

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** February 06, 2024

**CASE NO(S):**

OLT-23-000462

**PROCEEDING COMMENCED UNDER** subsection 34(19) of the *Planning Act, R.S.O. 1990, c. P. 13, as amended.*

Appellant 2014707 Ontario Inc. ("Cook Homes")  
Appellant 2738766 Ontario Limited, 2738777 Ontario Limited and  
848866 Ontario Limited  
Appellant 2742707 Ontario Limited  
Appellant 642762 Ontario Inc. and others  
Subject: Zoning By-law  
Description: City of Guelph new Comprehensive Zoning By-law and  
related site-specific updates to the Official Plan  
Reference Number: ZBA (2023)-20790  
Property Address: All lands within the City of Guelph  
Municipality/UT: Guelph/Wellington  
OLT Case No: OLT-23-000462  
OLT Lead Case No: OLT-23-000462  
OLT Case Name: Ferrovial Investments Inc. v. Guelph (City)

**PROCEEDING COMMENCED UNDER** section 17(24) of the *Planning Act, R.S.O. 1990, c. P. 13, as amended.*

Appellant Forum Asset Management  
Appellant Paisley & Whitelaw Inc.  
Appellant Silvercreek Guelph Developments Limited and  
2089248 Ontario Inc.  
Subject: Proposed Official Plan Amendment  
Description: City of Guelph new Comprehensive Zoning By-law  
and related site-specific updates to the Official Plan  
Reference Number: OPA No. 88  
Property Address: All lands within the City of Guelph, and site-specific  
updates  
Municipality/UT: Guelph/Wellington

OLT Case No: OLT-23-000463  
 OLT Lead Case No: OLT-23-000462

**PROCEEDING COMMENCED UNDER** subsection 9(1) of the *Ontario Land Tribunal Act, 2021*, S.O. 2021, c. 4, Sched. 6

Request by: City of Guelph  
 Request for: Motion for Directions

**Heard:** December 1, 2023 by video hearing

**APPEARANCES:**

**Parties**

**Counsel/Representative**

City of Guelph

Peter Pickfield  
 Alex Ciccone  
 Allison Thornton (*in absentia*)

Multiple Appellants

Refer to Attachment 1 for Appearances

2793031 Ontario Inc.

Meaghan McDermid

**DECISION DELIVERED BY C.I. MOLINARI AND INTERIM ORDER OF THE TRIBUNAL**

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[Link to Interim Order](#)

**INTRODUCTION / BACKGROUND**

[1] The matter before the Tribunal is a Motion for Directions (“Motion”) brought by the City of Guelph (“City”/“Moving Party”) for an Order by the Tribunal pursuant to s. 34(31) of the *Planning Act* (“Act”), as more particularly outlined in paragraph [10]:

1. approving the City’s new Comprehensive Zoning By-law (2023)-20790 (“CZBL”), save and except certain sections,

2. scoping the appeal by Industrial Equities Guelph Corporation (“Industrial Equities”) under s. 17(24) and 34(19) of the Act, against the CZBL,
3. ruling that the partial approval and coming into force of the CZBL be strictly without prejudice to, and not limiting certain positions any Party may take and the jurisdiction of the Tribunal, and
4. directing Paisley & Whitelaw Inc. (“P&W”) to provide the Tribunal with a geographical area or address to which it will scope its appeal by December 11, 2023, and further directions.

[2] On April 18, 2023, the City passed the CZBL, replacing the former Zoning By-law (1995)-14864 (“Former CZBL”) in its entirety, and also adopting related site-specific updates to the City Official Plan through Official Plan Amendment No. 88 (“OPA 88”).

[3] Subsequently, 16 appeals were filed: 13 against the CZBL and three against both the CZBL and OPA 88, being those filed by P&W, Forum Asset Management (“Forum”), and Silvercreek Guelph Developments Limited and 2089248 Ontario Inc. (“Silvercreek”).

[4] Of the 16 appeals, 14 are determined to be site-specific on consent of the respective Appellants and two are considered by the City to be either site-specific or area-specific, yet are contested by the respective Appellants, being the Respondents to the Motion: P&W and Industrial Equities (together, “Respondents”).

[5] For the hearing of the Motion, the Tribunal is not tasked with considering the merits of any of the appeals in any context. Further, the Motion does not contemplate the three appeals in relation to OPA 88 and the Tribunal makes no analysis or ruling in that regard.

**THE MOTION**

[6] The Moving Party filed a Motion Record complete with a Notice of Motion on November 16, 2023. The Respondents each filed a Responding Motion Record on November 24, 2023, and the Moving Party followed with a Reply Motion Record filed on November 28, 2023, all of which met the notice requirements of Rule 10 of the *Tribunal's Rules of Practice and Procedure* ("OLT Rules").

[7] The materials before the Tribunal from the Moving Party include:

1. Motion Record containing, in part, the Notice of Motion and an Affidavit of Katie Nasswetter affirmed on November 16, 2023,
2. Reply Motion Record, containing the Reply Submission,
3. Affidavits of Service for the Motion Record and the Reply Motion Record, both affirmed by Mr. Ciccone on November 28, 2023, and a
4. Book of Authorities.

[8] The materials before the Tribunal from the P&W include:

1. Responding Motion Record containing the Notice of Response to Motion and an Affidavit of Trevor Hawkins sworn on November 24, 2023,
2. Affidavit of Service for the Responding Motion Record sworn by Victoria Peacock on December 1, 2023, and a
3. Case Book.

[9] The materials before the Tribunal from the Industrial Equities include:

1. Responding Motion Record containing the Notice of Response to Motion and an Affidavit of David Falletta sworn on November 24, 2023,
2. Affidavit of Service for the Responding Motion Record sworn by Mr. Cole on November 30, 2023, and a

### 3. Book of Authorities.

#### **Moving Party**

[10] The Moving Party brought the Notice of Motion under s. 34(31) of the Act seeking:

1. An Order of the Ontario Land Tribunal (the "Tribunal") pursuant to subsection 34(31) of the Planning Act, RSO 1990 c P13 (the "Planning Act"):
  - a. That those parts of CZBL as passed by the City on April 18, 2023 which are not in issue in the appeal and are therefore are [sic] deemed to have come into effect, specifically the regulations, maps and appendices found in Exhibit "C" of the Affidavit of Katie Nasswetter save and except
    - i. the regulations, maps and appendices remaining under appeal on a City-wide basis as set out in Schedule "A" (see Schedule "A" to this notice of motion), and
    - ii. the entirety of the CZBL which will remain under appeal on a site specific or area specific basis for the properties/areas set out in Schedule "B" (See Schedule "B" to this notice of motion);come into full force and effect, effective the date that the By-law was passed;
  - b. And that the appeal brought by Industrial Equities Guelph Corporation is scoped to 384 Crawley Road;
  - c. And that the partial approval and coming into force of the CZBL shall be strictly without prejudice to, and shall not have the effect of limiting:
    - i. The positions any party may take with respect to their site-specific or area-specific appeals of the CZBL, such that the parties will be fully at liberty to challenge and test the planning merits of the CZBL as they apply to their respectively delineated sites or areas.
    - ii. The jurisdiction of the Tribunal to consider and approve modifications, deletions or additions to the unapproved portions of the CZBL on a general, area-specific, or site-specific basis, including issuing future Orders respecting the unapproved portions of the CZBL which are inconsistent with the Order resulting from the Tribunal as a result of this Motion hearing, provided that the parties shall be bound by the commitments made by them to scope their issues to a site-specific or area-specific basis; or

- iii. The City's right to assert that the approved portions of the CZBL may be applied to the specific sites or areas without modification on the basis that they constitute good planning,
- d. And that this Order be withheld until the following direction of the Tribunal is implemented:
  - i. That Paisley & Whitelaw Inc. provides the Tribunal with a geographical area or address to which it will scope its appeal by December 11, 2023; and that
  - ii. in the event that the response by Paisley & Whitelaw Inc. to the Tribunal's direction to scope does not reasonably address that direction, the City may file a reply by December 22, 2023 and that the motion to scope in regard to this appellant be heard at the Case Management Conference scheduled for January 10, 2024;
2. Such further and other relief as counsel for the responding party may request and as the Tribunal may permit.

