

## **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 and Provincial Planning Statement.

### **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) |
|----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| Beaver Creek Meadows                                                 | January 8, 2016                                                                                 |
| 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 3.5.3 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 Primary Node, 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) Policies in Section 3.6 of this Plan shall apply to any Major Transit Station Areas located within the Uptown Waterloo Primary Node.
  - (16) For clarity, Section 3.5 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) Notwithstanding anything to the contrary in this Plan, the Zoning By-law may establish and apply one or more transition zones and/or a future determination zone 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 and/or a future determination zone 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 Inclusionary Zoning Agreements**

- (1) An owner of a *development* subject to an Inclusionary Zoning By-law will enter into one or more agreements with the City, and if applicable, the Region and offsite unit owner, to be registered on title, securing:

- (a) the requirements of Section 10.1.2.;
- (b) requirements for the timely delivery of the *affordable* dwelling units including any phasing if applicable;
- (c) The approach for determining maximum rent and permitted rent increases;
- (d) adjustments to the maximum permitted rent in the event the *purpose built rental housing* is converted to condominium tenure;
- (e) requirements ensuring the occupants of the *affordable* dwelling units have the same access to the building and amenities as occupants of market units;
- (f) requirements ensuring *affordable* dwelling units are provided to eligible tenants;
- (g) requirements for ongoing administration, reporting and monitoring of the *affordable* units over the affordability period;
- (h) conditions for offsite *affordable* dwelling unit delivery if applicable; and
- (i) other standards or arrangements as appropriate.

***OPA No. 50, approved September 12, 2024***

#### **12.2.4 Master Planning**

- (1) At the City's discretion, large sites and large *developments* may be subject to a Master Plan process, the purpose of which will be to provide overall design and development direction, to ensure comprehensive planning, and to demonstrate conformity with relevant plans, by-laws, manuals, standards and guidelines of the City and any other authority having jurisdiction. Without limiting the foregoing, a Master Plan will demonstrate how the proposed *development* addresses the priorities and policies of this Plan, and relevant Station Area Plans. The requirement for a Master Plan shall be determined by the City in consultation with other public agencies. Specifically, the Master Plan will address matters including:
  - (a) Context specific planning considerations;
  - (b) Creating or contributing to a *complete community*;
  - (c) Provision of parkland, green spaces, and the like;
  - (d) Protection of *natural features* and systems;
  - (e) *Conservation of cultural heritage resources*;
  - (f) Development-phasing, including in relation to servicing availability and capacity;
  - (g) Siting, building orientation, massing and built form, with emphasis on public realms and *existing* uses;
  - (h) Urban Design considerations;
  - (i) Minimizing environmental impacts and energy consumption through sustainable building and site design;
  - (j) Access and site circulation for *active transportation* and other modes of travel;
  - (k) Connectivity to existing and planned transit, and nearby destinations;

- (l) Parking management;
- (m) Any other *development* related matter of interest to the City and/or other authority having jurisdiction having regard to the location, context, nature and scope of the proposed *development*.

### 12.2.5 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, but not limited to, the following:
  - (a) Availability and/or capacity of municipal infrastructure;
  - (b) A Record of Site Condition being accepted by the Province;
  - (c) Measures to appropriately conserve cultural heritage resources;
  - (d) Phasing of development;
  - (e) Completion and registration of one or more Development Agreements in a form and content satisfactory to the City, including but not limited to Agreements under Sections 35.2, 37, 40, 42, 50, 51, 53 and 70.2 of the Planning Act;
  - (f) Verification that lands are consolidated at law to the satisfaction of 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” to confirm land use compatibility;
  - (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 standards/plans/studies;
- (x) Verification of sufficient community uses and or community infrastructure to: (i) service the development and the related lands; and/or (ii) accommodate the needs of the occupants of the development;
- (y) Verification of floodplain safe access.
- (z) Measures for flood protection, flood emergency plans, flood control and or flood proofing of lands, buildings and structures.
- (aa) Ensure the implementation of Area Specific Policy (ASP) policies;
- (bb) Ensure the payment of monies; and
- (cc) Completion of conditions, studies and or requirements related to a proposed zoning amendment, the division of land, and or the development of lands including buildings and structures thereon.

***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 the 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.

- (6) As enabled by policy 12.2.19, Council may, by by-law, delegate the authority to pass a by-law to remove a holding symbol “H”.

***OPA No. 44, approved December 14, 2023***

### **12.2.6 Site Plan Control**

- (1) For the purposes of policies 12.2.6 (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 or the Planning Act. Building permit drawings shall reflect the approved *site plan* building elevations.
- (6) Coloured elevation drawings showing plan, elevation, cross section and 3D/isometric views may be required for all proposed development and adjacent buildings and for all residential development on a parcel of land if that parcel of land will contain no more than 10 residential units in the Site Plan Control Area defined in policy 12.2.6 (3) of this chapter, in accordance with Section 41 of the Planning Act.
  - (a) Elevation drawings shall include, but not be limited to, 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: (i.) other matters as specified in Section 41 of the Planning Act; and (ii.) other matters to demonstrate conformity with relevant plans, by-laws, manuals, standards and guidelines of the City and any other authority having jurisdiction. Building elevations 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 form part of the 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**, and as required for corner daylighting

purposes. The extent of such widenings (excluding corner daylighting) 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". Corner daylighting widenings shall be determined in accordance with the Regional Official Plan, Transportation Association of Canada guidelines, or site specific assessment, as directed by the City.

