or prepaid first class mail, at least 21 days prior to the Informal Public Meeting to such agencies as City staff considers may have an interest and such agencies shall be given an opportunity to submit comments in respect to the application.
  - (b) If the Informal Public Meeting cannot be held as scheduled due to weather conditions or other similar reasons, the Clerk shall reschedule the meeting, and shall provide notice of the rescheduled meeting as set out in Paragraph 12.4.3 (1) at least 3 days prior to the meeting.

#### **12.4.4 Formal Public Meeting**

- (1) Notice for a 'Formal Public Meeting' shall be given in the same manner as an Informal Public Meeting, as set out in Section 12.4.3 (1) of this chapter.
- (2) The Formal Public Meeting shall be held not sooner than 14 days after the requirements for the giving of the notice, as set out in Section 12.4.3 (1) of this chapter, have been complied with.

- (3) Notice of the proposed Amendment shall be given by personal service or prepaid first class mail to agencies as City staff considers may have an interest, at least 14 days prior to the Formal Public Meeting, and such agencies shall be given an opportunity to submit comments in respect of the proposed Amendment prior to or at the Formal Public Meeting.
- (4) Where City staff has directed that no Informal Public Meeting be held, the Formal Public Meeting shall be held not sooner than 20 days after the requirements for the giving of notice, as set out in Section 12.4.3 (1) of this chapter, have been complied with.
- (5) Council or the Committee of the Whole may defer the Formal Public Meeting or may decide to extend the meeting to another time. Notice of the rescheduled or additional meeting shall be given verbally to those persons in attendance and in writing to those persons who had submitted written comments at least 3 days prior to the meeting.
- (6) If the Formal Public Meeting cannot be held as scheduled, due to a lack of a quorum, the Clerk shall reschedule the Meeting. Notice of the rescheduled meeting may be given verbally to those persons in attendance and in writing to those persons who had submitted written comments at least 3 days prior to the meeting.
- (7) If the Formal Public Meeting cannot be held as scheduled due to weather conditions or other similar reason, the Clerk shall reschedule the meeting and shall provide notice of the rescheduled meeting as set out in Paragraph 12.4.3 (1) at least 3 days prior to the meeting.

#### **12.4.5 Neighbourhood Open House**

- (1) This City will hold Open Houses as required by the Planning Act in relation to certain amendments to the Official Plan and/or Zoning By-Law.
- (2) The City may, at its sole discretion, hold additional meetings that go beyond the statutory requirement for planning and non-planning initiatives. The City may use neighbourhood open houses to consult with the public over and above prescribed minimum requirements.
- (3) Notice for a neighbourhood open house that is not a statutory requirement for a planning application, shall be given by publication in a newspaper that is, in the

Clerk's opinion, of sufficiently general circulation to which an Amendment would apply. Notice for a neighbourhood open house shall be provided a minimum of 10 calendar days notice before the neighbourhood open house.

- (4) Notice for a neighbourhood open house that is not a statutory requirement for a *development* application, may be sent directly through prepaid first class mail or electronic mail to those who have expressed an interest in the application(s).

#### 12.4.6 Committees of Council

- (1) This Official Plan recognizes the important function that Committees of Council perform. Taking direction from approved Terms of Reference, Committees of Council provide strategic advice and recommendations to Council on a wide range of issues. Committees of Council are routinely sought to provide input on a range of City projects.
- (2) Committees of Council include members of the public, and are recognized as a critical component in fair and transparent decision-making.

#### 12.5 REVIEW, AMENDMENTS AND CONSOLIDATIONS

- (1) Council shall review this Plan every five years or whenever a fundamental change occurs in the basic growth, development, demographic, social, economic, environmental or technical assumptions upon which the Plan is based, or if there is need to conform to Provincial plans or policies, whichever comes first. Prior to initiating this review, Council shall consult with the Region of Waterloo and other public bodies, and hold a special public meeting to discuss any revisions that may be required to the Plan.
  - (a) Amongst other matters, the review shall ensure that the Official Plan:
    - (i) Conforms with provincial plans or does not conflict with them, as the case may be;
    - (ii) Has regard to matters of provincial interest; and,
    - (iii) Is consistent with the policy statements issued by the *Province*
  - (b) The review shall also consider policies dealing with the designation of *employment areas* and the re-designation (conversion) of *employment areas* to non-employment uses, to ensure that those policies are confirmed or amended.
  - (c) When an amendment is proposed to update the Official Plan (as detailed in Section 26 of the Planning Act), Council shall hold at least one open house



for the purpose of giving the public an opportunity to review and ask questions. Such an open house shall be held at least seven days prior to the Formal Public Meeting.