[11] In summary, the Moving Party requests rulings by the Tribunal related to the CZBL appeals, based on the following:

1. As outlined in section 1.a.i. in paragraph [10] – That the appeals by Guelph & District Home Builders' Association Inc. ("GDHBA") and Guelph and Wellington Development Association ("GWDA") have been scoped, on consent, to the regulations and schedules found at Tab 1A to the Motion Record.
2. As outlined in section 1.a.ii. in paragraph [10] – That the appeals by the following parties ("Listed Appellants") have been determined, on consent, to be site-specific appeals:
  - a. 2014707 Ontario Inc.,
  - b. Thomasfield Homes Limited,
  - c. Loblaw Properties Limited,
  - d. Windmill Development Group,
  - e. 2742707 Ontario Limited,
  - f. 2738777 Ontario Limited, 2738766 Ontario Limited and 848866 Ontario Limited,
  - g. Ferrovial Investments Inc.,

- h. University Village (Guelph) Limited,
  - i. 642762 Ontario Limited,
  - j. IJK Holdings Inc.,
  - k. 2738766 Ontario Limited, 2738777 Ontario Limited and 848866 Ontario Limited, and
  - l. Guelph Watson Holdings Inc.
  - m. Silvercreek Guelph Developments Limited and 2089248 Ontario Inc.
3. As outlined in section 1.b. in paragraph [10] – That the appeal brought by Industrial Equities has been determined by the Moving Party, not on consent and opposed by Industrial Equities, to be site-specific.
4. As outlined in section 1.c. in paragraph [10] – That the partial approval and coming into force of the CZBL shall be strictly without prejudice to, and shall not have the effect of limiting, the positions any party may take with respect to their site-specific or area-specific appeals of the CZBL, the jurisdiction of the Tribunal or the City's rights as outlined above in paragraph [10].
5. As outlined in section 1.d. in paragraph [10] – That the appeal brought by P&W has been determined by the Moving Party, not on consent and opposed by P&W, to be site- or area-specific. The Moving Party requests that this Decision and Order be withheld until P&W provides the Tribunal with a geographical area or address to which P&W will scope its appeal. In the event that P&W does not provide such direction to the Tribunal, the Moving Party advised that they may file a Motion to scope in this regard at the CMC which had been scheduled to be held on January 10, 2024.

[12] It is noted that the January 10, 2024, CMC has since been cancelled and rescheduled to **Thursday, February 29, 2024**, as per paragraph [55] below.

### **Industrial Equities**

[13] In it's Responding Motion Record, Industrial Equities requested the following:

1. An Order of the Tribunal dismissing the City Motion to the extent it applies to the appeal filed by Industrial Equities of the City's Comprehensive Zoning By-law (2023)-20790 (the "CZBL").
2. An Order of the Tribunal scoping the appeal filed by Industrial Equities of the CZBL to the provisions set out in paragraph 27 of the Affidavit of David Falletta, sworn on November 24, 2023, on a City-wide basis.
3. An Order abridging the time for service of this Notice of Motion, if necessary.
4. Such further and other relief as counsel may request and the Tribunal consider applicable.

[14] In summary, Industrial Equities requests rulings of the Tribunal related to the Industrial Equities appeal as follows:

1. In response to 1.b. in paragraph [10] and as outlined in 1. in paragraph [13] – That the City's motion, to scope Industrial Equities appeal, be dismissed.
2. In response to 1.b. in paragraph [10] and as outlined in 2. in paragraph [13] – That the Industrial Equities appeal be scoped to the following provisions of the CZBL (as set out in paragraph 27 of the Affidavit of David Falletta):
  - Part A: Administration and Interpretation, Section 1.3 – Transition Provisions
  - Part B: Definitions
  - Part C: General Provisions and Parking – Subsections 4.9(a) and (b), 4.11(f), 5.3.1(d), 5.4(a) and (b)
  - Part D, Land Use Zones, Section 10 – Employment Zones
  - Part E, Site-specific Industrial (B) Zones – Subsections 18.18.14 and 18.18.15
3. As outlined in 3. in paragraph [13] – That the time for service of the Responding Notice of Motion be abridged, if necessary.

## **P&W**

[15] In its Responding Motion Record, P&W requested the following:



1. In response to the City of Guelph's ("City") Notice of Motion, dated November 16, 2023, Paisley & Whitelaw Inc. ("**Paisley & Whitelaw**") respectfully request that the Tribunal issue an Order:
  - a. Dismissing the City's motion requiring Paisley & Whitelaw to provide a geographical area or address to which it will scope its appeal;
  - b. Scoping Paisley & Whitelaw's appeal to:
    - i. All lands zoned RM.5, RM.6, RH.7, CMUC, MUC, NCC, MOC, D.1, and D.2 ("Medium and High Density Residential Zones");
    - ii. Table 5.3, Required parking rates in all zones except downtown zones, to the extent that it applies to the Medium and High Density Residential Zones;
    - iii. Section 5.8, bicycle parking rates, to the extent that it applies to the Medium and High Density Residential Zones;
    - iv. Section 5.9. electrical vehicle parking requirements, to the extent that it applies to the Medium and High Density Residential Zones;
    - v. The following definitions, to the extent that they apply to the Medium and High Density Residential Zones:
      1. Designed electric vehicle parking space;
      2. Building height; and
      3. Finished grade,

Except to the extent that the above regulations and zones are less restrictive than the same regulations within the former Zoning By-law No. (1995)-14864.
  - c. Confirming that the scoping- shall be strictly without prejudice to, and shall not have the effect of limiting:
    - i. The positions Paisley & Whitelaw may take with respect to the appeals Comprehensive Zoning By-Law ("CZBL") and companion Official Plan Amendment No. 88 ("OPA 88") (collectively, "Appeals"), such that Paisley & Whitelaw will be fully at liberty to challenge and test the planning merits of the CZBL and OPA 88 as they apply to the remaining Appeal;
    - ii. The jurisdiction of the Tribunal to consider and approve modifications, deletions or additions to the unapproved portions of the CZBL on a general, area-specific, or site-specific basis, including issuing future Orders respecting the unapproved portions of the CZBL which are inconsistent with the Order resulting from the Tribunal as a result of this Motion, provided that Paisley & Whitelaw remains bound by its commitment to scope its Appeal as set out herein; and
2. Such other relief as counsel may advise and the Tribunal may permit.

[16] In summary, P&W requests rulings of the Tribunal related to the P&W CZBL appeal as follows:

1. In response to 1.d. in paragraph [10] and as outlined in 1.a. in paragraph [15] – That the City’s motion, requiring P&W to provide a geographical area or address to which it will scope its appeal, be dismissed.
2. In response to 1.d. in paragraph [10] and as outlined in 1.b. in paragraph [15] – That the P&W appeal be scoped as proposed by P&W, except to the extent that the regulations and zones are less restrictive than the Former CZBL.
3. In response to 1.c. in paragraph [10] and as outlined in 1.c. in paragraph [15] – That the P&W appeal, scoped as proposed by Respondent P&W, shall be strictly without prejudice, and not have the effect of limiting, as specified by P&W.