- (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 (including corner daylighting 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, applications with any building six storeys or greater in height shall include a statement or analysis from a qualified professional addressing the wind, snow deposition and shadow impacts created by the proposed building, including on comfort levels and any compliance thresholds established by the City from time to time, and setting out appropriate design measures to reduce or mitigate any 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.
- (11) *Site plan* control is a key mechanism to implement Council approved Urban Design standards and guidelines. City approved standards and 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.

### **12.2.7 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 relevant 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;
  - (d) Employment land parcels are created within a Registered Plan of Subdivision; and
  - (e) For any other reason deemed appropriate by the City.

#### **12.2.8 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) The City, at its sole discretion, may grant extensions of the temporary use beyond the time period specified in policy 12.2.8(2). Each extension shall be granted by way of by-law, and shall not exceed three years.
- (4) As enabled by policy 12.2.19, Council may, by by-law, delegate the authority to pass a temporary use by-law.

***OPA No. 44, approved December 14, 2023***

#### **12.2.9 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.

#### **12.2.10 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 and applicable legislation.
- (2) Development charges are a mechanism to ensure that the cost of growth is appropriately funded by growth.

#### **12.2.11 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 Plan and the Planning Act.
- (2) Parkland dedication policies shall not apply if parkland has already been conveyed to the City for park or public recreation purposes, or a payment in lieu of such conveyance has already been made to the City, in accordance with the City's parkland dedication by-law (or Planning Act, where applicable), to the satisfaction of the City.
  - (a) Additional parkland dedication above and beyond what may have been previously required may be required in accordance with the City's parkland dedication by-law (or Planning Act, where applicable), such as 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 12.2.11 (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 in accordance with the Planning Act may 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 may be paid to the City, as the City's discretion, for the value of the required conveyance or part thereof 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 a 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 parkland 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/recreation 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;
  - (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; and
  - (h) For any other criteria specified in the City's parkland dedication by-law.

### 12.2.12 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**

### 12.2.13 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.

#### **12.2.14 Capital Works Program**

- (1) Policies of this Plan that may require direct financing of municipal capital works shall be implemented in conjunction with the City of Waterloo Capital Budget and Capital Expenditure Forecast. This includes any necessary works in conjunction with the Regional Municipality of Waterloo Capital Budget and Forecast, and capital works by others, such as Enova, Enbridge and other utility or telecommunications providers that would be required to support orderly and sustainable development.

#### **12.2.15 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 Table 3-1 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 2051;
  - (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.

#### **12.2.16 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 or recommended by the City of Waterloo to evaluate the merits and 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 a Draft Plan of Subdivision, Draft Plan of Condominium, Part Lot Control Exemption, Amendments to the Official Plan, Amendments to the Zoning By-law(s), a Community Planning Permit, approval of a Site Plan, Minor Variance, Consent, or joint applications thereof to submit plans, drawings, reports, documents, and/or studies in support of the application(s) before the application(s) would be considered complete under the Planning Act. Further,
  - (a) The City may develop standards and/or guidelines for applications not identified above, to provide direction to applicants with regard to the submission of complete applications for such applications;
  - (b) For City-initiated Amendments to the Official Plan and/or Zoning By-law, the requirements for a complete application shall be determined by the City's Director of Planning, and the City will adhere to the requirements of the Planning Act on

matters relating to public notice, required information, and other applicable matters.

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

**OPA No. 34, approved October 28, 2022**

- (2) Where enabled by the Planning Act and/or as set out in this Plan, the City may, require or recommend a pre-application consultation meeting, the purpose of which is for the applicant to discuss their proposal with staff (and other public agencies) prior to the submission of their application(s). The meeting shall also allow the City to determine what supporting information (e.g. plans, drawings, reports and/or studies) is required as part of a complete application submission, and the form and content of the supporting information shall be to the satisfaction of the City.

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

**OPA No. 34, approved October 28, 2022**

- (2B) The City may require or recommend applicants to undertake a new pre-application consultation if:
- (a) a complete application is not submitted within one (1) year of the date of the original record of pre-application consultation;
  - (b) the applicable policy and/or zoning framework has substantially changed since the date of the original record of pre-application consultation, and prior to submission of a complete application; or
  - (c) the complete application submission has been substantially revised from that which was reviewed at the pre-application consultation, as determined by the City.
- (3) In accordance with policy 12.2.16(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 an application specified in policy 12.2.14(1):
- (a) Prescribed application fee(s);
  - (b) Completed application form(s);
  - (c) Prescribed information and material as required under the Planning Act and associated Regulations;
  - (d) Covering letter, which outlines the nature of the application(s), and how the application(s) satisfies the requirements of a complete application (as may be determined through pre-application consultation with City staff and other agencies, if applicable);
  - (e) Appropriate plans and/or drawings; and,
  - (f) Any reports, documents and/or studies identified through pre-application consultation and as provided by policies 12.2.16 (4) and 12.2.16 (5).

