



STAFF REPORT Planning Approvals

Title: Zoning By-law Review – Addendum to IPPW2018-056 and IPPW2018-058.2
Report Number: IPPW2018-058.3
Author: Joel Cotter
Meeting Type: Council Meeting
Council/Committee Date: September 10, 2018
File: Comprehensive Zoning By-law Review: Z-16-01
Attachments: Appendix 'A' – C214 for 364 Woolwich Street (New)
Appendix 'B' – C164 for 6 Dietz Avenue South (Amended)
Appendix 'C' – Item #48 for Official Plan Amendment 22
Ward: City-Wide

Recommendations:

1. That Council approve report IPPW2018-056 (Official Plan Amendment 22) as amended by IPPW2018-058.3 to add Item #48 for Transition Zones.
2. That Council approve IPPW2018-058, IPPW2018-058.1, IPPW2018-058.2 and IPPW2018-058.3 (Comprehensive Zoning By-law Review)
3. That Council endorse the Zoning By-law attached as Schedule 'A' to IPPW2018-058.2 with an amended Site Specific C164 as attached to IPPW2018-058.3 as Appendix 'B' and that:
 - a.) Schedule 'A' be amended to "(H)R3" for 364 Woolwich Street;
 - b.) Schedule 'C' be amended to include C214, attached as Appendix 'A' to IPPW2018-058.3;
 - c.) Schedule 'C1' be amended to include C214 for 364 Woolwich Street;
 - d.) Schedule 'A' be amended to "ZC" for 39-42 Erb Street East and 39 Dupont Street East.
4. That Council pursuant to subsection 34 (10.0.0.2) of the Planning Act approves by resolution that lands zone Future Determination (FD) in the Zoning By-law shall not be subject to subsection 34 (10.0.0.1) of the Planning Act.

A. Modifications to IPPW2018-056 and IPPW2018-058.2

Following the release of IPPW2018-058.2:

1. A Zoning By-law Amendment application was submitted for 39-42 Erb Street East and 39 Dupont Street East. Schedule 'A' has been amended to apply a "ZC" category to the lands.
2. Planning Approvals staff met with IBI Group on September 7th regarding 364 Woolwich Street (re: Item #13 in IPPW2018-058.2) to discuss the proposed zoning for the property. IBI Group is requesting Residential Three (R3) zoning with site specific provisions to allow the property to be subdivided into three serviced lots oriented towards Woolwich Street, as follows:
 - a) LOT AREA (INTERIOR LOT, minimum) 639 square metres
 - b) LOT FRONTAGE (minimum) 15 metres for an INTERIOR LOT
22 metres for a CORNER LOT

IBI Group submits that:

- the site specific zoning is consistent with / conforms to Provincial policies and plans
- the lands can be serviced from Woolwich Street (three servicing connections have been installed)
- the proposed development is compatible with nearby residential lands
- represents intensification within the built-up area
- the proposed development is compact, providing alternative lot sizing in the area
- the proposed development is low density residential, as contemplated in the City's Official Plan

Planning Approvals staff support the Residential Three (R3) zoning. The proposed R3 zone limits development to single detached homes, and is a consolidation of the existing Single Residence Three (SR3) and Single Residence Four (SR4) zones applied to estate residential lots throughout the city. Where full services are available, the proposed R3 zone would require:

- a) LOT AREA (minimum) 750 square metres
- b) LOT FRONTAGE (minimum) 19.5 metres for an INTERIOR LOT
22.5 metres for a CORNER LOT

In IPPW2018-058.2 (re: Item #13), Planning Approvals recommends zoning the property R3 without site specific provisions, which would permit the subdivision of the existing parcel into two (2) lots, but not three (3). In order to evaluate the merits of subdividing the parcel into 3 lots, more detailed information is required in staff's opinion, including:

- a) how to mitigate impacts to the "heritage tree" (Elm) on Woolwich Street
- b) how to mitigate impacts on private services in the area
- c) evaluation of groundwater impacts
- d) evaluation of compatibility with the multi-use trail on Woolwich Street
- e) evaluation of compatibility with nearby residential properties
- f) evaluation of planned residential character on the north side of Woolwich Street

IPPW2018-058.2 indicates that a minor variance and consent application are appropriate planning mechanisms to consider the subdivision of the parcel into 3 lots, and provide an opportunity to engage interested persons / neighbours. Another approach is to apply site specific provisions with a holding provision, requiring further technical analysis to be

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undertaken prior to any redevelopment of the lands. Note, unlike a minor variance where any individual who participates in the planning process has the right to appeal, holding provisions may only be appealed by the owner.