## **ANALYSIS AND FINDINGS ON THE MOTION**

### **Relief Requested Under Section 1.a. of the Motion**

[17] There were no issues raised by the Respondents, or any other Party, regarding the Moving Party’s request of the Tribunal under section 1.a. of the relief requested in paragraph [10], related to the City-wide appeals by GDHBA and GWDA and the site-specific appeals for the Appellants listed in section 2 of paragraph [11].

[18] As such, it is an uncontested request by the Moving Party that the Tribunal issue an Order finding that those parts of the CZBL which are not in issue in the appeal are therefore deemed to have come into effect on the date that the CZBL was passed, specifically the regulations, maps and appendices found in the CZBL, save and except:

- i. the regulations, maps and appendices remaining under appeal on a City-wide basis as set out in Attachment 2 to this Decision, and

- ii. the entirety of the CZBL which will remain under appeal on a site specific or area specific basis for the properties/areas set out in Attachment 3 to this Decision.

[19] The regulations, maps and appendices of the CZBL, as passed by the City, with the exceptions noted above, relate only to the City-wide appeals by GDHBA and GWDA, and neither GDHBA nor GWDA opposed the Motion request in this respect.

[20] The site-specific appeals for the Appellants listed in section 2 of paragraph [11] each relate only to a specific property or properties and the entirety of the CZBL will remain under appeal on a site-specific or area-specific basis as related to the respective property or properties. Further, none of the Listed Appellants opposed the Motion request in this respect.

[21] The Tribunal finds that this is a reasonable request of the Moving Party and will be so Ordered by the Tribunal.

### **Relief Requested Under Section 1.b. of the Motion (related to Industrial Equities)**

[22] The City requested that the Tribunal scope the appeal brought by Industrial Equities to a site-specific appeal related to 384 Crawley Road on the grounds that their appeal only identified site-specific concerns related to this property, and allowing the appeal to remain City-wide would not constitute good planning and would run contrary to the intent of the Act as it applies to the passage of the CZBL.

[23] Section 34(19) of the Act specifically requires that a notice of appeal should set out “the objection to the by-law and the reasons in support of the objection”. The Appeal Form (“IE Appeal Form”), the accompanying cover letter from McCarthy Tetrault LLP (“IE Appeal Letter”) and the comment letter to the City from Bousfields Inc. (“Bousfields Letter”) all reference concerns only related to 384 Crawley Road, with the exception of one statement in the IE Appeal Letter which states: “This notice of appeal

applies to the entirety of the New Zoning By-law.” No rationale or reasons are provided in the IE Appeal Form, the IE Appeal Letter or the Bousfields Letter in this regard.

[24] In its Responding Motion Record, Industrial Equities contended that their appeal should remain City-wide on the basis that:

- the transition clauses in the CZBL are a “fundamental provision that will effect all properties within the City”,
- the CZBL is overly prescriptive compared to the Former CZBL, which is a City-wide issue, and
- Industrial Equities owns multiple industrial properties within the City and may need to ultimately move the proposed facility at 384 Crawley Road to another location within the City depending on the outcome of the site plan application submitted to the City, but not yet deemed complete at the time of the Motion hearing.

[25] The Tribunal finds that these reasons are overly broad, not addressed in the IE Appeal Form, the IE Appeal Letter or the Bousfields Letter, and are generally unsubstantiated. Moreover, the reasons provide the Tribunal with no helpful reference to which they could be applied to understand the need or justification for a City-wide appeal.

[26] The Tribunal finds that the blanket statement: “[t]his notice of appeal applies to the entirety of the New Zoning By-law” cannot now be used to expand on the grounds for the appeal when no indication was provided, until the Motion was brought, to justify, explain or legitimize the appeal to apply to the entirety of the City. The reasons provided at the hearing of the Motion do not rise to the level of providing legitimacy to a City-wide basis of the appeal.

[27] The Tribunal finds that Industrial Equities submissions are not a reasonable interpretation of the scope of the appeal and the City’s request to scope the Industrial

Equities appeal to a site-specific appeal related to 384 Crawley Road will be so Ordered by the Tribunal.

**Relief Requested Under Section 1.d. of the Motion (related to P&W)**

[28] The findings of section 1.d. of the Motion are determinative to the findings on section 1.c. as it relates to the P&W appeals and therefore section 1.d. is considered before section 1.c.

[29] The City requested that the Tribunal withhold the Order until P&W provides the Tribunal with a geographical area or address to scope the P&W CZBL appeal on the grounds that the appeal only identified area- and site-specific concerns related to the property at 201 Elmira Road South, and on the grounds that allowing the appeal to remain City-wide would not constitute good planning and would run contrary to the intent of the Act and provincial policy as it applies to the passage of the CZBL.

[30] Similar to the Tribunal findings related to Industrial Equities, section 34(19) of the Act specifically requires that a notice of appeal should set out “the objection to the by-law and the reasons in support of the objection”. The Appeal Form (“P&W Appeal Form”), the accompanying cover letter from Turkstra Mazza Associates (“P&W Appeal Letter”) and the comment letter to the City from MHBC Planning Urban Design & Landscape Architecture (“MHBC Letter”) all reference concerns only related to 201 Elmira Road South, with the exception of one statement in the P&W Appeal Letter which states: “We hereby appeal the City of Guelph (“City”) Comprehensive Zoning By-law No. (2023) – 20790 (“ZBL”), in its entirety, and companion Official Plan Amendment No. 88 (“OPA”), in its entirety...”. No rationale or reasons are provided in the P&W Appeal Form, the P&W Appeal Letter or the MHBC Letter in this regard for either appeal.

[31] In it’s Responding Motion Record, P&W contended that their appeal should remain City-wide on the basis that:

- P&W’s parent company “is a residential development company that operates in the City”,
- the Motion effectively “seeks an order... dismissing part of Paisley & Whitelaw’s appeal without holding a hearing, pursuant to section 34(25) of the *Planning Act*”,
- since the City does not allege that P&W’s appeal “has been made in bad faith, is frivolous or vexatious, or is otherwise an abuse of process”, the Motion therefore “must be decided on whether the Appeal is based on any apparent land use planning ground”,
- P&W’s appeal “ought to... be allowed to proceed being scoped to all Medium and High Density Residential Zones” as it “discloses land use planning grounds to support a City-wide appeal for these zones”,
- P&W’s Notice of Appeal lists the following as grounds for the appeal:
  - a. CZBL and OPA 88 do not have appropriate regard for matters of provincial interest set out in section 2 of the *Planning Act*;
  - b. CZBL and OPA 88 are not consistent with the Provincial Policy Statement, 2020, including but not limited to Sections 1.1.1(e), 1.1.3.2, 1.1.3.4, 1.1.3.6, and 1.4.3; and
  - c. CZBL and OPA 88 do not conform with the policies of the Growth Plan, 2019, as amended including but not limited to section 2.2.1.2(c) that encourages development and intensification within Settlement Areas.
- “While the impact of the above issues are illustrated by looking to the Subject Lands, these demonstrate land use planning grounds that generally engage the Medium and High Density Residential Zones”,
- “It is appropriate to consider the impact of the CZBL on all Medium and High Density Residential Zones throughout the City”,
- P&W has “plans to continue residential development of lands in Guelph” and “has a broader interest in ensuring that the regulations applying to the Medium and High Density Residential Zone are appropriate on a Citywide basis”,

- P&W “has a genuine interest in ensuring that the regulations pertaining to those zone facilitate appropriate development”,
- “many of the regulations under the CZBL are more restrictive than the in-force by-law” and “there is a possibility that the number of minor variances may... increase as a result of the new CZBL”.
- Unlike section 17(24.2) of the Act which expressly prohibits global appeals of the entirety of a new Official Plan, section 34 of the Act does not have a similar prohibition. “Principles of statutory interpretation would suggest that the difference in these sections is intentional. Under section 17, a city-wide appeal is not permitted. If legislature intended the same for appeals brought under section 34, the Planning Act would have been drafted to reflect that intention”.