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

**OPA No. 34, approved October 28, 2022**

- (4) In accordance with policy 12.2.16 (1), the following supporting information may be required as part of a complete application, to be determined through a required or recommended pre-application consultation with City staff and other agencies (if applicable):
- (a) Planning Justification Report;

- (b) Architectural/Urban Design Report/Brief;
- (c) Architectural plans/drawings including Site Plan, Master Plans, Context Plan, Building Elevations (colour), Architectural Renderings, Floor Plans, and Fire Route Plan;
- (d) Community Services Assessment (e.g., parkland, schools, day cares, etc.)
- (e) Electrical Plans including Photometric Plan & Details and Electrical Infrastructure Plan;
- (f) Reference Plan, including for lands to be conveyed to the City (e.g., parkland or a road widening) or an easement required in favour of the City or any other person or party;
- (g) Existing Conditions Plan;
- (h) Grading Plan, including Retaining Wall Detail where applicable;
- (i) Construction Management Plan, Construction Staging Plan, Construction Parking Plan;
- (j) Servicing Plan and/or Report/Brief;
- (k) Stormwater Management Plan and Report/Brief;
- (l) Landscape Plan with Details;
- (m) Vegetation Management Plan;
- (n) Tree Preservation Report and Plan;
- (o) Letter of Consent for Tree Removal;
- (p) Erosion and Sediment Control Plans;
- (q) Topographical Survey;
- (r) Hydrogeological Study and Water Balance Assessment;
- (s) Watershed or Subwatershed Study;
- (t) Regulatory Floodplain Assessment;
- (u) Environmental Site Assessment;
- (v) Ministry of the Environment, Conservation and Parks (MECP) Record of Site Condition (RSC);
- (w) A Technical Standards and Safety Authority (TSSA) Contaminant Management Plan;
- (x) Environmental Impact Study or Scoped Environmental Impact Study;
- (y) Notice of Source Protection Plan Compliance (Section 59 Notice) under the Clean Water Act, which may be accompanied by a Salt Management Plan;
- (z) *Archaeological Assessment* and acknowledgement letter from the Province of Ontario ;
- (aa) *Heritage Impact Assessment*;
- (bb) Shadow Impact Study;
- (cc) Wind Study;
- (dd) Stationary and/or Traffic Noise Study;
- (ee) Transportation Impact Study and/or Parking Study;
- (ff) Vibration Study;
- (gg) Geotechnical Study;
- (hh) Slope Stability Study;
- (ii) Construction Dewatering Plan;
- (jj) MECP Permit to Take Water;
- (kk) Market/Retail Impact Study or Retail Analysis;
- (ll) Recreation and Leisure Impact Assessment;

- (mm) Written clearance from committees of council, agencies, federal / provincial ministries, regulatory bodies, relevant municipal government, as identified through pre-application consultation;
  - (nn) Other clearance, plans, drawings, documents, studies or reports identified through pre-application consultation or in consultation between the City and the applicant;
  - (oo) Land Use Compatibility Study (MECP D-Series Guidelines);  
**OPA No. 11, approved December 11, 2014**  
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  - (pp) Completion of a voluntary pre-application public consultation meeting (e.g., Neighbourhood Open House) by the applicant, at their expense, and a detailed summary report in accordance with policy 12.4.5;
  - (qq) Confirmation that the proposed lands, use, building and structure are compliant with applicable zoning, including the City's Zoning By-law;
  - (rr) Inclusionary Zoning Implementation Brief;
  - (ss) Structural engineering letter/report.
- (5) These broad categories of plans, drawings, documents, reports and studies (supporting information) as set out in policies 12.2.16 (3) and (4) 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 additional 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 plans, drawings, documents, 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**  
**OPA No. 34, approved October 28, 2022**
- (5B) The City, and/or other authority having jurisdiction or an interest in the matter, may establish Terms of Reference, Standards and Guidelines, or other guidance documents, to specify the technical standards and format for any of the supporting documents/information required in policies 12.2.16 (3) and (4).
- (5C) Where Terms of Reference pursuant to policy 12.2.16 (5B) are not available, the City may require applicants to prepare and obtain approval of a Terms of Reference from the City and/or any other authority having jurisdiction or an interest in the matter, for any supporting information required as part of a complete application, as identified through the pre-application consultation process or in consultation with the applicant, to the satisfaction of the City and/or other authority.
- (6) The City shall require electronic versions of the supporting information submitted with a complete application and may stipulate the format of the digital submission, including but not limited to Accessibility for Ontarians with Disabilities Act (AODA) compliance. The City may request hard copy versions of any of the supporting information and may stipulate the format and quantity, at the applicant's expense.  
**OPA No. 11, approved December 11, 2014**  
**OPA No. 34, approved October 28, 2022**

- (7) All supporting information submitted in accordance with policies 12.2.16 (3) through 12.2.16 (6) 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 and deem the application incomplete if it considers the quality of the submission unsatisfactory, incomplete, inconsistent, insufficient, or not meeting the standards of the applicable Terms of Reference (or other guidance document) identified through the pre-application consultation or in consultation with the applicant.

