



STAFF REPORT Planning

| | |
|-------------------------|--|
| Title: | General Amendments to Zoning By-law 2018-050 (Part 2B) |
| Report Number: | IPPW2021-007 |
| Author: | Dominik Simpson |
| Meeting Type: | Council Meeting |
| Council/Committee Date: | January 18, 2021 |
| File: | Z-19-06 |
| Attachments: | Schedule A – General Amendments |
| Ward No.: | City-Wide, Property Specific |

Recommendations:

1. That Council approve report IPPW2021-007.
2. That Zoning By-law Amendment Z-19-06, General Amendments to Zoning By-law 2018-050 (Part 2B), be approved as set out in Schedule 'A' to IPPW2021-007.

A. Report

The City of Waterloo passed a new zoning by-law on September 10, 2018 ("ZB2018-050"). The by-law was subsequently appealed to the Local Planning Appeal Tribunal ("LPAT"). The by-law is in force and effect pursuant to an order of LPAT issued on November 28, 2019, save and except for one geographic area near Bridgeport / Weber. In order to create efficiencies, resolve minor issues, and keep the by-law current, general amendments are undertaken from time to time.

Council approved Part 2A General Amendments on August 24, 2020 (re: IPPW2020-051) to resolve minor issues identified through the day-to-day use of ZB2018-050 since its adoption in 2018. Planning staff deferred various amendments from Part 2A, which are now being advanced as Part 2B in this report IPPW2021-007.

The proposed amendments primarily correct, update, and/or add zoning provisions to the by-law in response to issues identified through zoning administration and the everyday application of ZB2018-050. The primary objectives are: (i) to make the by-law more understandable, consistent, and enforceable; (ii) fix administrative errors; and (iii) respond to minor site specific requests.

The proposed amendments primarily relate to:

- a.) adding provisions related to exterior stairs, ramps, and retaining walls within building setbacks
- b.) adding provisions related to one-way private roads
- c.) clarifying provisions related to private roads
- d.) clarifying the definitions of “podium” and “patio”
- e.) clarifying complementary and ancillary use restrictions in the RN-6 zone
- f.) clarifying height suffixes in Commercial zones and Employment zones
- g.) clarifying ancillary use provisions in Station Area zones, including the E2A and E2B zones
- h.) amending the zoning applied to municipal infrastructure sites, including 350 Conservation Drive
- i.) adding site specific setback provisions to part of the Colonial Acres neighbourhood
- j.) adding and/or modifying site specific zoning provisions to various properties, including:
 - 243, 245, 249, 271, 273 Grey Silo Road
 - 726 New Hampshire Street
 - 575 Davenport Road
 - 401 Weber Street North
 - 40 Albert Street
- k.) rezoning Maple Court, State Court, and related public lanes to (H)RN-12 for consistency with adjacent lands
- l.) any other general amendment to Zoning By-law 2018-050 deemed appropriate by the City of Waterloo

The proposed amendments are detailed in Schedule ‘A’ to this report.

The residents of Beechwood Park and the Roosevelt neighbourhood have expressed a desire to conserve the character and attributes of their landscapes. Planning staff will review and evaluate each landscape through the City’s Official Plan Review, which commenced in December 2020 and is expected to conclude in 2022. Planning staff will work with Ward Councillor Henry, and if required, general amendments can be advanced for Beechwood Park and the Roosevelt neighbourhood to create interim development restrictions while the Official Plan Review is underway. No specific amendments are proposed at this time.

B. Financial Implications

None. Should the proposed amendments be appealed, costs related to a Local Planning Appeal Tribunal (LPAT) hearing will be incurred.

C. Technology Implications

None.

D. Link to Strategic Plan

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

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

Zoning By-law Amendment Z-19-06 generally aligns with the Economic Growth & Development objective by implementing improved zoning regulations city-wide.

E. Previous Reports on this Topic

ZB2018-050: IPPW2018-058, IPPW2018-058.1, IPPW2018-058.2 and IPPW2018-058.3

General Amendments to ZB2018-050 (Part 1): IPPW2019-046

General Amendments to ZB2018-050 (Part 2A): IPPW2020-051

F. Approvals

| Name | Signature | Date |
|-----------------------------------|------------------|-----------------|
| Author: Dominik Simpson | (electronic) | January 4, 2021 |
| Director: Joel Cotter | (electronic) | January 4, 2021 |
| Commissioner: Cameron Rapp | (electronic) | January 4, 2021 |
| Finance: N/A | | |

CAO

SCHEDULE 'A'

General Amendments to Zoning By-law 2018-050 (Part 2B)

January 2021

Description

To modify various definitions in Zoning By-law 2018-050.

Amendment

No. 1

Comments

To clarify existing terms in the Zoning By-law.

Amendment

Legend: underline = addition / modification to regulation

~~strikethrough~~ = deletion to regulation

Definitions to be added to or modified in Section 2 of Zoning By-law 2018-050:

PROPOSED

1. That the definition of PODIUM be amended to read:

PODIUM means the base of a BUILDING above GRADE, up to six storeys in height, extending outwards from the TOWER ~~towards the STREET~~ as an identifiable projecting element to articulate the BUILDING in accordance with BUILDING STEPBACK provisions in this BY-LAW.

Staff Comment: Clarifies that the minimum podium projection from the tower is determined by applicable building stepback provisions. In general, a minimum 3 metre tower stepback from the podium is required along street edges to achieve principles of good urban design, including an identifiable base to the building and to facilitate human scale built form. Stepback may or may not be specified towards an interior lot line. If a stepback towards an interior lot line is not specified, a stepback will still occur if development adheres to minimum setbacks based on tower separation provisions exceeding minimum side yard setbacks and rear yard setback.

Description

To add or amend general regulations in Zoning By-law 2018-050.

Amendment

No. 2

Comments

To add provisions or clarify existing or general regulations in the Zoning By-law to make the by-law more understandable, consistent, and enforceable, and to fix administrative errors.