[32] The reasons listed in the Responding Motion Record are not addressed in the P&W Appeal Form, the P&W Appeal Letter or the MHBC Letter, and are generally unsubstantiated. Moreover, the reasons provide the Tribunal with no helpful reference to which they could be applied to understand the need, or justification, for a City-wide appeal.

[33] The Tribunal finds that these reasons are generally broad in nature and, although P&W noted that its parent company “is a residential development company that operates in the City and surrounding areas” and that it owns “40 sites across Ontario”, P&W did not advise of any other properties in the City that are owned by P&W or its parent company.

[34] The Tribunal finds that, without reasons in the P&W Appeal Letter indicating the basis for a City-wide appeal and with the numerous reasons provided in the letter being area- and site-specific, the P&W Appeal Letter itself confirms the area- and site-specific basis for the appeal, notwithstanding the wording indicating P&W appeals the CZBA “in its entirety”. This is largely due to the wording in s. 34(19) of the Act specifically

requiring a notice of appeal to provide “the reasons in support of the objection”. No such reasons in support of the appeal of the CZBA in its entirety were included in the P&W Appeal Letter.

[35] The argument that the scoping of the appeal to an area- or site-specific appeal effectively amounts to a motion for dismissal of part of P&W’s appeal without holding a hearing, pursuant to section 34(25) of the Act, is considered by the Tribunal to be an unsubstantiated overstatement. The Tribunal does not consider the scoping of appeals, especially through the careful consideration being afforded through a Motion hearing, to be equivalent to the dismissal of an appeal. Further, the Tribunal cannot dismiss that which is deemed not properly appealed.

[36] With respect to the argument that there are land use planning grounds related to the City-wide appeal, P&W noted that the P&W Appeal Letter lists the following land use planning grounds for appeal: having regard to s. 2 of the Act, being consistent with the Provincial Policy Statement, 2020 (“PPS”) and conforming with the Growth Plan for the Greater Golden Horseshoe, 2019, as amended (“Growth Plan”). Nowhere in the P&W Appeal Letter does it tie such land use planning grounds to the whole of the City rather than the area- and site-specific concerns related to 201 Elmira Road South.

[37] P&W provided the Tribunal with the response to that argument within their Responding Motion Record by acknowledging that “the impact of the above issues [having regard to s. 2 of the Act, being consistent with the PPS, and conforming with the Growth Plan] are illustrated by looking to the Subject Lands” despite further suggesting that they “demonstrate land use planning grounds that generally engage the Medium and High Density Residential Zones”. Such expanded meaning was not explained or addressed in the P&W Appeal Letter, the P&W Appeal Form or the MHBC Letter.

[38] The Tribunal finds that the blanket statement: “[w]e hereby appeal the City of Guelph (“City”) Comprehensive Zoning By-law...” cannot now be used to expand on the grounds for the appeal when no indication was provided, until the Motion was brought,



to justify, explain or legitimize the appeal to apply to the entirety of the City. The reasons provided at the hearing of the Motion do not rise to the level of providing legitimacy to a City-wide basis of the appeal.

[39] Finally, regarding the argument put forth that s. 34 of the Act differs from s. 17 of the Act with respect to not having a reciprocal prohibition to global Zoning By-law appeals, such as provided for in s. 17(24.2) for appeals of the entirety of a new Official Plan, the Tribunal notes that it is not finding that a global appeal to the CZBL is not permitted, but rather that s. 34(19) of the Act specifically requires a notice of appeal to provide “the reasons in support of the objection” and that, in this instance, no such reasons were provided.

[40] The Tribunal finds that P&W's submissions are not a reasonable interpretation of the scope of the appeal and the City's request that P&W provide the Tribunal with a geographical area or address to which it will scope its appeal will be so Ordered by the Tribunal. The timing for the provision to the Tribunal will be extended to **Friday, February 9, 2024**, being twenty days in advance of the next scheduled CMC date of **Thursday, February 29, 2024**, providing sufficient time for a reply by the City to be heard at the CMC if such scoping is deemed not sufficient by the City. Such option to file a reply will not be ordered by the Tribunal yet can be made in compliance with Rule 10 of the OLT Rules.

### **Relief Requested Under Section 1.c. of the Motion**

[41] Other than the submissions made by P&W in their Notice of Response related to the wording of section 1.c. of the Motion as it relates specifically to the P&W appeals, there were no issues raised by Industrial Equities, or any other Party, regarding the Moving Party's request of the Tribunal under section 1.c. of the relief requested in paragraph [10]. This confirms, in part, that the partial approval and coming into force of the CZBL shall be without prejudice to, and shall not limit, the positions of any Party with respect to their appeals, with the exception of P&W.

[42] P&W sought to amend the wording of section 1.c. of the Motion to reflect that it applies to the scoping of P&Ws appeal rather than the “partial approval and coming into force of the CZBL”. The Tribunal finds that that distinction holds merit and provides further clarity to the Parties for the hearing of the merits of the appeals.

[43] Given that the Tribunal will scope the appeals of P&W and Industrial Equities, as above, the Tribunal will make an Order based on the wording of section 1.c. of the Motion, amended in in this respect, expanding the protection against any prejudice to include both the “partial approval and coming into force of the CZBL” as well as to the scoping of any appeal.

[44] P&W also sought to amend the wording of section 1.c.i. of the Motion to reflect P&Ws appeals related to both the CZBL and OPA 88.

[45] The Tribunal finds that, on the whole, section 1.c. of the relief requested presents reasonable wording to be included in the Order but recognizes the particular appeal considerations of P&W with respect to their OPA 88 appeal. This consideration would apply to the Forum and Silvercreek appeals as well, however neither party filed responses to the Motion.

[46] In this respect, the Tribunal finds that although the wording as proposed by the City in section 1.c.i. of the Motion applies only to the CZBL and does not assert limits on the OPA 88 appeals, such further clarification is warranted for certainty for the hearing of the merits of the appeals.

[47] As such, the Tribunal will amend the wording of section 1.c.i. of the Motion in this respect, expanding the protection to include both the appeals to the CZBL and OPA 88.

[48] P&W further sought to amend the wording of section 1.c.ii. of the Motion, as proposed by the City, related to not limiting the jurisdiction of the Tribunal to consider

and approve portions of the CZBL on a City-wide, area- or site-specific basis provided that “the parties shall be bound by the commitments made by them to scope their issues to a site-specific or area-specific basis”. It was P&W’s request that this wording be amended to consider the scoping of their appeal as set out in their Response to the Motion, rather than the scoping of issues.

[49] The Tribunal finds that the distinction would hold merit if the P&W were successful in retaining their City-wide appeal. Given that they are to scope their appeal geographically, the Tribunal finds that section 1.c.ii. of the Motion should remain as worded by the City in its Notice of Motion.