***OPA No. 34, approved October 28, 2022***

- (8) The City may require a peer review of any supporting information submitted in accordance with policies 12.2.16 (3) through 12.2.16 (6) by an appropriate agency or qualified professional at the applicant's expense. The peer review may be required as part of a complete application submission. The City may establish an approved list of peer reviewers.

***OPA No. 34, approved October 28, 2022***

- (9) Further to policy 12.2.16 (2B), the City may require or request applicants who amend complete applications to participate in a new pre-application consultation meeting or meetings, and may require the submission of a revised application, revised or additional supporting information, and applicable fees before the City determines if the amended application is complete pursuant to the Planning Act. In such circumstances, the City may deem the original application to be withdrawn.

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

***OPA No. 34, approved October 28, 2022***

- (10) The City may deem a complete planning application to be a new application under the Planning Act if:
- (a) the nature or scope of the development proposal is substantially modified from that of the initial complete application submission as determined by the City, unless such modifications are in direct response to comments received from:
    - i. the City
    - ii. a public body, as defined in the Planning Act
    - iii. a specified person, as defined in the Planning Act, and/or
  - (b) the quantity or magnitude of the requested amendments is substantially modified from that of the initial complete application submission as determined by the City.
- In such circumstances, the City may deem the original application to be withdrawn.

#### **Withdrawal and Lapsing of Applications**

- (11) The City may establish one or more policies and/or procedures to govern the withdrawal and resubmission of development applications for the same proposal (or a minor modified version thereof) on the same property, and the lapsing of development applications.
- (12) The resubmission application specified in Policy 12.2.16 (11) shall be considered a new application, including for the purposes of calculating development charges, community benefit charges, and parkland charges as applicable.

- (13) The alternative public engagement and notification provisions of Policy 12.4.2-12.4.5 shall apply to a resubmission application specified in Policy 12.2.14(11), as applicable.

**OPA No. 44, approved December 14, 2023**

### **12.2.17 Community Planning Permit System**

- (1) The City may adopt one or more a community planning permit by-laws under Section 70.2 of the Planning Act to establish a Community Planning Permit System in one or more geographic areas of the city, or city-wide. Any Community Planning Permit System will support, at a minimum, the following objectives, as applicable:
- (a) Streamlining the *development* review process:
    - i) Create a simplified *development* process;
    - ii) Focus on pre-application consultation meetings to ensure sufficient information and details are provided at the outset of the planning review process; and
    - iii) Accelerate development approval timelines where applications are consistent with City and agency plans, policies and standards.
  - (b) Supporting housing diversity:
    - i) Require the provision of new *affordable* housing, and the retention of existing *affordable* housing supplies, having regard to proximity to transit including the City's Major Transit Station Areas;
    - ii) Optimize the use of land through context sensitive *mixed-use intensification* in the City's Major Transit Station Areas and designated Nodes and Corridors;
    - iii) Enable the *development* of *missing middle housing* and higher density housing forms in planned areas, as set out in the Community Planning Permit System by-law, to contribute to a diverse range of housing options; and
    - iv) Prioritize *development* applications that increase the supply of housing types that are needed in the city.
  - (c) Facilitating the realization of complete communities and a high standard of urban design:
    - i) Plan for a compact, connected, and context-sensitive urban built form;
    - ii) Plan for the provision of a mix of uses and densities in accordance with this Plan;
    - iii) Plan for the provision of transit-supportive *development* and densities in proximity to transit corridors;
    - iv) Plan for and provide direction on employment uses and principles including an economy that features a technologically-advanced employment base;
    - v) Plan for and provide direction on commercial uses and principles including commercial services accessed by *active transportation*;
    - vi) Establish standards and requirements for vibrant public and private realms, including coordinated elements within Major Transit Station Areas, the Uptown Waterloo Primary Node, and within designated Nodes and Corridors; and
    - vii) Provide built form direction for higher density and *mixed-use*

*development* to ensure appropriate transitioning and public realm interfaces.