Amendment

Legend: underline = addition / modification to regulation

~~strikethrough~~ = deletion to regulation

General Provisions to be modified in Section 3 of Zoning By-law 2018-050:

PROPOSED

- To add the following regulations to 3.A.7 to clarify setback requirements for stairs, ramps and retaining walls:

3.A.7 PROJECTIONS – FIRE ESCAPES, EXTERIOR STAIRS, ACCESS RAMPS, RETAINING WALLS

3.A.7.1 Notwithstanding anything to the contrary, an unenclosed metal fire escape required by applicable law shall be permitted in a SIDE YARD provided a minimum setback of zero-point-three metres (0.3m) is provided to the SIDE LOT LINE.

3.A.7.2 Notwithstanding anything to the contrary, an unenclosed metal fire escape required by applicable law shall be permitted in a REAR YARD provided:

- a minimum setback of zero-point-three metres (0.3m) is provided from the REAR LOT LINE;
- a minimum setback equal to the BUILDING's SIDE YARD is provided from the SIDE LOT LINE;
- a minimum setback equal to the BUILDING's FLANKAGE YARD (if applicable) is provided from the FLANKAGE LOT LINE.

3.A.7.3 Notwithstanding anything to the contrary, exterior stairs and accessible access ramps less than zero-point-six metres (0.6m) in height above GRADE may project into a YARD.

3.A.7.4 Notwithstanding anything to the contrary, retaining walls that:

- are greater than zero-point-six metres (0.6m) above GRADE; and
 - are attached to or form part of the BUILDING or STRUCTURE,
- shall be deemed to be part of the BUILDING or STRUCTURE under this BY-LAW.

Staff Comment: There is a need to establish regulations for exterior stair, accessible access ramp, and retaining wall projections in the by-law.

2. To add the following regulations to 3.P.2 to establish regulations for raised platform patios:

3.P.2.5 Notwithstanding anything to the contrary:

- a.) a raised platform PATIO in subsection b.) of the PATIO definition herein shall be prohibited in the FRONT YARD.
- b.) a raised platform PATIO in subsection b.) of the PATIO definition herein shall be prohibited in the FLANKAGE YARD.
- c.) a raised platform PATIO in subsection b.) of the PATIO definition herein that is located in the SIDE YARD shall comply with the SIDE YARD setback for the zoning category applied to the LOT.
- d.) a raised platform PATIO in subsection b.) of the PATIO definition herein shall not be permitted within 0.60 metres of a REAR LOT LINE.

Staff Comment: Staff originally contemplated amending the definition of PATIO. However, based on staff's review, to avoid unnecessary conflicts in the by-law, we recommend an alternative approach, being to amend the general regulations for patios to clarify where raised patios can be constructed. Patios within a front yard, flankage yard, and side yard setback are limited to at-grade patios (i.e., raised platform patios not permitted).

Description

Amend driveway and private road regulations in Section 6 of Zoning By-law 2018-050.

Amendment

No. 3

Comments

To amend existing driveway regulations in the Zoning By-law to make the by-law more flexible, and align with the City's Urban Design Manual.

Amendment

Legend: underline = addition / modification to regulation

~~strikethrough~~ = deletion to regulation

Driveway and private road regulations to be modified in Section 6 of Zoning By-law 2018-050:

PROPOSED

1. To amend subsection 3.C.10.1 related to PRIVATE ROADS to read:

- 3.C.10.1 Notwithstanding anything to the contrary, for CLUSTER DEVELOPMENT, BUILDINGS shall comply with the regulations in Table 3C and the regulations of the zoning applied to the LOT, whichever is more restrictive:

Table 3C: CLUSTER DEVELOPMENT Regulations

| | |
|--|--------------------|
| STREET LINE setback (minimum) | 6.00 metres |
| <u>COMMON ELEMENT ROAD or PRIVATE ROAD width, two-way road (minimum)</u> | <u>6.10 metres</u> |
| <u>COMMON ELEMENT ROAD or PRIVATE ROAD width, one-way road (minimum)</u> | <u>3.50 metres</u> |
| COMMON ELEMENT ROAD or PRIVATE ROAD setback, <u>where a DRIVEWAY is provided for the DWELLING UNIT (minimum, excluding exterior stairs and accessible access ramps less than zero-point-six metres (0.6m) in height above GRADE which may project towards the COMMON ELEMENT ROAD or PRIVATE ROAD)</u> | 6.00 metres |
| INTERIOR LOT LINE setback (minimum) | 7.50 metres |
| BUILDING Separation – residential (minimum) | 2.40 metres |
| BUILDING Separation – non-residential (minimum) | 6.00 metres |

Staff Comment: There is a need to establish minimum and maximum width regulations for common element roads (condominiums) and private roads, and clarify the intent of the 6.0

metre setback requirement being to primarily accommodate a functional driveway. Where a driveway is not provided to the individual dwelling unit, the setback between the building and the common element road / private road will be managed through site plan control, with regard to design, context, constraints, and any other matter deemed relevant by the City of Waterloo.

2. To amend section 6.8 DRIVEWAY REGULATIONS by adding subsection 6.8.7 to establish provisions related to one-way driveways:

6.8.7 Notwithstanding anything to the contrary, for a LOT containing ten (10) or more PARKING SPACES per Table 6H, secondary one-way DRIVEWAYS shall be permitted with a minimum width of three-point-five metres (3.5m), provided the principal DRIVEWAY complies with Table 6H.

Staff Comment: Table 6H establishes a minimum driveway width of 6.1 metres where 10 or more parking spaces are provided on a lot. A width of 6.1 metres enables two-way travel and ensures compliance with access requirements for emergency vehicles. In order to create design flexibility, particularly for larger development sites, subsection 6.8.7 is proposed to permit secondary one-way driveways. Mechanisms existing to ensure any secondary one-way driveways align with municipal urban design objectives, including site plan control.

Description

Amend Residential regulations in Section 7 of Zoning By-law 2018-050.