[50] P&W also sought to delete section 1.c.iii. of the Motion in its entirety, related to the “City’s right to assert that the approved portions of the CZBL may be applied to the specific sites or areas without modification on the basis that they constitute good planning”. It is noted that no other Party challenged the Motion in this regard.

[51] The Tribunal finds that section 1.c.iii. does not limit the rights of the Appellants nor does it expand the rights of the City with respect to the coming into force of any portions of the CZBL.

[52] As such, the Tribunal will not amend the wording of section 1.c.iii. of the Motion.

[53] The Tribunal therefore exercises its authority to grant the Motion, in part and as amended. The Tribunal does so with due consideration of all submissions.

### **THIRD CMC**

[54] The Tribunal agreed with the Parties’ request to cancel the CMC scheduled for **Wednesday, January 10, 2024**, and to schedule a further CMC for a status update.

[55] The Tribunal scheduled a third CMC for **Thursday, February 29, 2024, at 10 a.m.** by video conference.

[56] Parties and participants are asked to log into the video hearing at least **15 minutes** before the start of the event to test their video and audio connections.

**GoTo Meeting:** <https://global.gotomeeting.com/join/519389173>

**Access code:** **519-389-173**

[57] Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only telephone line: **Toll-Free 1-888-299-1889** or +1 **(647) 497-9373**. **The Access Code is as indicated above.**

[58] Parties and Participants are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at [GoToMeeting](https://app.gotomeeting.com/home.html) or a web application is available: <https://app.gotomeeting.com/home.html>

[59] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the hearing by video to ensure that they are properly connected to the event at the correct time. Questions prior to the hearing event may be directed to the Tribunal's Case Coordinator having carriage of this case.

## **INTERIM ORDER**

[60] **THE TRIBUNAL ORDERS** that a third Case Management Conference will commence by video hearing on **Thursday, February 29, 2024, at 10 a.m.**

[61] **THE TRIBUNAL ORDERS** that Zoning By-law (2023)-20790 of the City of Guelph is deemed to come into full force and effect on April 18, 2023, being the effective date that the Zoning By-law was passed, save and except:

- i. the regulations, maps and appendices remaining under appeal on a City-wide basis as set out in Attachment 2 to this Decision, and
- ii. the entirety of the Zoning By-law which will remain under appeal on a site specific or area specific basis for the properties/areas set out in Attachment 3 to this Decision.

[62] **THE TRIBUNAL ORDERS** that the appeal brought by Industrial Equities Guelph Corporation is scoped to 384 Crawley Road.

[63] **THE TRIBUNAL ORDERS** that the partial approval and coming into force of Comprehensive Zoning By-law (2023)-20790, as well as the scoping of any appeal, shall be strictly without prejudice to, and shall not have the effect of limiting:

- i. The positions any party may take with respect to their site-specific or area-specific appeals of Comprehensive Zoning By-law (2023)-20790 and Official Plan Amendment No. 88, such that the parties will be fully at liberty to challenge and test the planning merits of Comprehensive Zoning By-law (2023)-20790 and Official Plan Amendment No. 88, as they apply to their respectively delineated sites or areas.
- ii. The jurisdiction of the Tribunal to consider and approve modifications, deletions or additions to the unapproved portions of Comprehensive Zoning By-law (2023)-20790 on a general, area-specific, or site-specific basis, including issuing future Orders respecting the unapproved portions of Comprehensive Zoning By-law (2023)-20790 which are inconsistent with the Order resulting from the Tribunal as a result of this Motion hearing, provided that the parties shall be bound by the commitments made by them to scope their issues to a site-specific or area-specific basis; or

- iii. The City's right to assert that the approved portions of Comprehensive Zoning By-law (2023)-20790 may be applied to the specific sites or areas without modification on the basis that they constitute good planning.

[64] **THE TRIBUNAL ORDERS** that the appeal brought by Paisley & Whitelaw Inc. be scoped to a geographical area or address.

[65] **THE TRIBUNAL ORDERS** that the Final Order be withheld until Paisley & Whitelaw Inc. provide to the Tribunal and the City, no later than February 9, 2024, a geographical area or address to which it will scope its appeal.

[66] The Member will remain seized for the purposes of the issuance of the Final Order. In the event there are any difficulties with any matters which are related to the implementation of this Interim Order, the Tribunal may be spoken to.

*"C. I. Molinari"*

C. I. MOLINARI  
MEMBER

### **Ontario Land Tribunal**

Website: [www.olt.gov.on.ca](http://www.olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

## ATTACHMENT 1

**REMAINING APPELLANTS**

<b>PARTY</b>	<b>COUNSEL</b>
2014707 Ontario Inc. ('Cook Homes')	Scott Snider
Paisley & Whitelaw Inc.	Anna Toumanians Jennifer Meader ( <i>in absentia</i> )
Silvercreek Guelph Developments Limited, and 2089248 Ontario Inc.	Jasmine Fraser Tom Halinski ( <i>in absentia</i> )
Guelph Watson Holdings Inc.	
Loblaw Properties Limited	
642762 Ontario Inc.	Kevin Thompson
Guelph & District Home Builders' Association Inc., and	Giovanni Giuga Brittany Ennis (articling student)
Guelph & Wellington Development Association	
Thomasfield Homes Limited	
University Village (Guelph) Limited	
Ferrovial Investments Inc.	
2738766 Ontario Limited, 2738777 Ontario Limited, and 848866 Ontario Limited	Eric Davis
IJK Holdings Inc.	
2742707 Ontario Limited	Jasmine Fraser Eileen Costello ( <i>in absentia</i> )
Forum Asset Management	Mithea Murugesu Johanna Shapira ( <i>in absentia</i> )
Industrial Equities Guelph Corporation	Michael Foderick Jamie Cole Daniel Angelucci ( <i>in absentia</i> )
Windmill Development Group Ltd.	Philip Osterhout

# **ATTACHMENT 2**



Comprehensive Zoning By-Law: Provisions that remain under appeal (not site-specific)	
1.	<p>3. Definitions</p> <p><b>Active entrance</b> means a door that is designed to be the principal entrance or one of the principal entrances facing a street, public or public square and excludes emergency egress doors, garage doors, sliding patio doors, service doors, loading doors and doors giving access to storage areas.</p> <p><b>Balcony</b> means an unenclosed or partially enclosed attached platform, projecting from the face of a wall, cantilevered or supported by columns or brackets and usually surrounded by a balustrade or railing, and is only directly accessible from within a building.</p> <p><b>Buffer strip</b> means an area of land consisting of soft landscaping such as grass, flowers, trees and shrubbery, and can include a fence. A buffer strip can be located within a required yard.</p> <p><b>Common amenity area</b> means an amenity area which is located inside or outside a building or structure including open landscaped areas with associated recreational facilities, building rooftops, patios, terraces, above ground decks, swimming pools, tennis courts and the like, for the exclusive use of all dwelling units within the building(s).</p> <p><b>Apartment building</b> means a building consisting of 3 or more dwelling units, where access to each unit is obtained through a common entrance from the street level, or an internal entry vestibule, and may also include podium townhouses accessed through a common entrance or by a private exterior entrance.</p> <p><b>Ground floor area</b> means the area of a building measured to the outside walls at finished grade, excluding in the case of a residential building, any garage, carport, porch, sun room that is not habitable at all seasons of the year, unfinished attic, or basement.</p> <p><b>Parking facility</b> means a premises, other than a street, used for the parking of vehicles for a fee.</p> <p><b>Electric vehicle parking space</b> means a vehicle parking space constructed with a minimum Level 2 Electric Vehicle Charging Device.</p>

