



STAFF REPORT Planning

Title: Zoning By-law Amendment Z-20-01, Temporary Use Zoning By-law, S·O·L·E·R Initiative, City of Waterloo

Report Number: IPPW2020-047

Author: Joel Cotter

Meeting Type: Council Meeting

Council/Committee Date: July 13, 2020

File: Z-20-01

Attachments: Appendix A – Temporary Use Zoning By-law

Ward No.: City Wide

Recommendations:

1. That Council approve report IPPW2020-047.
2. That Council approve Zoning By-law Amendment Z-20-01, City of Waterloo, to implement the City's S·O·L·E·R Initiative in response to COVID-19, in accordance with Section 5 of Staff Report IPPW2020-047.
3. That the Mayor and Clerk be authorized to sign the implementing by-law for Zoning By-law Amendment Z-20-01.

A. Report

1. Background

The world-wide pandemic caused by Coronavirus (SARS-CoV-2) necessitated the Province to issue emergency orders to close many businesses and enact operating restrictions for essential services. These unprecedented measures are necessary to protect the health, well-being and safety of Ontarians and Canadians. On June 8, 2020, the Premier announced that Waterloo Region would enter Stage 2 of the Province's Reopening Plan on June 12th, allowing certain businesses and services to reopen with health and safety measures in place. Waterloo City Council immediately responded by approving CAO2020-008 on June 11, 2020, creating the City's S·O·L·E·R (Support Our Local Economic Recovery) Initiative to complement existing local economic development efforts such as the City's Uptown Sidewalk Patio program.

2. S·O·L·E·R Initiative

S·O·L·E·R is a free, short-term and flexible initiative that enables a wide range of temporary commercial uses that would not otherwise be permitted, as well as temporary signage opportunities on municipal lands to market and promote local businesses and artisans. It focuses on temporary land use planning opportunities to support the local economy, such as:

1. the temporary use of off-street parking areas for commercial purposes, subject to licencing;
2. the temporary use of certain on-site open space areas for commercial purposes, subject to licencing;
3. the temporary use of municipal lands for commercial purposes, subject to licencing;
4. the use of municipal lands for temporary signage to market and promote local businesses and artisans, subject to permitting.

3. Zoning By-law Amendment Z-20-01

Recommendation 4 of CA02020-008 authorized the City's Director of Economic Development to submit an application to amend the City's Zoning By-law in support of the S·O·L·E·R Initiative, resulting in this application Z-20-01.

Section 39 of the Planning Act grants council the ability to pass a by-law to authorize the temporary use of land, buildings or structures for any purpose that is otherwise prohibited by the Zoning By-law for a specified period of time not to exceed three years*.

* Subsection 39(3) permits council to grant extensions (by by-law) of not more than three years each.

On July 2nd, the Province issued Order in Council 518/2020 granting municipalities authority to pass by-laws under Section 39 of the Planning Act to permit restaurant patios without undertaking the zoning process outlined in Section 34 of the Act. Given the S·O·L·E·R Initiative is broader than restaurant patios, the City has proceed under the standard Planning Act process for Z-20-01.

Zoning By-law Amendment Z-20-01 proposes temporary zoning permissions pursuant to Section 39 of the Planning Act, more specifically:

1. to allow off-street parking areas, loading spaces, and other spaces on private and public property to be temporarily used for commercial and cultural purposes;
2. to temporarily allow outdoor display areas in any yard, notwithstanding Section 3.P.1.4 of By-law 2018-050;

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3. to allow patios and outdoor display areas to temporarily obstruct and/or eliminate a parking space and/or loading space, notwithstanding Section 3.P.2.3 of By-law 2018-050; and
4. to make available temporary site specific exemptions to Section 3.P.2.2 of By-law 2018-050, to allow temporary patios in yards abutting a Low Rise Residential Area.

Temporary uses will be subject to the individual, business or artisan obtaining a licence from the City of Waterloo, and compliance with all conditions applied to the licence.

4. Evaluation

Planning staff support Amendments 1 to 3 above, as the permissions are temporary and align with Provincial directives (re: Stage 2 of the Province's Reopening Plan).

Amendment 4 proposes temporary site specific exemptions to Section 3.P.2.2 of By-law 2018-050, to allow patios in yards abutting a Low Rise Residential Area. The Alcohol & Gaming Commission of Ontario (AGCO) permits liquor sales from 9:00 a.m. to 2:00 a.m. (Monday to Sunday). Patios, particularly those operating late into the evening, have the potential to impact sensitive uses such as residential dwellings. As such, to facilitate land use compatibility, Zoning By-law 2018-050 prohibits new patios in yards abutting a Low Rise Residential Area. Through the implementation of the S·O·L·E·R Initiative, the owner of 77 King Street North requested temporary relief from Section 3.P.2.2 – a temporary and conditional S·O·L·E·R licence was issued to 77 King Street North as a "pilot", pending council's consideration of Zoning By-law Amendment Z-20-01. Planning staff do not object to granting temporary relief from Section 3.P.2.2 of ZB2018-050 for the following reasons:

- i. the permission is temporary
- ii. the permission aligns with Provincial directives (re: Stage 2, Province's Reopening Plan)
- iii. certain restaurants have no viable alternative, preventing opening based on current Provincial directives (i.e., indoor dine-in services are not currently permitted)
- iv. the S·O·L·E·R licence can apply appropriate conditions based on context and operations

It will be up to the patio operator to comply with the terms of the conditional licence, and demonstrate compatibility with surrounding residential properties or risk the City revoking the S·O·L·E·R licence and any applicable temporary zoning permissions granted via application Z-20-01.