Amendment

No. 4

Comments

To clarify existing Residential regulations in the Zoning By-law to make the by-law more consistent and to fix administrative errors.

Amendment

Legend: underline = addition / modification to regulation
~~strikethrough~~ = deletion to regulation

Residential regulations to be modified in Section 7 of Zoning By-law 2018-050:

PROPOSED

1. To amend section 7.11.2 of the Residential Northdale Six (RN-6) zone to clarify regulations for Complementary Uses and Ancillary Uses on through-lots assembled via lot consolidations:

7.11.2 Notwithstanding anything to the contrary, the symbol "◆" means that the Complementary Use or Ancillary Use is not permitted on a LOT that ABUTS Batavia Place, or Hemlock Street on the north side of Hickory Street West, excluding THROUGH LOTS where the symbol "◆" means that the Complementary Use or Ancillary Use is not permitted within 40 metres of Batavia Place, or 30 metres of Hemlock Street on the north side of Hickory Street West.

Staff Comment: The existing zoning regulation does not account for through-lots created by lot consolidations. The intent of the regulation is to maintain the streetscape of Batavia Place and Hemlock Street (north of Hickory Street) as residential only, not to preclude commercial uses along Albert Street or Lester Street. The existing lot depth on Batavia Place is approximately 40 metres, and on Hemlock Street (north of Hickory Street) is approximately 30 metres.

Description

Clarify height regulations in the C7 zone of Section 8 of Zoning By-law 2018-050.

Amendment

No. 5

Comments

To clarify the maximum building height for lands zoned C7-60.

Amendment

Legend: underline = addition / modification to regulation
~~strikethrough~~ = deletion to regulation

Regulations to be modified in C7 zone of Zoning By-law 2018-050:

PROPOSED

- To amend Table 8R of the Conestoga Commercial Centre (C7) zone to clarify height regulations:

8.9.2 The following regulations in Table 8R shall apply to every LOT, BUILDING and STRUCTURE in the Conestoga Commercial Centre (C7) zone:

| Table 8R: Regulations – CONESTOGA COMMERCIAL CENTRE (C7) | |
|---|---|
| STREET LINE setback (minimum) | 5.0 metres |
| SIDE YARD setback (minimum) | 5.0 metres |
| REAR YARD setback (minimum) | 7.5 metres |
| LOW RISE RESIDENTIAL LOT LINE setback (minimum) | 7.5 metres or half the height of the BUILDING, whichever is greater |
| BUILDING FLOOR AREA (maximum) | 62,000 square metres |
| Density (minimum) | 150 BEDROOMS per hectare |
| Density (maximum) | 750 BEDROOMS per hectare |
| BUILDING HEIGHT (maximum) | <u>C7-81 = 81 metres and 25 STOREYS</u> <u>C7-60 = 60 metres and 18 STOREYS</u> |
| PODIUM Height (maximum) | 21 metres |
| TOWER Separation (minimum) | a.) 22 metres from a TOWER on the same LOT b.) 11 metres from an INTERIOR LOT LINE, except where the INTERIOR LOT LINE abuts lands zoned OS1 (see 3.T.5.1 and 3.T.5.2) |

Staff Comment: The property at 575 Davenport Road is zoned C7-60. The suffix is intended to establish a maximum building height of 60 metres and 18 storeys recognizing the size, location and configuration of the existing parcel and to transition height from the low-rise residential lands to the east. However, there is no provision currently in the C7 zone to recognize a suffix less than 81 metres.

Description

Correct mapping error to Schedule 'A' for various properties zoned Business Employment One (E1).

Amendment

No. 6

Comments

The lands municipally known as 219, 225, 231, 237, 245 Labrador Drive and 640 Bridge Street West were inadvertently zoned with a height suffix of 20 metres. The E1 zone establishes maximum building heights of 27 metres, 40 metres, and 81 metres in accordance with Schedule B1 of the Official Plan. It is recommended that the Zoning Map, being Schedule 'A' of ZB2018-050, be amended to change the maximum building height applied to the above-noted lands from 20 metres to 27 metres for consistency with the Official Plan.

Amendment

Legend: underline = addition / modification to regulation
~~strikethrough~~ = deletion to regulation

To correct the mapping error to Schedule 'A' for the lands identified below:

PROPOSED

1. For the lands municipally known as 219, 225, 231, 237, 245 Labrador Drive, that Schedule 'A' to By-law 2018-050 be amended to rezone the lands from "70 - Business Employment One - 20 (70-E1-20)" to "70 - Business Employment One - 27 (70-E1-27)".
2. For the lands municipally known as 640 Bridge Street West, that Schedule 'A' to By-law 2018-050 be amended to rezone the lands from "Business Employment One - 20 (E1-20)" to "Business Employment One - 27 (E1-27)".

Context Map:



Description

Amend the E2A and E2B zones: Ancillary Uses and Active Uses

Amendment

No. 7

Comments

The City completed Station Area Planning in 2017, and implemented the E2A and E2B zones in employment areas around three stations. The zones were “forward looking”, premised on significant intensification and new development occurring once mixed-use permissions are granted through the Regional Municipal Comprehensive Review (MCR) (re: employment land conversions). Based on the interim application of the E2A and E2B zones, it has been brought to staff’s attention that certain regulations are challenging for existing buildings which are looking to fill vacancies. In order to facilitate the efficient use of existing buildings constructed prior to September 2018 (the effective date of ZB2018-050), amendments are proposed to remove some restrictions tied to ancillary uses and active uses within existing buildings. The restrictions will continue to apply to new buildings constructed in station areas, to achieve the City’s long-term planning and design vision.