	<p><b>First Storey Height</b> means the height, measured from finished floor to finished ceiling of the first storey.</p>
2.	<p>4.5.2 Residential zones</p> <p>(b) The maximum height of an accessory building or structure is 4 metres except as provided in Section 4.14.</p>
3.	<p>4.5.3 Other zones</p> <p>(a) The maximum height of an accessory building or structure is 4.5 metres except as provided for in Section 4.14.</p>
4.	<p>4.6 Sight line triangles</p> <p>4.6.1 Corner lots</p> <p>(a) On a corner lot in any zone, no building, structure, play equipment, statue, swimming pool, hot tub or parked motor vehicle may be located within the sight line triangle formed by joining the point of intersection to points on each street line, measured 9 metres from that point of intersection.</p>
5.	<p>4.10 Municipal services</p> <p>No land shall be built upon and no building or structure shall be erected or expanded for any purpose unless all municipal services including sanitary sewers, storm sewers and drains, water mains, electric power lines and roads are available and adequate. No land, building or structure shall be used unless all available municipal services are connected.</p> <p>(a) Despite Section 4.10, the following uses may be permitted without full municipal services:</p> <p>(i) Any use, building or structure permitted by a by-law which existed on the effective date of this by law, or any predecessor thereof, and for which prior approval had been obtained from the Medical Officer of Health to permit the use of a private sewage disposal system.</p>

	<p>(ii) Any legally existing agricultural, municipal parkland or conservation use on a lot with a minimum size of 4 hectares.</p> <p>(iii) Additions to and accessory buildings or structures for existing legal non-conforming single detached dwellings if such additions and accessory buildings or structures comply with each established building setback and all other regulations of the zone in which the residential building is located.</p> <p>(iv) Partial services shall be permitted to address a failed individual on-site water service or individual on-site sewage services on an existing lot of record and only where municipal services are not available or are not expected to be available within 2 years.</p> <p>(v) When the owner of a property proposes to develop, redevelop, and/or sever the property, whether or not it has an existing building on it, the owner will be obligated to connect to City services if the municipal services are within 50 metres of a building at the owner’s cost. Furthermore, the piping from the private well and/or septic tank must be disconnected and the well and septic tank must be decommissioned to the satisfaction of the Chief Building Official.</p>
<p>6.</p>	<p>4.11.1 Industrial (B) and Mixed Business (MB) zone</p> <p>(d) A 3 metre buffer strip shall be located between the outdoor storage area and any point where the outdoor storage area is visible from a street.</p>
<p>7.</p>	<p>4.12 Residential intensification  4.12.1 Additional residential dwelling unit  An additional residential dwelling unit is subject to the following provisions:</p> <p>(a) A maximum of two additional residential dwelling units are permitted on a lot, one within the same building as the primary dwelling unit and one located in a separate building on the same lot or two additional residential dwelling units within the primary dwelling unit.</p> <p>(b) The additional residential dwelling unit shall not contain more than two bedrooms.</p> <p>(c) Additional residential dwelling unit within a primary dwelling unit:</p>

	<p>(i) The additional residential dwelling unit(s) shall each not exceed 45% of the residential floor area of the building. For the purposes of Section 4.12, residential floor area includes basements with floor to ceiling heights of at least 1.95 metres but does not include stairs, landings, cold rooms, garages, carports and mechanical rooms.</p> <p>(A) Despite Section 4.12.1 (b) and 4.12.1 (c) (i), if the additional residential dwelling unit is located within the basement, the additional residential dwelling unit may occupy the entirety of the basement and may contain 3 bedrooms.</p> <p>(ii) Interior access is required between floor levels and between the additional residential dwelling unit(s) and the primary dwelling unit.</p> <p>(d) Additional residential dwelling unit within a separate building on the same lot:</p> <p>(i) The additional residential dwelling unit shall not exceed 45% of the residential floor area of the primary building. For the purposes of Section 4.12, residential floor area includes basements with floor to ceiling heights of at least 1.95 metres but does not include stairs, landings, cold rooms, garages, carports and mechanical rooms.</p> <p>(ii) The additional residential dwelling unit shall not occupy more than 30% of the yard, including all accessory buildings or structures, and shall be in accordance with Section 4.12.1(d) (i), whichever is less.</p> <p>(iii) The maximum building height is 5 metres, but shall not exceed the overall height of the primary dwelling unit, measured between the average finished grade to the top of such building.</p> <p>(A) Despite 4.12.1 (d) (iii), when an additional residential dwelling unit is located above a detached garage containing a vehicle parking space in accordance with Table 5.1 and Section 5.11.3(d), the maximum total building height is 6.1 metres and shall not exceed the building height of the primary dwelling unit.</p>
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	<p>(iv) A 1.2 metre wide unobstructed pedestrian access shall be provided to the entrance of the unit, unless access to the additional residential dwelling unit is provided directly from a street or lane. A gate may be constructed within the pedestrian access.</p> <p>(v) A minimum 1.2 metre interior side yard setback is required for the primary dwelling unit in the yard closest to the unobstructed pedestrian access, unless access to the additional residential dwelling unit is provided directly from a street or lane.</p> <p>(vi) An additional residential dwelling unit in a separate building on a lot may occupy a yard other than a front yard or required exterior side yard.</p> <p style="padding-left: 40px;">(A) Despite 4.12.1(d)(vi), an additional residential dwelling unit in a separate building on a lot may occupy the front yard of a through lot directly abutting a lane.</p> <p>(vii) An additional residential dwelling unit in a separate building on a lot shall have a minimum interior side yard and rear yard setback consistent with the interior side yard setback for the primary dwelling unit in the applicable zone.</p> <p style="padding-left: 40px;">(A) Despite 4.12.1 (d) (vii), a 2 storey additional residential dwelling unit shall have a minimum 3 metre interior side yard and rear yard setback where a second storey window is adjacent to the lot line.</p> <p>(viii) A minimum distance of 3 metres shall be provided between the primary dwelling unit and an additional residential dwelling unit in a separate building on the same lot.</p>
<p>8.</p>	<p>4.14 Height restrictions 4.14.1 Exemptions</p> <p style="padding-left: 40px;">(g) Rooftop materials (subject to 4.15.5)</p>
<p>9.</p>	<p>4.14.4 Angular planes</p>

	<p>(a) In addition to maximum building height, in certain zones, angular planes will also be required in determining maximum building height. Where an angular plane is required, it shall be determined as follows:</p> <p>(i) Building heights shall not exceed an angular plane of 45 degrees from the centre line of the street.</p> <p>(ii) Building heights shall not exceed an angular plane of 40 degrees from the lot line when adjacent to a river or park.</p>
10.	<p>4.14.5 Rooftop mechanicals</p> <p>(a) Shall be setback a minimum of 5 metres from the building edge; or,</p> <p>(b) Shall be setback a minimum of 1.5 metres and shall be enclosed on four sides and be screened with solid screening equal to the height of rooftop mechanical unit.</p>
11.	<p>5.2.2 For any cluster, stacked, back-to-back, stacked back-to-back townhouse, and apartment buildings, the following provisions apply:</p> <p>(a) Every parking space for the uses specific parking spaces shall be permitted in in 5.2.2 shall be located in the interior side yard or rear yard, and any parking area or parking space shall be setback 3 metres from any lot line.</p> <p>(b) Any surface driveway or surface parking area shall be setback 3 metres from a building wall, entrance or any window of a habitable room.</p> <p>(c) On a lot 9,000 square metres and greater, a maximum of 75% of the residential parking spaces shall be permitted in in surface parking areas.</p> <p>(d) A minimum clearance of 1.5 metres shall be provided from an access driveway to any above ground utility structure and/or city-owned street tree.</p>
12.	<p>5.2.3 Commercial, mixed-use, employment, institutional, utility uses</p> <p>(a) No parking area or parking space shall be located within 3 metres of any street line or any other lot line.</p>