If Council is supportive of a holding provision, staff recommends that 364 Woolwich Street be zoned (Holding) Residential Three "(H)R3" with site specific provisions slightly modified from those advanced by IBI Group to limit precedent – under the modified provisions, only two (2) other lots of the eleven (11) fronting Woolwich Street between the westerly segment of Lexington Crescent and Cedarcliffe Drive could be potentially subdivided into 3 lots. The site specific provisions are as follows:

a) LOT on full services:

i.) LOT AREA (minimum)	660 square metres for an INTERIOR LOT 840 square metres for a CORNER LOT
ii.) LOT FRONTAGE (minimum)	15.8 metres for an INTERIOR LOT 20.0 metres for a CORNER LOT

b) The holding symbol (H) means the lands are zoned as a holding provision area for which the following applies:

- i.) Notwithstanding anything to the contrary, the holding symbol shall not be removed until the following criteria are satisfied:
 - A. Verification through a detailed vegetation management plan that street trees and their root zones will not be impacted, including the large Elm tree on Woolwich Street, to the satisfaction of the City of Waterloo.
 - B. Verification through a scoped hydrogeological assessment and scoped engineering study that private services on nearby lands will not be permanently disrupted or degraded as a result of development or home construction on the lands, to the satisfaction of the City of Waterloo.
 - C. Verification through a scoped hydrogeological assessment that building footings will be located at least 0.5 metres above the maximum elevation of the seasonally high groundwater table and or maximum elevation of any groundwater mounding, unless other directed by the City of Waterloo.
 - D. Verification through a scoped multi-use trail assessment that development on the lands will not impact the Walter Bean Grand River Trail within the abutting Woolwich Street road allowance, to the satisfaction of the City of Waterloo.
 - E. Verification through a Block Plan that development on the lands will be compatible with nearby residential properties and that the planned residential character on the north side of Woolwich Street will not be adversely impacted, to the satisfaction of the City of Waterloo.

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If Council is support of the holding provision approach:

1. Schedule 'A' will need to be amended to "(H)R3" for 364 Woolwich Street.
 2. Schedule 'C' will need to be amended to include C214, attached as Appendix 'A' to IPPW2018-058.3.
 3. Schedule 'C1' will need to be amended to include C214 for 364 Woolwich Street.
3. IPPW2018-058.2 advanced minor modifications to Site Specific C164 applied to 6 Dietz Avenue South to include the word "average" in the landscaped buffer regulation. The owner of 8 Dietz Avenue South is concerned with the insertion of the word "average" resulting in a portion of the buffer being reduced to a nominal depth. In Planning Approvals' opinion, it is unlikely that the insertion of the word "average" relative to the 6 metre landscaped buffer will result in a portion of the buffer being reduced to a nominal depth, and the redevelopment of 6 Dietz Avenue South to medium density residential will be subject to site plan control through which the City can require fences, hedges, trees, shrubs and other groundcover to buffer the adjoining lands at 8 Dietz Avenue South. However, in response to the concern expressed by the owner of 8 Dietz Avenue South, Planning Approvals recommends that Clause 'C' in Site Specific C164 be amended to read (emphasis added):

- c) Notwithstanding anything to the contrary, there shall be a LANDSCAPED BUFFER with a minimum average depth of 6 metres and at no point less than 4 metres adjacent to the LOT LINE that abuts 8 Dietz Avenue South. This provision shall not apply to a SINGLE DETACHED BUILDING (with or without a SECOND RESIDENTIAL UNIT) on the Lands.

An amended Site Specific C164 is attached to this report as Appendix 'B' for Council's approval.

4. On September 6th, Planning Approvals received correspondence from the owner of 173-189 Park Street and 35 John Street West regarding the proposed new Zoning By-law. The owner has had on-and-off again discussions with staff regarding increased height and density permissions, and is requesting that the subject lands be excluded from the new Zoning By-law. The lands are currently zoned General Business-6 (GB-6) in By-law No. 1108, with a maximum building height of 18 metres. In the proposed new Zoning By-law, the Uptown Mixed-Use 20 (U2-20) zoning applied to the lands has a maximum building height of 20 metres in accordance with the Official Plan, more specifically Schedule 'B1' which designates the lands "Medium Density, 20 Metres". Planning Approvals recommends that the lands be zoned U2-20 to implement the Official Plan, as required by the *Planning Act*. The appropriate mechanism to consider height and density increases is Section 37 of the *Planning Act* (re: Bonusing) once a development concept is firm. To modify other regulations such as setbacks and parking, a zoning by-law amendment or minor variance will be required (which process depends on the nature and magnitude of the relief). Any application advanced will need to demonstrate conformity to applicable planning policies and objectives, and principles of good planning and urban design.
5. Various parties and individuals have expressed support for the proposed Future Determination (FD) and Zone Change (ZC) zones in the proposed new Zoning By-law. FD and ZC are transition zones, pausing the establishment of detailed zoning until further planning studies are completed

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and or so as not fetter active zoning by-law amendment applications on lands through the implementation of the comprehensive Zoning By-law Review. MHBC Planning has requested more certainty related to the proposed FD and ZC zones. In order to provide a specific policy in the Official Plan and create more certainty related to the transition zones, Planning Approvals recommends that Official Plan Amendment 22 (OPA 22) include Item #48 attached to this report as Appendix 'C'.

B. Financial Implications

There are no financial implications associated with approval of this report. Should the proposed Zoning By-law be appealed, costs related to a Local Planning Appeal Tribunal (LPAT) hearing will be incurred.