Amendment

Legend: underline = addition / modification to regulation
~~strikethrough~~ = deletion to regulation

Amend the E2A and E2B zones:

PROPOSED

- To amend the Ancillary Use regulations in Table 9S-A of the Station Area Business Employment Two A (E2A) Zone as follows:

| | |
|----------------|--|
| Ancillary Uses | <p>Ancillary Uses specified in section 9S.1.1.3 shall be located on the FIRST STOREY of a BUILDING containing one or more of the permitted uses specified in section 9S.1.1.1.</p> <p><u>In BUILDINGS constructed after the effective date of this BY-LAW</u>, Ancillary Uses specified in section 9S.1.1.3 shall about a STREET LINE BUILDING FAÇADE.</p> |
|----------------|--|

2. To amend Subsection 9S.1.8 of the Station Area Business Employment Two A (E2A) Zone as follows:

9S.1.8 Notwithstanding anything to the contrary, on a LOT zoned Station Area Business Employment Two A (E2A) on Schedule 'A' and "Active Frontage" on Schedule 'A2', in BUILDINGS constructed after the effective date of this BY-LAW, it shall be a requirement of this BY-LAW that one or more Active Uses shall abut the entire STREET LINE BUILDING FAÇADE on the FIRST STOREY, except for a lobby for the BUILDING with or without an elevator / stairs providing access STOREYS above the FIRST STOREY, provided further that:

- a.) the BUILDING FLOOR AREA of the lobby with elevator / stairs shall comprise a maximum twenty percent (20%) of the BUILDING FLOOR AREA of the FIRST STOREY; and
- b.) the lobby with elevator / stairs shall comprise a maximum twenty percent (20%) of the STREET LINE BUILDING FAÇADE on the FIRST STOREY.

The additional "Active Uses" permitted in 9S.1.7 shall not be permitted in a BUILDING constructed prior to the effective date of this BY-LAW unless Active Uses abut the entire STREET LINE BUILDING FAÇADE on the FIRST STOREY, except for a lobby for the BUILDING with or without an elevator / stairs providing access to STOREYS above the FIRST STOREY, provided further that:

- a.) the BUILDING FLOOR AREA of the lobby shall comprise a maximum twenty percent (20%) of the BUILDING FLOOR AREA of the FIRST STOREY; and
- b.) the lobby shall comprise a maximum twenty percent (20%) of the STREET LINE BUILDING FAÇADE on the FIRST STOREY.

3. To amend Subsection 9S.1.9 of the Station Area Business Employment Two A (E2A) Zone as follows:

9S.1.9 Notwithstanding anything to the contrary, on a LOT zoned Station Area Business Employment Two A (E2A) on Schedule 'A' and "Active Frontage" on Schedule 'A2', the following additional regulations shall apply to Active Uses in section 9S.1.8:

- a.) In BUILDINGS constructed after the effective date of this BY-LAW, each Active Use in section 9S.1.8 shall have an independent primary customer entrance from the STREET LINE BUILDING FACADE.
- b.) Notwithstanding section 9S.1.9.a.), in BUILDINGS constructed after the effective date of this BY-LAW, a minimum of one (1) independent primary customer entrance shall be provided for every twenty five metres (25m) of STREET LINE BUILDING FAÇADE.
- c.) The BUILDING FLOOR AREA devoted to each Active Use specified in section 9S.1.8 shall not exceed 465 square metres.
- d.) Notwithstanding section 9S.1.9.c.), the BUILDING FLOOR AREA of a FOOD STORE shall not exceed 1,115 square metres.
- e.) Notwithstanding section 9S.1.9.c.), the BUILDING FLOOR AREA of a DRUG STORE shall not exceed 1,115 square metres.

4. To amend the Ancillary Use regulations in Table 9S-D of the Station Area Business Employment Two B (E2B) Zone as follows:

| | |
|----------------|---|
| Ancillary Uses | <p>Ancillary Uses specified in section 9S.2.1.3 shall be located on the FIRST STOREY of a BUILDING containing one or more of the permitted uses specified in section 9S.2.1.1.</p> <p><u>In BUILDINGS constructed after the effective date of this BY-LAW</u>, Ancillary Uses specified in section 9S.2.1.3 shall abut a STREET LINE BUILDING FAÇADE.</p> |
|----------------|---|

5. To amend Subsection 9S.2.8 of the Station Area Business Employment Two B (E2B) Zone as follows:

9S.2.8 Notwithstanding anything to the contrary, on a LOT zoned Station Area Business Employment Two B (E2B) on Schedule 'A' and "Active Frontage" on Schedule 'A2', in BUILDINGS constructed after the effective date of this BY-LAW, it shall be a requirement of this BY-LAW that one or more Active Uses shall abut the entire STREET LINE BUILDING FAÇADE on the FIRST STOREY, except for a lobby for the BUILDING with or without an elevator / stairs providing access STOREYS above the FIRST STOREY, provided further that:

- a.) the BUILDING FLOOR AREA of the lobby with elevator / stairs shall comprise a maximum twenty percent (20%) of the BUILDING FLOOR AREA of the FIRST STOREY; and
- b.) the lobby with elevator / stairs shall comprise a maximum twenty percent (20%) of the STREET LINE BUILDING FAÇADE on the FIRST STOREY.

The additional "Active Uses" permitted in 9S.2.7 shall not be permitted in a BUILDING constructed prior to the effective date of this BY-LAW unless Active Uses abut the entire STREET LINE BUILDING FAÇADE on the FIRST STOREY, except for a lobby for the BUILDING with or without an elevator / stairs providing access to STOREYS above the FIRST STOREY, provided further that:

- a.) the BUILDING FLOOR AREA of the lobby shall comprise a maximum twenty percent (20%) of the BUILDING FLOOR AREA of the FIRST STOREY; and
- b.) the lobby shall comprise a maximum twenty percent (20%) of the STREET LINE BUILDING FAÇADE on the FIRST STOREY.