- (d) Supporting sustainability and natural elements:
    - i) Focus and provide direction on green design, landscaped open space, and sustainability to help mitigate the impacts of a changing climate and to integrate natural elements and systems into the built environment;
    - ii) Regulate tree protection, removal, and planting (including large canopy trees, as appropriate);
    - iii) Regulate *site alteration* activities;
    - iv) Provide direction on electric vehicle parking and *infrastructure*, including hydro servicing; and
    - v) Provide direction on permitted uses and regulations to support the remediation of *brownfield* sites.
  - (e) Orderly growth and *development*, having regard to relevant transportation and servicing master plans.
- (2) The City may adopt one or more community planning permit by-law(s) in one or more geographic areas of the city, or city-wide, with a priority towards:
    - (a) Uptown Waterloo Primary Node;
    - (b) Major Transit Station Areas; and
    - (c) Designated Nodes and Corridors.
  - (3) For each Community Planning Permit Area identified in Section 12.2.17(2) of this Plan, at a minimum, the following components of this Plan shall be incorporated into the corresponding community planning permit by-law to ensure that *development* and land uses conform to this Plan:
    - (a) The Vision and Principles identified in Chapter 2 of the Plan;
    - (b) The applicable city-wide general objectives and policies found throughout the Plan; and
    - (c) The general and specific land use policies for all applicable land use designations within Chapters 10 and 11 of the Plan.
  - (4) The approval authority of a community planning permit application in an established Community Planning Permit Area may be delegated to the City's Director of Planning. Such approval authority may be delegated in whole or part, as set out in the applicable Community Planning Permit Bylaw.
  - (5) For the geographic area where a Community Planning Permit By-law has been enacted, any Zoning By-law and Site Plan Control By-law for that area shall not apply.
  - (6) The Director of Planning may provide Council, or another body appointed by Council, the opportunity to provide comments on a community planning permit application, or aspects of a community planning permit application for which Council has authority, prior to the application being considered for approval. The Director of Planning may also refer any community planning permit application, in whole or part, to Council for consideration and a decision. Additional procedures regarding the process(es) related to any Community Planning Permit System may be contained in a Community

Planning Permit By-law.

- (7) A community planning permit will be required prior to undertaking any development or obtaining a building permit within a defined Community Planning Permit Area, unless the applicable Community Planning Permit By-law exempts such development from requiring a permit. For the purposes of policies within Section 12.2.17 of this Plan, development shall have the same meaning as defined in Ontario Regulation 173/16 of the Planning Act.
- (8) Pre-application consultation shall be required prior to the submission of any Community Planning Permit application. Community Planning Permit By-laws shall identify process requirements related to pre-application consultation meetings, as well as identify a list of potential submission requirements for Community Planning Permit applications.
- (9) Community Planning Development Permit By-law(s) will identify uses that are permitted within a Community Planning Permit Area, and establish provisions to regulate such uses and support the Official Plan objectives identified in Section 12.2.17 (1).
- (10) In determining whether development, discretionary uses or a variation to established regulations may be permitted by a community planning permit, the by-law shall set out criteria to be considered in such circumstances, study requirements, and types of conditions that may be imposed on a permit. Without restricting the preceding, the types of criteria, study requirements, and conditions shall be consistent with Section 12.2.17 (1), Section 12.2.17 (3), and any other relevant section or policy in this Plan as determined by the City.
- (11) Community Planning Permit By-laws shall, at a minimum, set out the following criteria in order to assess whether a development, use of land, discretionary use or variation to any by-law provision should be permitted:
  - a) the proposed development/discretionary use/variation is consistent with and conforms to applicable statutes, policies, plans, and/or other documents of upper-levels of government (federal, provincial, regional), the City, and any other authority having jurisdiction;
  - b) the proposed development/discretionary use/variation is consistent with the intent of any applicable urban design policies, standards, and guidelines;
  - c) the potential off-site and adverse impacts resulting from the proposed development/discretionary use/variation are identified and mitigated where appropriate;
  - d) the proposed development/discretionary use/variation is compatible with, and context sensitive to, the planned context and area character; and
  - e) the proposed development/discretionary use/variation is appropriate and desirable for the lands and buildings or structures thereon.
- (12) Community Planning Permit By-laws shall set out a list of potential studies, plans and/or other documents that may be required to be submitted with a community planning permit application in order to deem an application complete, along with

applicable fees and financial assurances. The City shall ensure that community planning permit applications and supporting studies, plans and/or other documents are comprehensive, consistent, and accurate prior to deeming an application complete. The list of potential studies, plans and/or other documents may be located within the operative part of the Community Planning Permit By-law, or within an appendix thereto and shall include the supporting information outlined in Section 12.2.16(4) of this Plan.