- (2) The Official Plan will be subject to ongoing review by Council and may be amended when desirable, to ensure that changes in social, economic, environmental, technological and demographic conditions that are more minor than noted in policy 12.5 (1) above, are reflected in the policy framework of the Plan.
- (3) Council will include with Official Plan Amendments, when submitting them to Regional Council for approval, a certified copy of the by-law adopting the Plan (or amendment); a statement certifying that the requirements for the giving of notice and the holding of at least one open house (if applicable) and public meeting have been complied with; a statement certifying that the requirements for giving notice of a complete application have been complied with; a statement from a municipal employee as to whether or not the decision of Council is consistent with the Provincial Policy Statement and conforms or does not conflict with the applicable provincial plan(s) that are in effect; the true copy of all written submissions or comments and accompanying material received prior to the adoption of the Plan (or amendment); and other material as Regional Council may require.
- (4) An effort will be made to consolidate amendments to the Plan annually so that they can conveniently be made available to the public along with the Plan. It should be noted that such consolidations are for reference purposes only.

(5) This Plan contains references to the Regional Official Plan. All such references shall be interpreted as referring to text and mapping of the Regional Official Plan as approved by the Province on December 22, 2010.

Appeal No. 1  
See explanatory note

Appeal No. 2  
See explanatory note

(6) Notwithstanding policy 12.5(5), it is recognized that the Regional Official Plan may change through future approvals by the Ontario Municipal Board or through future amendments adopted by Regional Council. In the event that changes are made to the Regional Official Plan through either the approval by the Ontario Municipal Board or by future amendment, this Plan will be brought into conformity with the Regional Official Plan by means of appropriate housekeeping amendments.

Appeal No. 1  
See explanatory note

Appeal No. 2  
See explanatory note



- 
- (7) Provided that the purpose and intent of the Plan are not affected, the following technical revisions to the Plan are permitted without an Official Plan Amendment:
    - (a) changing the labelling, numbering, cross-referencing and arrangement of the text, tables and schedules;
    - (b) revising base map information;
    - (c) altering punctuation or language for consistency; and,
    - (d) correcting grammatical, mathematical, typographical, dimensional and boundary errors.

***OPA No. 11, approved December 11, 2014***

## **12.6 MONITORING AND ASSESSMENT**

- (1) Monitoring of the Plan will be ongoing and shall evaluate factors such as population, employment and housing trends, changes in the legislative environment and social economic, environmental, transportation and fiscal trends impacting the City of Waterloo.
- (2) Specific monitoring will be undertaken in order to ensure conformity with the Regional Official Plan and Growth Plan for the Greater Golden Horseshoe. At a minimum, the City shall monitor the following trends:
  - (a) Monitor development within the Built-up Area to determine the City of Waterloo's progress in achieving the *intensification* target of this Plan, to be calculated on an annual basis.
  - (b) Achievement of the density target for the Uptown Waterloo Urban Growth Centre, to be calculated at least once every five years; and,
  - (c) Monitor development within the Designated Greenfield Area to determine the City of Waterloo's progress in achieving the minimum density target set out in this Plan.

## **12.7 ROLES IN DECISION MAKING**

### **12.7.1 Council**

- (1) Council will ensure accountability to the public by making decisions that follow a transparent process, while striving to ensure all necessary and relevant information is available prior to decision-making.
- (2) Council will make decisions that are in the long-term interest of the community, within the context of all relevant legislation.

### 12.7.2 Public

- (1) The public includes all individuals living, working, owning property, doing business or having other interests within the City of Waterloo.
- (2) The public will be provided opportunities to request information from the City, attend all public meetings, provide input that assists in decision making, and make formal inquiries, as per the Municipal Act, regarding procedures related to municipal meetings.

### 12.7.3 Other Stakeholders

- (1) Other stakeholders include public and private groups or organizations located within the City of Waterloo, and outside of the City of Waterloo.
- (2) Other stakeholders will be provided similar opportunities as the public. Other stakeholders may be directly solicited for input on planning decisions through prescribed processing requirements set out in the Planning Act, or may be consulted with based on areas of interest.

### 12.7.4 Officers and Employees

- (1) Officers and employees of the City of Waterloo will:
  - (a) Implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
  - (b) Undertake research and provide professional advice to Council on the policies and programs of the City;
  - (c) Carry out other duties required under all relevant legislation; and,
  - (d) Carry out other duties assigned by the City of Waterloo.