6. To amend Subsection 9S.2.9 of the Station Area Business Employment Two B (E2B) Zone as follows:

9S.2.9 Notwithstanding anything to the contrary, on a LOT zoned Station Area Business Employment Two B (E2B) on Schedule 'A' and "Active Frontage" on Schedule 'A2', the following additional regulations shall apply to Active Uses in section 9S.2.8:

- a.) In BUILDINGS constructed after the effective date of this BY-LAW, each Active Use in section 9S.2.8 shall have an independent primary customer entrance from the STREET LINE BUILDING FACADE.
- b.) Notwithstanding section 9S.2.9.a.), in BUILDINGS constructed after the effective date of this BY-LAW, a minimum of one (1) independent primary customer entrance shall be provided for every twenty five metres (25m) of STREET LINE BUILDING FAÇADE.
- c.) The BUILDING FLOOR AREA devoted to each Active Use specified in section 9S.2.8 shall not exceed 465 square metres.
- d.) Notwithstanding section 9S.2.9.c.), the BUILDING FLOOR AREA of a FOOD STORE shall not exceed 1,115 square metres.
- e.) Notwithstanding section 9S.2.9.c.), the BUILDING FLOOR AREA of a DRUG STORE shall not exceed 1,115 square metres.

Description

Amend Subsection 3.P.9.1 (Public Services).

Amendment

No. 8

Comments

The lands municipally known as 350 Conservation Drive are currently zoned "Future Determination (FD)", a zone reserved for lands with an unknown future use beyond what currently exists. Prior to ZB2018-050, the lands were zoned Agriculture 'A' in By-law 1418. The lands are owned and operated by the Region of Waterloo for water infrastructure purposes. The Region of Waterloo is looking to upgrade the infrastructure on the site, which requires a building permit and site plan approval, in turn requiring zoning compliance to be demonstrated. There are no clear regulations in the "FD" zone or former "A" zone for municipal infrastructure. Staff recommend that Subsection 3.P.9.1 (Public Services) be amended to include regulations for lands zoned "FD" in ZB2018-050.

Amendment

Legend: underline = addition / modification to regulation
~~strikethrough~~ = deletion to regulation

To amend Subsection 3.P.9.1 (Public Services) to include regulations for lands zoned "FD".

PROPOSED

1. To amend Subsection 3.P.9.1, Public Services, to include regulations for lands zoned "FD" in ZB2018-050:

- 3.P.9.1 The regulations of this BY-LAW shall not apply to the use of any land or to the erection or use of any BUILDING or STRUCTURE for the purpose of providing a public service by:
 - the CITY
 - the REGION
 - any department or ministry of the Federal or Provincial government,
 provided the lands, BUILDING or STRUCTURE is in substantial compliance with the regulations prescribed in the zone applied to the LOT and applicable provisions of this BY-LAW.

Notwithstanding anything to the contrary, where the zone applied to the LOT is "Future Determination (FD)", the following regulations in Table 3E shall apply to every LOT, BUILDING and STRUCTURE:

Table 3E:

| | |
|--------------------------------------|-------------------|
| <u>LOT AREA (minimum)</u> | <u>(none)</u> |
| <u>LOT FRONTAGE (minimum)</u> | <u>(none)</u> |
| <u>STREET LINE setback (minimum)</u> | <u>6 metres</u> |
| <u>SIDE YARD setback (minimum)</u> | <u>3 metres</u> |
| <u>REAR YARD setback (minimum)</u> | <u>7.5 metres</u> |

| | |
|--------------------------------------|---|
| <u>BUILDING HEIGHT (maximum)</u> | <u>In metres, equal to the numerical suffix as shown on the Zoning Map attached as Schedule 'A' to this BY-LAW. Where no suffix is shown on the Zoning Map, the maximum BUILDING HEIGHT shall be 10 metres, excluding municipal water towers.</u> |
| <u>PARKING SPACES (minimum)</u> | <u>1 PARKING SPACE</u> |
| <u>Number of BUILDINGS (maximum)</u> | <u>More than one (1) permitted</u> |

Description

Amend Exception C94 to clarify regulations within Block 318 and Block 319 on Plan 58M-506

Amendment

No. 9

Comments

That lands municipally known as 243, 245 and 249 Grey Silo Road (Block 319, 58M-506) and 271, 273 Grey Silo Road (Block 318, 58M-506) are planned for townhouses and/or low-rise apartment buildings. Condominiums have been advanced to phase the development of each block. Through the condominium process, subdividing lines between phases are created. Each block has been planned and designed to function as an interconnected and comprehensive development from a zoning perspective. As such, staff recommend a site specific regulation be added to Exemption C94 that allows each block to be viewed as one parcel for the purposes of determining zoning compliance.

Amendment

Legend: underline = addition / modification to regulation
~~strikethrough~~ = deletion to regulation

Amend Exception C94 as follows:

PROPOSED

| Exception | Address | Zoning | File Reference |
|-----------|---|--------|------------------------------------|
| C94 | Millennium Boulevard, Cider Mill Drive, Crossgate Boulevard, Oak Park Drive, Grey Silo Road | R9 | By-law 2010-014 By-law 2011-080 |

Location: Millennium Boulevard, Cider Mill Drive, Crossgate Boulevard, Oak Park Drive, Grey Silo Road, Blocks 318 & 319, R.P. 58M-506 and Lots 298 to 317, R.P. 58M-506 and Lots 142 to 189, R.P. 58M-506 as shown on Schedule 'C1' to this BY-LAW.