	<p>(b) A parking area shall be screened from view from any street with suitable landscaping consisting of sod, trees, shrubbery or berms.</p> <p>(c) In any commercial, mixed-use, or downtown zone, parking spaces and parking areas shall be located in interior side yards or rear yards.</p> <p>(d) In any commercial or mixed-use zone, no parking area or parking space shall be located within 15 metres of the lot line of a corner lot of any intersections of a street, public.</p> <p>(f) On a lot 9,000 square metres and greater, a maximum of 75% of the residential parking spaces shall be permitted in surface parking areas.</p>
13.	<p>5.2.4 Structured parking</p> <p>(a) An underground parking structure containing a parking area does not require a setback from any lot line.</p> <p>(b) Where an underground parking structure is located in accordance with 5.2.4(a) and is located below a required landscape open space area or buffer strip, there shall be a minimum depth of 1.2 metres between grade and the structure.</p> <p>(c) Within the downtown zones, a structured parking area within the first storey of a building shall be setback from the street line a minimum of 4.5 metres.</p> <p>(d) Within any residential or mixed-use zone, a structured parking area within the first storey of a building shall be setback from the street line a minimum of 10 metres.</p>
14.	<p>5.3.2 Parking space dimensions</p> <p>(a) All parking spaces shall be designed, installed and maintained in accordance with the dimensions set out in Table 5.2.</p> <p>(b) Parking space dimensions established in Table 5.2 are required to be provided exclusive of any obstructions such as stairs, doors, or other fixed building elements.</p>

	(i) Despite Section 5.3.2 (b), stairs to the access door of the dwelling unit may be provided. The stair shall be wide enough to accommodate the width of the entrance and a maximum projection of 1 metre into the required parking space while maintaining the ability to use the required parking space.	
15.	<p>5.4 Loading space requirements</p> <p>(a) All loading spaces shall be located to the rear of the front wall of a building or to the rear of an exterior side wall of a building facing a street, public.</p> <p>(b) All loading spaces facing a street, public shall be screened with a minimum 3 metre wide buffer strip.</p>	
16.	<p>5.5 Required parking rates in all zones except downtown zones</p> <p>(a) Off-street parking spaces for all uses on lots in zones excluding downtown zones shall be provided in accordance with Table 5.3.</p> <p>(b) If the existing number of parking spaces exceeds the maximum number of parking spaces permitted by Table 5.3 in the parking adjustment (PA) area, the maximum parking rate is the number of parking spaces provided on the effective date of this by-law.</p>	
17.	Table 5.2– Minimum parking space dimensions	
	Parking space type or location for specified uses	Dimensions – minimum required
	1. Residential interior parking space (within a garage or a carport)(RL.1, RL.2, RL.3, RM. 5)	3 metre width x 6 metres length (1)
	2. Residential exterior parking space (RL.1, RL.2, RL.3, RM.5)	2.5 metre width x 5.5 metre length
	3. Apartment building (over 3 units), mixed-use building, stacked townhouse, stacked back to- back townhouse and non-residential uses (interior or exterior parking spaces)	2.75 metre width x 5.5 metre length (excluding any obstructions)
	4. Interior or exterior parallel parking space	2.6 metre width x 6.5 metre length
	5. Interior or exterior stacked (tandem) parking space	Interior or exterior parking space dimensions, with length multiplied by 2
Additional regulations for Table 5.2:		



	1. An attached garage for single detached dwellings, semi-detached dwellings and townhouses, on street, townhouse, rear access on-street shall have a minimum floor area of 20 square metres.			
18.	Table 5.3 – Required parking rates in all zones except downtown zones			
	Row, Use	Lots identified with parking adjustment (PA)		Lots without parking adjustment (PA) suffix
		Minimum required	Maximum required	Minimum required
	Residential uses			
	1. Additional residential dwelling unit	1 space per dwelling unit	Not applicable	1 space per dwelling unit
	Apartment building (6)(7)	For the first 20 dwelling units: 1.5 spaces per dwelling unit, and for each dwelling unit in excess of 20: 1.25 spaces per dwelling unit. A minimum of 20% of the required parking spaces shall be for the use of visitor parking	1.5 spaces per dwelling unit plus, 0.25 visitor spaces per dwelling unit	For the first 20 dwelling units: 1.5 spaces per dwelling unit, and for each dwelling unit in excess of 20: 1.25 spaces per dwelling unit. A minimum of 20% of the required parking spaces shall be for the use of visitor parking
	3. Bed and breakfast	1 space per building, plus 1 space for owner	Not applicable	1 space per building, plus 1 space for owner
	4. Duplex	dwelling 1 space per dwelling unit	Not applicable	1 space per dwelling unit
	5. Emergency shelter	1 space per 4 beds	Not applicable	1 space per 4 beds
	6. Group home (4)	1 space per building, plus 1 space per staff	Not applicable	1 space per building, plus 1 space per staff
	7. Home occupation	In accordance with Section 4.15.2	Not applicable	In accordance with Section 4.15.2
	8. Hospice	1 space per 3 beds	Not applicable	1 space per 3 beds

9. Live-work unit	In addition to the nonresidential parking rate, 1 space per dwelling unit	In addition to the nonresidential parking rate, 1.5 spaces per dwelling unit	In addition to the nonresidential parking rate, 1 space per dwelling unit
10. Lodging house type 1	1 space per building, plus 1 per 3 lodging units	Not applicable	1 space per building, plus 1 per 3 lodging units
11. Long term care facility	1 space per 3 beds	Not applicable	1 space per 3 beds
12. Mixed-use building (6)	In addition to the nonresidential parking rate, 1 space per dwelling unit plus 0.1 visitor spaces per dwelling unit	In addition to the nonresidential parking rate, 1.5 spaces per dwelling unit plus 0.25 visitor spaces per dwelling unit	In addition to the nonresidential parking rate, 1 space per dwelling unit plus 0.15 visitor spaces per dwelling unit
13. Retirement residential facility	1 space per 3 beds	Not applicable	1 space per 3 beds
14. Single detached dwelling	1 space per dwelling unit	Not applicable	1 space per dwelling unit
15. Semi-detached dwelling	1 space per dwelling unit	Not applicable	1 space per dwelling unit
16. Supportive housing	1 space per 4 beds	Not applicable	1 space per 4 beds
17. Townhouse– back-to-back, cluster, stacked, and stacked back-to-back	1 space per dwelling unit, plus 0.2 visitor spaces per dwelling unit	1.5 spaces per dwelling unit, plus 0.5 visitor spaces per dwelling unit	1 space per dwelling unit, plus 0.2 visitor spaces per dwelling unit
18. Townhouse– on street	1 space per dwelling unit	Not applicable	1 space per dwelling unit
19. Townhouse– rear access on-street	1 space per dwelling unit	Not applicable	1 space per dwelling unit
20. Triplex (6)(7)	1 space per dwelling unit	Not applicable	1 space per dwelling unit
Commercial, service, retail and related land uses			
21. Animal boarding establishment	2 spaces per 100 m2 of GFA	3 spaces per 100 m2 of GFA	4 spaces per 100 m2 of GFA

