

REGIONAL APPROVAL OF ‘GROWING TOGETHER’

Agenda Item 12.3, Report No. PDL-CPL-24-013
Region of Waterloo Council Meeting
June 19, 2024



● Outline

- ‘Growing Together’
- Proposed Regional Modification re: Airport Zoning Regulations
- Appropriateness of the use of a Holding provision
- Relationship between local by-laws and Federal Airport Zoning Regulations
- Recommendations



'Growing Together' Initiative

- Multi-year, collaborative effort led by the City of Kitchener
- Establishes a new planning framework for the Cities priority growth areas (Downtown and MTSA)
- Identifies priority sites/areas for redevelopment, with the Strategic Growth Area C designation and SGA-4 zone which are not subject to maximum height or density regulations
- To ensure that building heights do not cause human health and safety risks related to the airport and AZR, the City has applied an H to all affected properties limiting heights until a detailed NAV Canada land use assessment or aeronautical assessment satisfactory to NAV Canada has been prepared
- Permissions for additional height and density were predicated on the introduction of extensive built form regulations + the implementation of Inclusionary Zoning applicable to the Growing Together area
- Award winning initiative that was largely supported by the public and development industry for its permissiveness in certain areas, protection of stable community attributes, and strategic approach to regulating growth in the City

Regional Modification

- ***“A modification to 6.C.3.17 f) is recommended that would result in the deletion of this policy and replacement with a policy that would require maximum heights be established in the implementing zoning by-law. A new policy g) is included to recognize that additional height may be considered through a zoning by-law amendment application where it is demonstrated to the satisfaction of the Region of Waterloo that there will be no negative impact.”***
- Modification is contrary to Growing Together initiative and the extensive consultation that led to its adoption
- Will result in a less flexible planning framework, and lead to extensive site-specific Zoning By-Law Amendments, which is contrary to the stated goals of the City
- The City’s preferred holding approach and required site plan approval processes provides essentially the same assurances and recourse to NavCan and the Region, as the proposed Regional approach

● COMPARING APPROACHES

ASSESSMENT CRITERIA	CITY OF KITCHENER APPROACH	PROPOSED REGIONAL APPROACH
<p>How is height regulated for Strategic Growth Area C designation and SGA4 Zones?</p>	<p>Building height limited by H provision subject to aeronautical assessment to satisfaction of NavCan.</p> <p>Development must adhere to built form regulations to qualify for certain heights.</p> <p>Tall Building Guidelines apply</p> <p>Site, groundwater and structural limitations</p>	<p>Requires hard height caps to be implemented in the Zoning By-Law, requiring site-specific Zone Change applications for additional height supported by aeronautical assessment</p> <p>Development must adhere to built form regulations to qualify for certain heights.</p> <p>Tall Building Guidelines apply</p> <p>Site, groundwater and structural limitations</p>
<p>Regional and NavCan OLT Appeal Rights for H removal or Zoning By-Law Amendment Applications?</p>	<p>Yes</p>	<p>Yes</p>
<p>Site Plan Required? And is Region consulted?</p>	<p>Yes, for any development over 10 units. Yes, Region is circulated applications.</p>	<p>Yes, for any development over 10 units Yes, Region is circulated applications.</p>
<p>Does Federal AZR supersede local by-laws?</p>	<p>Yes</p>	<p>Yes</p>
<p>Federal AZR regulations registered on the title of affected properties?</p>	<p>Yes</p>	<p>Yes</p>

Holding Provisions

- Under the Planning Act, municipalities cannot zone with conditions
- However, S. 36 of the Planning Act allows for the use of Holding (H) provisions to restrict “the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law.”
- ‘H’ provisions are commonly used tools to ensure that necessary studies or works are carried out prior to benefiting from the full permissions of the Zoning By-Law. Requires municipal approval prior to H removal.
- ‘H’ provisions are used by all area municipalities, and commonly used to:
 - Require compatibility assessments prior to introducing new sensitive uses
 - Requiring environmental remediation (i.e. brownfield cleanup)
 - Require block plans and urban design compliance prior to site plan approval
 - Confirm servicing capacity prior to new development

● Inter-Jurisdictional Comparison

- Many municipalities use Holding provisions for matters related to height and density
- Hamilton: 'H' used to regulate/limit height in many areas of the downtown, subject to Shadow Impact Study; Wind Study; Visual Impact Assessment.
- London: 'H' used to regulate heights in many areas until wind and urban design matters have been considered.
- Mississauga, Toronto, Brampton, Ottawa have all also used 'H' provisions for height related matters
- The use of an 'H' for height and density related matters is neither a new or novel approach



Inter-Jurisdictional Comparison

- Proposed Regional modification works against the progressive efforts of the City to guide responsible and context appropriate intensification within the City's MTSA's
- Region has not released the 2024 IDS Aeronautical Report which is cited as the basis for the modification nor indicated where height restrictions would apply
- No consultation with affected property owners on the nature of proposed height restrictions
- Introduces complex and lengthy planning approvals, seemingly for the sake of process, to achieve the same outcome as the City's adopted approach
- Appeal rights are provided to airport owners and NavCan by the Planning Act, providing effective recourse in the event of dispute
- For these reasons, it is recommended that the modification to require maximum building heights in the Zoning By-Law be deleted in whole

Thank You!

June 19, 2024