Site Specific Regulations:

- a) Notwithstanding anything to the contrary, the following USES are prohibited on the lands:
 - TRIPLEX BUILDING
 - LONG TERM CARE FACILITY
 - ASSISTED LIVING FACILITY
 - GROUP HOME
 - GOVERNMENT USE
 - MUNICIPAL RECREATIONAL FACILITY
 - SPIRITUAL USE

- b) Notwithstanding anything to the contrary, the following additional regulations shall apply to the lands:
- i. FRONT YARD setback from Millennium Blvd (minimum): 7.5 metres
 - ii. FLANKAGE YARD setback from Millennium Blvd (minimum): 4.5 metres
 - iii. BUILDING HEIGHT for MULTI-UNIT RESIDENTIAL BUILDINGS (minimum): 3 STOREYS, excluding TOWNHOUSES, FREEHOLD TOWNHOUSES, and STACKED TOWNHOUSES
 - iv. Density (minimum): 32 units per hectare for [Block 318](#) and [Block 319](#) on Plan 58M-506
 - v. Density (minimum): 30 units per hectare for all lands zoned R9 other than [Block 318](#) and [Block 319](#) on Plan 58M-506
 - vi. For [Block 318](#) and [Block 319](#) on Plan 58M-506, individual parcels of land created by the registration of a condominium shall not be observed for the purposes of determining compliance with the BY-LAW, provided the whole of the parcel is in full compliance with this BY-LAW:
 - A. [Block 318](#) on Plan 58M-506 shall be deemed to be one (1) parcel of land of the purposes of determining compliance with the BY-LAW.
 - B. [Block 319](#) on Plan 58M-506 shall be deemed to be one (1) parcel of land of the purposes of determining compliance with the BY-LAW.
- c) Notwithstanding anything to the contrary, the following additional regulations shall apply to FREEHOLD TOWNHOUSE BUILDINGS constructed on the lands described as Lots 298 to 317 and Lots 142 to 189, R.P. 58M-506:
- i. Maximum LOT COVERAGE regulations in this BY-LAW shall not apply.
 - ii. LANDSCAPED OPEN SPACE (minimum): 30% of the LOT AREA.

Description

Adding site specific front yard, flankage yard, and side yard setbacks to part of the Colonial Acres neighbourhood

Amendment

No. 10

Comments

The Colonial Acres neighbourhood was zoned Residential Three (R3) and Exemption C154 in ZB2018-050 to protect the character of the neighbourhood. A portion of the neighbourhood was previously zoned Single Residence Two (SR2) in By-law 1418, which required lesser setbacks compared to the R3 zone in ZB2018-050. As a result, many existing homes in this area are legal non-conforming, meaning Committee of Adjustment approval is required for additions and expansions such as adding dormers or a sunroom. To remove the legal non-conforming status while maintaining the character of the neighbourhood, staff recommend adding site specific setbacks that reflect existing front yard, flankage yard, and side yard conditions. The lands are: 446-482 Anndale Road, 453-475 Lee Avenue, 252-312 Lexington Road, 251-307 Whitmore Drive, 252-208 Whitmore Drive, 251-309 Normandy Avenue, 256-310 Normandy Avenue, 251-307 Castlefield Avenue, 250-304 Castlefield Avenue, and 249 Anita Court.

Amendment

Legend: underline = addition / modification to regulation
~~strikethrough~~ = deletion to regulation

To add site specific setbacks to part of the Colonial Acres neighbourhood that reflect existing front yard, flankage yard, and side yard conditions.

PROPOSED

1. To amend Site Specific Exemption C154 as follows:

Site Specific Regulations C154:

- a) Notwithstanding anything to the contrary, the following regulations shall apply to all LOTS within the area identified on Image 1 hereto, except as specified in b):
- i. LOT AREA (minimum): Equal to the EXISTING LOT AREA
 - ii. LOT FRONTAGE (minimum): Equal to the EXISTING LOT FRONTAGE

b) Notwithstanding anything to the contrary, the following regulations:

- i. LOT AREA (minimum): 750 square metres
- ii. LOT FRONTAGE (minimum): 19.5 metres

shall apply to the lands specified below and municipally known on the effective date of this BY-LAW as:

- 449 Bridge Street West
- 455 Bridge Street West
- 459 Bridge Street West

- 485 Bridge Street West
- 495 Bridge Street West
- 503 Bridge Street West
- 654 Deer Run Drive
- 376 Forestlawn Drive
- 444 Lee Avenue
- 342 Lexington Road
- 350 Lexington Road
- 364 Lexington Road
- 395 Lexington Road
- 415 Lexington Road
- 420 Lexington Road
- 421 Lexington Road
- 424 Lexington Road
- 428 Lexington Road
- 429 Lexington Road
- 436 Lexington Road
- 395 Meadowvale Road
- 586/588 Rustic Drive
- 592 Rustic Drive
- 598 Rustic Drive
- 609 Rustic Drive
- 618 Rustic Drive
- 553 Wissler Road
- 568 Wissler Road
- 611 Wissler Road
- 365 Whitmore Drive

c) Notwithstanding anything to the contrary, the following regulations:

- i. FRONT YARD setback (minimum): Equal to the EXISTING FRONT YARD setback if less than the minimum FRONT YARD setback in the Residential Three (R3) zone
- ii. FLANKAGE YARD setback (minimum): Equal to the EXISTING FLANKAGE YARD setback if less than the minimum FLANKAGE YARD setback in the Residential Three (R3) zone
- iii. SIDE YARD setback (minimum): Equal to the EXISTING SIDE YARD setback if less than the minimum SIDE YARD setback in the Residential Three (R3) zone

shall apply to the lands specified below and municipally known on the effective date of this BY-LAW as:

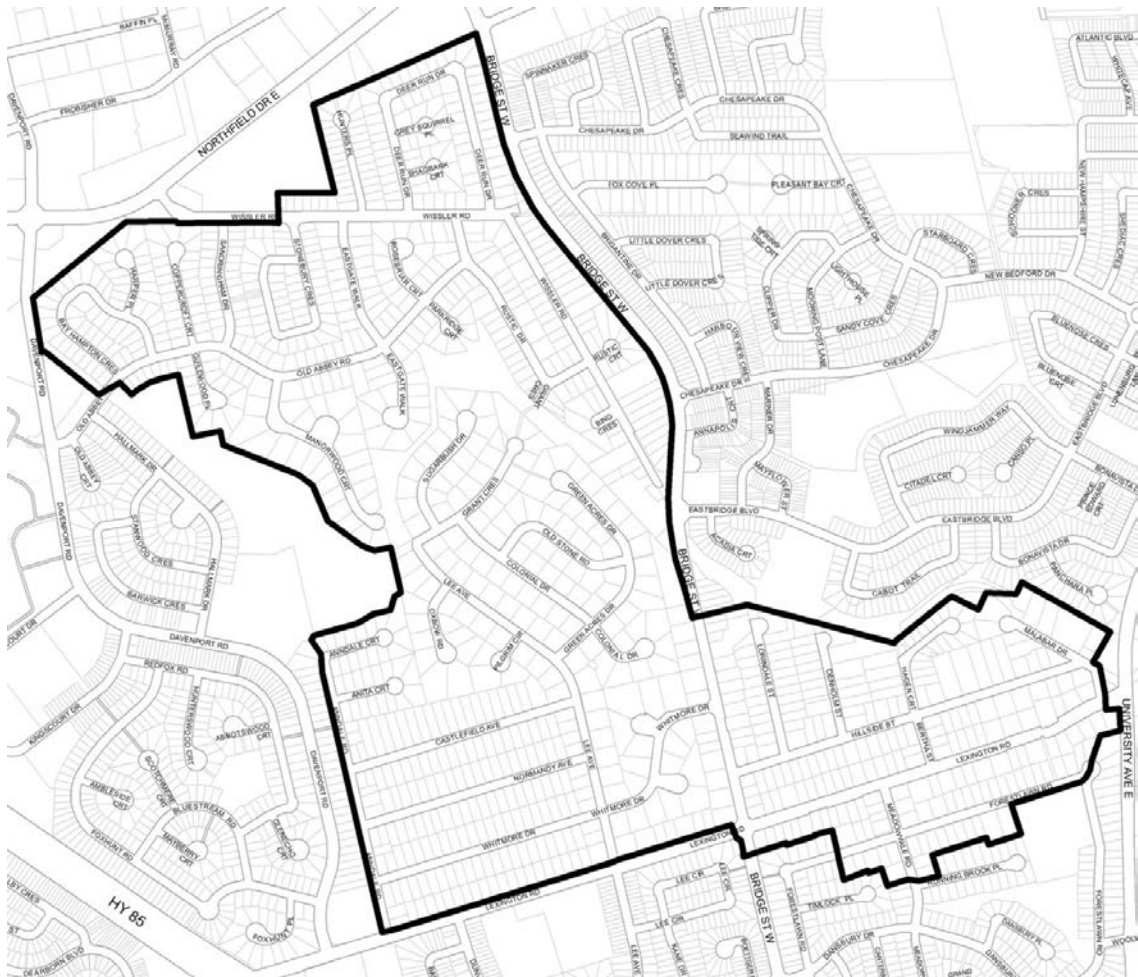
- 446-482 Anndale Road
- 453-475 Lee Avenue
- 252-312 Lexington Road
- 251-307 Whitmore Drive
- 252-208 Whitmore Drive
- 251-309 Normandy Avenue

- [256-310 Normandy Avenue](#)
- [251-307 Castlefield Avenue](#)
- [250-304 Castlefield Avenue](#)
- [249 Anita Court](#)

d) Notwithstanding anything to the contrary, a SECOND RESIDENTIAL UNIT shall be permitted provided it is located entirely within an EXISTING SINGLE DETACHED BUILDING.

e) Notwithstanding anything to the contrary, a COACH HOUSE shall not be permitted.

Image 1: Subject Area



Description

Amending the site specific by-law applied to 726 New Hampshire Street (re: Street Line Setback: University Avenue).

Amendment

No. 11

Comments

726 New Hampshire Street (Parkwood Mennonite Home) is zoned 50-RMU-20 and Site Specific Exemption C53. Exemption C53 establishes a minimum setback from University Avenue of 10.5 metres, based on a noise study for the lands. The RMU zone requires 75% of the front building façade to be within 7.5 metres of the University Avenue street line. To resolve the conflict between these regulations, staff recommends adding a site specific provision to C53 deleting the street line setback regulation in the RMU zone for 726 New Hampshire Street, excluding townhouses and freehold townhouses. It is acknowledged that the existing 10.5 metre setback from University Avenue may be reduced through a minor variance application, subject to an updated noise study being completed.

Amendment

Legend: underline = addition / modification to regulation
~~strikethrough~~ = deletion to regulation

To amend the site specific by-law applied to 726 New Hampshire Street to resolve the setback conflict from University Avenue East.

PROPOSED

1. To amend Site Specific Exemption C53 as follows:

Site Specific Regulations C53:

- a) The following USES are hereby added to section 7.7.1.1 for the lands known municipally as 726 New Hampshire Street only:
 - APARTMENT BUILDING
 - LONG TERM CARE FACILITY
 - ASSISTED LIVING FACILITY

- b) Notwithstanding anything to the contrary, the following regulations shall apply to the lands known municipally as 726 New Hampshire Street:
 - i. IMPERVIOUS AREA (maximum): fifty percent (50%)
 - ii. University Avenue setback (minimum): 10.5 metres
 - iii. STREET LINE setback (maximum): the regulation in Table 70 of the RMU zone shall only apply to TOWNHOUSE BUILDINGS and FREEHOLD TOWNHOUSE BUILDINGS
 - iv. Northerly LOT LINE setback (minimum): 7.5 metres
 - v. INTERIOR LOT LINE setback (minimum): 7.5 metres

- vi. Atlantic Boulevard setback (minimum): 10.5 metres, excluding TOWNHOUSE BUILDINGS and FREEHOLD TOWNHOUSE BUILDINGS which shall have a minimum setback of 6.0 metres
- vii. New Hampshire Street setback (minimum): 7.5 metres, excluding TOWNHOUSE BUILDINGS and FREEHOLD TOWNHOUSE BUILDINGS which shall have a minimum setback of 6.0 metres
- viii. PARKING SPACES for LONG TERM CARE FACILITY (minimum): pursuant to Table 6A, as amended by Minor Variance A-93/06
- ix. PARKING SPACES for ASSISTED LIVING FACILITY (minimum): pursuant to Table 6A, as amended by Minor Variance A-93/06
- x. PARKING SPACES for MULTI-UNIT RESIDENTIAL BUILDING (including APARTMENT BUILDING): 1 PARKING SPACE per DWELLING UNIT plus 0.10 VISITOR PARKING SPACES per DWELLING UNIT
- xi. BUILDING HEIGHT (maximum): 20 metres and 6 STOREYS

Description

To recognize the existing parking condition at 401 Weber Street North.