5. Recommendations

- i. That Council approve report IPPW2020-047.
- ii. That Council approve Zoning By-law Amendment Z-20-01, City of Waterloo, to implement the City's S·O·L·E·R Initiative in response to COVID-19, in accordance with the zoning set out in Appendix 'A' to IPPW2020-047.
- iii. That the Mayor and Clerk be authorized to sign the implementing by-law for Zoning By-law Amendment Z-20-01.

B. Financial Implications

Staff is not aware of any significant municipal financial implications with respect to this report.

C. Technology Implications

None.

D. Link to Strategic Plan

(Strategic Objectives: Equity, Inclusion and a Sense of Belonging; Sustainability and the Environment; Safe, Sustainable Transportation; Healthy Community & Resilient Neighbourhoods; Infrastructure Renewal; Economic Growth & Development)

(Guiding Principles: Equity and Inclusion; Sustainability; Fiscal Responsibility; Healthy and Safe Workplace; Effective Engagement; Personal Leadership; Service Excellence)

The S·O·L·E·R Initiative aligns with the City's 2019-2022 Strategic Plan, including:

- the strategic goal and objective of fostering a robust and diversified economy;
- the guiding principle of healthy and safe workplaces, including environments that promote a sense of physical and psychological wellbeing;
- the guiding principle of service excellence, founded on a responsive and customer centric culture.

E. Previous Reports on this Topic

CAO2020-008

F. Approvals

Name	Signature	Date
Author: Joel Cotter		July 07, 2020
Director: Joel Cotter		July 07, 2020
Commissioner: Cameron Rapp		July 07, 2020
Finance: N/A		
		CAO



**Zoning By-law Amendment Z-20-01, Temporary Use Zoning By-law,
S·O·L·E·R Initiative, City of Waterloo
IPPW2020-047**

APPENDIX 'A'



THE CORPORATION OF THE CITY OF WATERLOO

BY-LAW NO. 2020 –

TEMPORARY USE ZONING BY-LAW CITY OF WATERLOO

SOLER Initiative

WHEREAS:

1. By-law 2018-050 was passed by the Council of The Corporation of the City of Waterloo on September 10, 2018 and, pursuant to an order of the Local Planning Appeal Tribunal dated November 28, 2019 (PL180874), is in full force and effect with the exception of two geographic site specific appeals.
2. Section 39 of the Planning Act R.S.O. 1990 c.P.23 (the “Act”) enables the council of a local municipality to pass a by-law under Section 34 of the Act to authorize the temporary use of land, buildings or structures for any purpose that is otherwise prohibited by the applicable Zoning By-law.
3. The Council of The Corporation of the City of Waterloo deems it desirable to pass this temporary use zoning by-law pursuant to Section 39 of the Act.

THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WATERLOO ENACTS AS FOLLOWS:

1. Pursuant to subsection 39(1) of the Act, the following uses are temporarily permitted in accordance with the provisions of this by-law:
 - A. Off-street parking areas, LOADING SPACES, and other spaces on Municipal Lands may be temporarily used for any commercial or cultural use.
“Municipal Lands” herein means lands owned or under the control of The Corporation of the City of Waterloo and/or The Corporation of the Regional Municipality of Waterloo.
 - B. Off-street parking areas, LOADING SPACES, and other spaces on non-Municipal Lands may be temporarily used for any use permitted in the zoning applied to said lands.

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- C. Temporary OUTDOOR DISPLAY AREAS in any YARD, notwithstanding Section 3.P.1.4 of By-law 2018-050.
 - D. PATIOS and OUTDOOR DISPLAY AREAS may temporarily obstruct and/or eliminate a PARKING SPACE and/or LOADING SPACE, notwithstanding Section 3.P.2.3 of By-law 2018-050.
 - E. PATIOS in YARDS abutting a LOW RISE RESIDENTIAL AREA, notwithstanding Section 3.P.2.2 of By-law 2018-050.
2. Pursuant to subsection 39(2) of the Act, this by-law shall apply to all lands governed by City of Waterloo Zoning By-law 2018-050.
 3. Pursuant to subsection 39(2) of the Act, the temporary use zoning herein shall be in effect until December 31, 2020.
 4. Notwithstanding Clause 3, the temporary use zoning herein may be revoked prior to December 31, 2020 by by-law of The Corporation of the City of Waterloo in relation to one or more properties and/or uses.
 5. Capitalized words and terms herein shall have the corresponding meaning as set out in City of Waterloo Zoning By-law 2018-050.
 6. This by-law shall come into force and effect on the date of its final passing thereof by the Council of the Corporation of the City of Waterloo, subject to the provisions of the Act.

Enacted this _____ day of _____, 2020.

D. Jaworsky, Mayor

O. Smith, City Clerk