- (13) The City may require or attach conditions to the approval of any community planning permit within a Community Planning Permit Area, as provided in Section 4 of Ontario Regulation 173/16 .
- (14) The types of conditions that may be attached to the approval of any community planning permit shall relate to the following:
  - (a) The completion of required studies, plans and/or other documents;
  - (b) The submission of supplemental studies, plans and/or other documents;
  - (c) The implementation of actions or recommendations in studies, plans and/or other documents;
  - (d) The achievement of performance criteria and standards, including those related to achieving a high standard of context-sensitive urban design,
  - (e) Entering into any agreement(s) securing off-site parking or cash-in-lieu of parking;
  - (f) The conveyance of land for any specified reason;
  - (g) The verification of site remediation;
  - (h) The protection of the natural environment, natural systems, mature vegetation, or remediation of lands;
  - (i) The efficient use, or conservation of energy;
  - (j) The provision and capacity of transportation and servicing infrastructure;
  - (k) Conservation of cultural heritage resources;
  - (l) The availability of municipal infrastructure and services;
  - (m) The provision of *affordable* housing units;
  - (n) The provision of specified facilities, services and matters in exchange for a specified height or density of development as identified in the Community Planning Permit By-law in accordance with Section 12.2.17(15) of this Plan.
  - (o) Compliance with applicable parkland requirements;
  - (p) Orderly growth and development;
  - (q) The provision of financial assurances, to facilitate compliance with municipal approvals and indemnify the City;
  - (r) The application and/or lifting of holding provisions; and
  - (s) Entering into agreements relating to any condition.
- (15) The Community Planning Permit By-law shall include provisions related to the requirement of specified facilities, services or matters or in-kind contributions in exchange for a specified height or density of development or increases in height or density where there is a maximum height or density as regulated in the Community Planning Permit By-law, in accordance with The Planning Act. The Community Planning Permit By-law shall establish a proportional relationship between the quantity or monetary value of the facilities, services and matters that may be required

and the height or density of development that may be allowed.

- (16) In addition to Section 12.2.17(15) of this Plan, a Community Planning Permit By-law may identify other specified facilities, services or matters as part of issuing a Community Planning Permit to achieve the objectives of section 12.2.17 (1), provided the proposal conforms with the intent, objectives, and policies of this Plan and the criteria established within the Community Planning Permit By-law.
- (17) Any amendment to a Community Planning Permit By-law shall conform to the Vision, Principles, objectives and policies of this Plan, and shall be considered on its merits and in the context of the planned vision for the lands and the surrounding area. Amendments to a Community Planning Permit By-law shall, at a minimum, be supported by a comprehensive planning justification report, a strategy for consulting within the public, and any other supporting information outlined in Section 12.2.16(4) of this Plan, as required by the City.
- (18) A community planning permit may allow, as a discretionary use, any use not listed as a permitted use in the Community Planning Permit By-law, provided that the proposed use is similar to and compatible with permitted uses, and meets the criteria outlined in Section 12.2.17(11) of this Plan, and provided that the proposed use meets any other applicable criteria set out in the Community Planning Permit By-law.
- (19) A community planning permit may allow variations to the provisions of a Community Planning Permit By-law, as detailed in the Community Planning Permit By-law. Such variations may be permitted if they:
  - a) Are minor in nature, including in respect to impacts;
  - b) Meet the criteria outlined in Section 12.2.17 (11) of this Plan; and
  - c) Meet any other applicable criteria set out in the Community Planning Permit By-law.
- (20) Community Planning Permit By-laws can enable the implementation of Inclusionary Zoning.

### **12.2.18 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.

### **12.2.19 Delegated Authority**

- (1) Pursuant to section 39.2 of the Planning Act, Council may, by by-law, delegate the authority to pass by-laws under Section 34 of the Planning Act that are of a minor nature to,
  - (a) a committee of Council; or

- (b) an individual who is an officer, employee or agent of the City such as the Director of Planning and any successor position thereto.
- (2) Delegation of authority to pass by-laws under Section 34 of the Planning Act is limited to:
  - (a) a by-law to remove a holding “H” symbol;
  - (b) a by-law to authorize the temporary use of land, buildings, or structures;
  - (c) a housekeeping by-law for the purposes of making clerical or other minor changes to assist in the interpretation and/or application of the Zoning By-law; and
  - (d) other technical or minor zoning by-law amendments, as set out in the Delegation By-law approved by Council under policy 12.2.19(1).
- (3) Council may, by by-law, delegate the authority to exempt owners from the requirement of providing and/or maintaining parking facilities pursuant to Section 40 of the Planning Act, where deemed appropriate.
- (4) The committee or individual authorized under policy 12.2.19 (1) shall provide an opportunity for interested persons and parties to provide comments on an application, prior to the passing of a by-law. Minimum engagement requirements shall be set out in the Delegation By-law approved by Council.
- (5) The delegation of authority authorized under policies 12.2.19 (1), (2) and (3) may be subject to such conditions as Council, by by-law, determines appropriate.  
***OPA No. 34, approved October 28, 2022***
- (6) Council may, at its sole discretion, elect to retain approval authority for the amendments referenced in policy 12.2.19 (2) on a case by case basis. The committee or individual authorized under policy 12.2.19 (1) may, at their sole discretion, elect to refer an amendment to Council for a decision.
- (7) Where delegated authority is granted under policy 12.2.19 (1), the following shall apply:
  - (a) Notwithstanding anything to the contrary, the committee or individual authorized under policy 12.2.19 (1) may, at their sole discretion, waive the requirement to hold a public meeting to expedite the approval process and/or where the holding of such meeting would serve limited purpose.
  - (b) Notwithstanding anything to the contrary, the committee or individual authorized under policy 12.2.19 (1) may, at their sole discretion, hold a neighbourhood open house or similar public meeting for the purposes of informing and obtaining the views of the public prior to issuing a decision or passing a by-law.
- (8) Where the holding of public meetings is waived per 12.2.19 (7)(a), the methods to inform and obtain the views of the public may be limited to written submissions from interested persons and parties within a specified period of time of not less than 15 calendar days, at the discretion of the committee or individual authorized under policy 12.2.19 (1).