Amendment

No. 12

Comments

A site plan from 1977 identified 25 parking spaces at 401 Weber Street North. The parking supply increased to 33 spaces as a result of the closure of Lexington Road abutting the site, a portion of which merged with the subject lands. Based on the estimated size of the existing building (~1,150sqm), approximately 44 parking spaces are required (re: C5 zone, Area F). It is recommended that a site specific provision be added to ZB2018-050 to recognize the existing parking condition. The owner will need to manage the parking through tenanting and operational controls.

Amendment

Legend: underline = addition / modification to regulation
~~strikethrough~~ = deletion to regulation

To add site specific provisions to ZB2018-050 to recognize the existing parking condition at 401 Weber Street North.

PROPOSED

1. That Schedule 'C1' to By-law 2018-050 be amended by adding Exception C____* to the lands known municipally as 401 Weber Street North.

* Exception number to be assigned through the implementing by-law.

2. That Schedule 'C' to By-law 2018-050 be amended by adding Exception C____*, as follows:

| <u>Exception</u> | <u>Address</u> | <u>Zoning</u> | <u>File Reference</u> |
|------------------|-------------------------------|---------------|-----------------------|
| <u>C____*</u> | <u>401 Weber Street North</u> | <u>C5-81</u> | <u>Z-19-06</u> |

Location: 401 Weber Street North
as shown on Schedule 'C1' to this BY-LAW.

Site Specific Regulations:

- a) Notwithstanding anything to the contrary, a minimum of thirty-three (33) parking spaces shall be required for the EXISTING BUILDING.
- b) Notwithstanding anything to the contrary, zero (0) parking spaces shall be required for the enlargement of the EXISTING BUILDING provided that the enlargement is less than five percent (5%) of the BUILDING FLOOR AREA of the EXISTING BUILDING.

Description

To expand the range of permitted uses at 40 Albert Street (Carnegie Library).

Amendment

No. 13

Comments

The City of Waterloo owns 40 Albert Street, the former Carnegie Library, and is investing in building and site upgrades to modernize the building while retaining the significant heritage attributes of the building and property. In order facilitate the adaptive reuse of the building, it is recommended that additional uses be permitted in the RC1 zone applied to the lands. The actual use of the building will be determined by Council.

Amendment

Legend: underline = addition / modification to regulation
~~strikethrough~~ = deletion to regulation

To expand the range of permitted uses at 40 Albert Street.

PROPOSED

1. To amend Subsection 7.15.8.a) in the Residential Conservation 1 (RC1) zone, 40 Albert St, as follows:

- a.) Notwithstanding anything to the contrary, the following additional USES shall be permitted within the "Existing Building" and any permitted additions thereto:
- i. Art Gallery, which may include the ancillary retailing of artistic works on display
 - ii. ARTIST STUDIO (CLASS A)
 - iii. BUSINESS INCUBATOR
 - iv. CAFÉ
 - v. COMMERCIAL SCHOOL
 - vi. COMMUNICATION PRODUCTION
 - vii. Concert Hall
 - viii. EDUCATIONAL INSTITUTION
 - ix. INSTITUTION
 - x. Library
 - xi. MAKERSPACE (CLASS A)
 - xii. MULTI-UNIT RESIDENTIAL BUILDING, provided that parking at a rate of one (1) PARKING SPACE per DWELLING UNIT is provided
 - xiii. Museum
 - xiv. Performing Arts Theatre
 - xv. PERSONAL SERVICE SHOP, excluding CLASS A PET SERVICES
 - xvi. OFFICE, excluding HEALTH PRACTITIONER and MEDICAL CLINIC
 - xvii. TECH OFFICE
 - xix. ACCESSORY retailing of products or services related to i. to iii., v. to xi., and xiii. to xvii. above to a maximum of 30% of the BUILDING FLOOR AREA occupied by the related USE

Description

Rezone Maple Court, State Court, and related public lanes.

Amendment

No. 14

Comments

Maple Court, State Court, and related public lanes are zoned Future Determination (FD) or zoned pursuant to Subsection 4.26.b.) of ZB2018-050 which states: "*Where the zone boundary is indicated as approximately following the edge of a LANE allowance, the HISTORIC CENTRE LINE of the LANE shall be deemed to be the zone boundary.*" The lanes function as private roads to access abutting residential uses. For zoning clarity, it is recommended that the lanes be zoned on Schedule 'A' of ZB2018-050 as (Holding)Residential Northdale Twelve ((H)RN-12), consistent with the abutting homes the lanes primarily serve. It is further recommended that Maple Court and State Court be rezoned from Future Determination (FD) to (Holding)Residential Northdale Twelve ((H)RN-12) for consistency with adjacent lands.

Amendment

Legend: underline = addition / modification to regulation

~~strikethrough~~ = deletion to regulation

To rezone Maple Court, State Court, and related public lanes for consistency with abutting lands.

PROPOSED

1. For the lands municipally known as Maple Court, that Schedule 'A' to By-law 2018-050 be amended to rezone the lands from "Future Determination (FD)" to "(Holding)Residential Northdale Twelve ((H)RN-12)".
2. For the lands municipally known as State Court, that Schedule 'A' to By-law 2018-050 be amended to rezone the lands from "Future Determination (FD)" to "(Holding)Residential Northdale Twelve ((H)RN-12)".
3. For the public lanes related to Maple Court and State Court, extending from University Avenue West to State Street, that Schedule 'A' to By-law 2018-050 be amended to zone the lands "(Holding)Residential Northdale Twelve ((H)RN-12)".