C. Technology Implications

None

D. Legal Considerations

Legal Services is available to advise Council on matters of law.

E. Link to Strategic Plan

(Strategic Priorities: Multi-modal Transportation, Infrastructure Renewal, Strong Community, Environmental Leadership, Corporate Excellence, Economic Development)

Economic Development - facilitates the objective to bring forward a new comprehensive Zoning By-law.

F. Previous Reports on this Topic

IPPW2018-056: Official Plan Amendment 22

IPPW2018-058: Zoning By-law Review

IPPW2018-058.1: Zoning By-law Review - Addendum

IPPW2018-058.2: Zoning By-law Review – Addendum - Summary

G. Approvals

Name	Signature	Date
Author: Joel Cotter		September 10, 2018
Director: Joel Cotter		September 10, 2018
Commissioner: Cameron Rapp		September 10, 2018
Finance: N/A		

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Zoning By-law Review – Addendum to IPPW2018-056 and IPPW2018-058.2

IPPW2018-058.3

Appendix 'A'

[new]

Exception	Address	Zoning	File Reference
C214	364 Woolwich Street	(H)R3	

Location: 364 Woolwich Street
as shown on Schedule 'C1' to this BY-LAW.

Site Specific Regulations:

- a) Notwithstanding anything to the contrary, for the lands known municipally as 364 Woolwich Street, the following LOT AREA and LOT FRONTAGE provisions shall apply to a LOT serviced by a municipal sanitary service and a municipal water service:
 - i.) LOT AREA (minimum)

660 square metres for an INTERIOR LOT
840 square metres for a CORNER LOT
 - ii.) LOT FRONTAGE (minimum)

15.8 metres for an INTERIOR LOT
20.0 metres for a CORNER LOT
- b) The holding symbol (H) means the lands are zoned as a holding provision area for which the following applies:
 - i.) Notwithstanding anything to the contrary, the holding symbol shall not be removed until the following criteria are satisfied:
 - A. Verification through a detailed vegetation management plan that street trees and their root zones will not be impacted, including the large Elm tree on Woolwich Street, to the satisfaction of the City of Waterloo.
 - B. Verification through a scoped hydrogeological assessment and scoped engineering study that private services on nearby lands will not be permanently disrupted or degraded as a result of development or home construction on the lands, to the satisfaction of the City of Waterloo.
 - C. Verification through a scoped hydrogeological assessment that building footings will be located at least 0.5 metres above the maximum elevation of the seasonally high groundwater table and or maximum elevation of any groundwater mounding, unless other directed by the City of Waterloo.
 - D. Verification through a scoped multi-use trail assessment that development on the lands will not impact the Walter Bean Grand River Trail within the abutting Woolwich Street road allowance, to the satisfaction of the City of Waterloo.
 - E. Verification through a Block Plan that development on the lands will be compatible with nearby residential properties and that the planned residential character on the north side of Woolwich Street will not be adversely impacted, to the satisfaction of the City of Waterloo.

Appendix 'B'

[modified]

Exception	Address	Zoning	File Reference
C164	6 Dietz Avenue South	RMU-20	

Location: 6 Dietz Avenue South
as shown on Schedule 'C1' to this BY-LAW

Site Specific Regulations:

- d) A holding symbol (H) is hereby applied to the lands known municipally as 6 Dietz Avenue South (hereinafter the "Lands"). The holding symbol (H) means the LOT is zoned as a holding provision area for which the following applies:
 - a. Notwithstanding anything to the contrary, until the holding symbol is removed from the Lands, USES shall be restricted to:
 - i. SINGLE DETACHED BUILDING, subject to the regulations of the R4 zone and applicable regulations in this BY-LAW
 - ii. SECOND RESIDENTIAL UNIT, subject to applicable regulations in this BY-LAW

- e) The holding symbol (H) as it applies to the Lands shall not be removed until:
 - a. The Lands are merged on title with at least two contiguous properties abutting both 6 Dietz Avenue South and Erb Street West (collectively the "Merged Parcel").
 - b. A detailed site plan and engineering plans (including a stormwater management plan) are submitted to the CITY demonstrating how the Merged Parcel will be comprehensively redeveloped in accordance with:
 - the regulations of the RMU-20 zone
 - applicable regulations in this BY-LAW
 - the CITY's Urban Design Manual
 to the satisfaction of the CITY.
 - c. A detailed landscape plan is submitted to the CITY for the redevelopment, including a substantive planting plan for a LANDSCAPED BUFFER required by c) below, to the satisfaction of the CITY.

- f) Notwithstanding anything to the contrary, there shall be a LANDSCAPED BUFFER with a minimum average depth of 6 metres and at no point less than 4 metres adjacent to the LOT LINE that abuts 8 Dietz Avenue South. This provision shall not apply to a SINGLE DETACHED BUILDING (with or without a SECOND RESIDENTIAL UNIT) on the Lands.

Appendix 'C'

Item (48): The Official Plan of the City of Waterloo is hereby amended as follows:

1. Section 12.2.2.(9) be added as follows:

(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.