- (9) Where delegated authority is granted under policy 12.2.19 (1), notice of the passing of an amending by-law for an application specified in policy 12.2.19 (2) shall be given in accordance with policy 12.4.3(1), unless otherwise specified in the Delegation By-law approved by Council.
- (10) Where delegated authority is granted under policy 12.2.19 (1), a decision on an application specified in policy 12.2.17(2) shall not be issued sooner than:
  - (a) if notice is sent by email or personal delivery, 15 calendar days from the date notice is sent pursuant to policy 12.2.19 (9);
  - (b) if notice is sent by a method other than email or personal delivery, 20 calendar days from the date notice is sent pursuant to policy 12.2.19 (9).

***OPA No. 44, approved December 14, 2023***

## **12.3 MUNICIPAL INCENTIVES**

### **12.3.1 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 residents 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 12.3.1(1) and 12.3.1 (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.

### **12.3.2 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 resident and stakeholder engagement is an essential component of decision making, and will seek methods to improve resident 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 resident and stakeholder awareness of applications, studies and initiatives by involving and informing residents 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;
  - (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; and
  - (e) Utilize community networks, such as neighbourhood associations, as a means of engaging residents 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 and methods 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 Public Involvement Guidelines will outline a continuum of public involvement that has three basic public involvement strategies, which 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.

***OPA No. 44, approved December 14, 2023***

## **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 for consultation 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, at their expense, 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 14 days of receiving any application that is deemed a complete application. The commenting period for agencies and boards may be specified by the City, in compliance with applicable legislation, so that applications can be processed within the timelines prescribed in the Planning Act.
- (5) With regard to proposed Amendments to the Official Plan or Zoning- Bylaw(s), the following shall apply:
  - (a) One public meeting shall 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, except as specified in policy 12.2.19(7).
  - (b) The City, at its sole discretion, may hold two public meetings. 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 limited purpose. The Formal Public Meeting may be waived as set out in policy 12.2.19(7).

- (c) The purpose of the Informal Public Meeting is to introduce the proposed Amendment to Council and the public, 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.
- (d) Depending on the nature and scope of the application, there may be benefit to holding City- or applicant-led 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 as contemplated in policy 12.4.5, and may be required as part of a complete development application.

***OPA No. 44, approved December 14, 2023***

### **12.4.3 Informal Public Meeting**

- (1) Notice for an 'Informal Public Meeting':
  - (a) may be given 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 it would give the public reasonable notice of the meeting. This notification method shall be optional as determined by City's Director of Planning or their designate, having regard to the nature and scope of the application and legislated time periods;
  - (b) where the proposed amendment is not a general amendment, shall be given 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;

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

- (c) shall be given by email, or 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;
- (d) shall be given by email to any persons or public bodies who request to be notified or who submit written material containing their full contact information;

- (e) may be given through the City's website, social media, and/or other online engagement platform(s); and
  - (f) may be given by any other method deem appropriate by the City's Director of Planning or as specified by Council resolution or by-law.
- (2) The Informal Public meeting shall be held not sooner than 7 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 email, personal service or pre-paid first class mail, at least 14 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 using at a minimum the methods as set out in policy 12.4.3(1)(c)-(f) at least 3 days prior to the new meeting date.
  - (3) Notification measures established in policy 12.4.3(1) which require physical mail or newspaper notice may be given one time at the beginning of the development review process. Subsequent and additional notification and updates regarding the development application may be provided solely through electronic methods such as email and/or online platforms, and/or through direct contact with the assigned City staff.

***OPA No. 44, approved December 14, 2023***

#### **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 10 days after the requirements for the giving of the notice, as set out in Policy 12.4.3(1) of this chapter, have been complied with.
- (3) Notice of the proposed Amendment shall be given by email, personal service or prepaid first class mail to agencies as City staff considers may have an interest, at least 10 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) 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 (email or letter) to those persons who had submitted written comments at least 3 days prior

to the Council or Committee of the Whole meeting.

- (5) 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 (email or letter) to those persons who had submitted written comments containing their full contact information at least 3 days prior to the meeting.
- (6) 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 policy 12.4.3(2)(b) at least 3 days prior to the new meeting date.
- (7) Notification measures established in policy 12.4.3(1) which require physical mail or newspaper notice may be given one time at the beginning of the development review process. Subsequent and additional notification and updates regarding the development application may be provided solely through electronic methods such as email and/or online platforms, and/or through direct contact with the assigned City staff.

***OPA No. 44, approved December 14, 2023***

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

- (1) This City will hold Open Houses (in-person or virtual) 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, may 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 7 calendar days before the neighbourhood open house.
- (4) Notice for a neighbourhood open house that is not a statutory requirement for a planning application, shall be sent directly through prepaid first class mail to every owner of land within 120 metres of the area to which the proposed Amendment would apply and electronic mail to those who have expressed an interest in the application(s).
- (5) Without restricting the generality of policy 12.4.5(2), the City may request an applicant, at their expense, to undertake a neighbourhood open house as a part of a

complete application. In determining the need for such a neighbourhood open house, the City shall consider, at a minimum, the scale of the proposed development, the anticipated complexity of the proposed development application, and the potential for adverse impacts.

- (6) For a neighbourhood open house requested under policy 12.4.5(5), notification of the neighbourhood open house shall be given in accordance with policy 12.4.5(3), at the expense of the applicant. At a minimum, applicants shall provide the following information in the notice for the neighbourhood open house:
  - (a) description of the development proposal including:
    - i. existing and proposed land use
    - ii. type of building(s) (e.g. residential, mixed-use, etc.)
    - iii. number of storeys and building height
    - iv. number of dwelling units and bedrooms, and density
    - v. amount of commercial space (square metres)
    - vi. number of parking spaces proposed
  - (b) purpose of the development application and request;
  - (c) conceptual plans (including a location plan), elevations, renderings;
  - (d) date, time and location of the open house (in-person or virtual); and
  - (e) status of the application in the planning process;
  - (f) applicant contact information.
- (7) For a neighbourhood open house requested under policy 12.4.5(5), the applicant shall submit a Neighbourhood Open House Summary Report as part of their complete application submission which shall include, at a minimum:
  - (a) the date, time and location of the open house;
  - (b) method(s) used to notify the public of the open house;
  - (c) the presenters and individuals representing the applicant in attendance;
  - (d) the number of attendees and their contact information, if provided;
  - (e) a copy of the applicant's presentation material(s);
  - (f) detailed meeting minutes identifying the issues/comments that were raised and discussed, and the applicant's responses; and,
  - (g) how the applicant has addressed the identified issues/comments in their complete application submission.
- (8) For a neighbourhood open house requested under policy 12.4.5(5), the City may establish a Terms of Reference or standards and guidelines. The open house should be informal in nature. The information presented at the open house shall be sufficient

for the public to understand the proposed planning application(s), and the development proposal and its potential impacts.

- (9) Neighbourhood open houses must be arranged in such a manner to accommodate persons with disabilities or who require accommodation.

***OPA No. 44, approved December 14, 2023***

#### **12.4.6 Indigenous Consultation**

- (1) This Official Plan recognizes the important relationship between Indigenous communities and the City including knowledge-sharing and consideration of Indigenous interests in land use planning matters. In accordance with the Provincial Planning Statement, the City will support the identification of potential impacts of decisions on the exercise of Aboriginal or treaty rights.
- (2) The City shall engage early and coordinate with Indigenous communities on planning matters that may affect the rights and interests of Indigenous communities when developing or undertaking plans and/or studies. Such plans and studies may include but are not limited to, new or updated Official Plans, new or updated District Plans and Community Plans, large scale environmental studies and/or other technical studies.
- (3) The City shall engage early with Indigenous communities and ensure their interests are considered when identifying, protecting and managing archaeological resources, built heritage resources and cultural heritage landscapes.
- (4) The City acknowledges the responsibility of Indigenous communities to act as stewards of the lands, waters, and resources that must be considered in all development proposals.

#### **12.4.7 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 planning statements issued by the *Province*; and,
    - (iv) provides clear, reasonable and attainable policies to facilitate development in suitable areas.
  - (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 Planning 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 April 12, 2023.
  - (6) Notwithstanding policy 12.5(5), it is recognized that the Regional Official Plan may change through future approvals by the Ontario Land Tribunal 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 Land Tribunal or by future amendment, this Plan will be brought into conformity with the Regional Official Plan by means of appropriate housekeeping amendments.

- (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 Provincial Planning Statement. At a minimum, the City shall monitor the following trends:
  - (a) Monitor growth within the developed areas 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 Primary Node, to be calculated at least once every five years; and,
  - (c) Monitor growth within the *Designated Growth Areas* to determine the City of Waterloo's progress in achieving the minimum density target set out in this Plan.
- (3) The City is encouraged to monitor and report on the implementation of this Plan in accordance with any requirements for reporting planning information to the *Province*, data standards, and any other guidelines that may be issued by the *Province* from time to time.

## **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 and Indigenous communities, 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.