22. Animal care establishment	2 spaces per 100 m2 of GFA	3 spaces per 100 m2 of GFA	4 spaces per 100 m2 of GFA
23. Artisan studio	1.5 spaces per 100 m2 of GFA	3 spaces per 100 m2 of GFA	3 spaces per 100 m2 of GFA
24. Auction centre	3.5 spaces per 100 m2 of GFA	6 spaces per 100 m2 of GFA	4 spaces per 100 m2 of GFA
25. Building supply	1.5 spaces per 100 m2 of GFA	3 spaces per 100 m2 of GFA	3 spaces per 100 m2 of GFA
26. Catering service	2 spaces per 100 m2 of GFA	3 spaces per 100 m2 of GFA	2 spaces per 100 m2 of GFA
27. Cleaning establishment	2 spaces per 100m2 of GFA	3 spaces per 100 m2 of GFA	2 spaces per 100 m2 of GFA
28. Commercial entertainment	5 spaces per 100 m2 of GFA	10 spaces per 100 m2 of GFA	10 spaces per 100 m2 of GFA
29. Conference and convention facility	5.5 spaces per 100 m2 of GFA	7.5 spaces per 100 m2 of GFA	5.5 spaces per 100 m2 of GFA
30. Contractor's yard	1 space per 100 m2 of GFA	1.5 spaces per 100 m2 of GFA	1 space per 100 m2 of GFA
31. Convenience store	1.5 spaces per 100 m2 of GFA	3 spaces per 100 m2 of GFA	4 spaces per 100m2 of GFA
32. Day care centre	3 spaces per 100 m2 of GFA	Not applicable	3 spaces per 100 m2 of GFA
33. Financial establishment	3 spaces per 100 m2 of GFA	4.5 spaces per 100 m2 of GFA	5 spaces per 100 m2 of GFA
34. Fitness centre	5 spaces per 100 m2 of GFA	5.5 spaces per 100 m2 of GFA	5 spaces per 100 m2 of GFA
35. Funeral home	3.5 spaces per 100 m2 of GFA	6 spaces per 100 m2 of GFA	4 spaces per 100 m2 of GFA
36. Garden centre	1.5 spaces per 100 m2 of GFA	3 spaces per 100 m2 of GFA	3 spaces per 100m2 of GFA
37. Home improvement warehouse	1.5 spaces per 100 m2 of GFA	3 spaces per 100 m2 of GFA	2 spaces per 100 m2 of GFA
38. Hotel	0.75 spaces per guest room	1 space per guest room	1 space per guest room
39. Major equipment supply and service	1.5 spaces per 100 m2 of GFA	3 spaces per 100 m2 of GFA	3 spaces per 100 m2 of GFA
40. Medical clinic	3 spaces per 100 m2 of GFA	4 spaces per 100 m2 of GFA	5 spaces per 100 m2 of GFA
41. Micro-brewery	1 space per 100 m2 of GFA	1.5 space per 100 m2 of GFA	1 space per 100 m2 of GFA
42. Nightclub	5 spaces per 100 m2 of GFA	10 spaces per 100 m2 of GFA	10 spaces per 100 m2 of GFA

43. Office	2.5 spaces per 100 m2 of GFA	5 spaces per 100 m2 of GFA	3 spaces per 100 m2 of GFA
44. Propane retail outlet	1.5 spaces per 100 m2 of GFA	3 spaces per 100 m2 of GFA	3 spaces per 100 m2 of GFA
45. Repair service	1 space per 100 m2 of GFA	1.5 spaces per 100 m2 of GFA	1 space per 100 m2 of GFA
46. Restaurant	5 spaces per 100 m2 of GFA	12.5 spaces per 100 m2 of GFA	9 spaces per 100 m2 of GFA
47. Restaurant, takeout	5 spaces per 100 m2 of GFA	10 spaces per 100 m2 of GFA	9 spaces per 100 m2 of GFA
48. Retail establishment	1.5 spaces per 100 m2 of GFA	3 spaces per 100 m2 of GFA	3 spaces per 100 m2 of GFA
49. Service establishment	4 spaces per 100 m2 of GFA	5 spaces per 100 m2 of GFA	4 spaces per 100 m2 of GFA
50. School, commercial	1 space per 100 m2 of GFA	5 spaces per 100 m2 of GFA	4 spaces per 100 m2 of GFA
51. Storage facility	1 space per 100 m2 of GFA	1.5 spaces per 100 m2 of GFA	1 space per 100 m2 of GFA
52. Taxi establishment	2.5 spaces per 100 m2 of GFA	5 spaces per 100 m2 of GFA	3 spaces per 100 m2 of GFA
53. Tradesperson's shop	1.5 spaces per 100 m2 of GFA	3 spaces per 100 m2 of GFA	3 spaces per 100 m2 of GFA
54. Transportation depot	1 space per 100 m2 of GFA	2 spaces per 100 m2 of GFA	2 spaces per 100 m2 of GFA
55. Vehicle body shop	1.5 spaces per 100 m2 of GFA	3 spaces per 100 m2 of GFA	3 spaces per 100 m2 of GFA
56. Vehicle rental establishment	1 space per 100 m2 of GFA	2 spaces per 100 m2 of GFA	2 spaces per 100 m2 of GFA
57. Vehicle repair establishment	1.5 spaces per 100 m2 of GFA	3 spaces per 100 m2 of GFA	3 spaces per 100 m2 of GFA
58. Vehicle sales establishment	1 space per 100 m2 of GFA	2 spaces per 100 m2 of GFA	2 spaces per 100 m2 of GFA
59. Vehicle service station	In addition to required stacking spaces in Table 5.11, 5 spaces	In addition to required stacking spaces in Table 5.11, 7.5 spaces per 100 m2	In addition to required stacking spaces in Table 5.11, 5 spaces per 100 m2 of

	per 100 m2 of GFA (GFA of any commercial building)	of GFA (GFA of any commercial building)	GFA (GFA of any commercial building)
60. Veterinary service	2 spaces per 100 m2 of GFA	3 spaces per 100 m2 of GFA	4 spaces per 100 m2 of GFA
Multi-unit buildings			
61. Multi-unit building, commercial use (includes individual buildings on the same lot as the multi-unit building)	a. 0 spaces for the first 500 m2 of GFA; b. Plus 3.5 spaces per 100 m2 of GFA in excess of 500 m2 and 5,000 m2; and, c. Plus 2.5 spaces per 100 m2 of GFA in excess of 5,000 m2 (1)	5 spaces per 100 m2 of GFA	a. 0 spaces for the first 450 m2 of GFA; b. Plus 3.5 spaces per 100 m2 of GFA between 450 m2 and 4,550 m2; and, c. Plus 2.5 spaces per 100 m2 of GFA in excess of 4,550 m2 in excess of 4,550 m2 (1)
62. Multi-unit building, industrial use (includes individual buildings on the same lot as the multi-unit building)	Not applicable	Not applicable	a. 1 space per 100 m2 between 50 m2 and 5,000 m2 of GFA; and b. 1 space per 150 m2 in excess of 5,000 m2 of GFA

Additional regulations for Table 5.3:

1. Where a restaurant or nightclub use occupies more than 30% of the gross floor area of a multi-unit building, the specific parking ratio requirement for the restaurant or nightclub shall be required in addition to the multi-unit building requirement for the remaining gross floor area.
2. The required off-street parking spaces for additional residential dwelling units may be stacked behind the required off-street parking space of the primary dwelling unit in the driveway, residential.
3. Where 1 or more parking spaces are located to the rear of the main front wall of the lodging house type 1, a maximum of 2 parking spaces may be located in the driveway, residential and be counted as part of the parking requirement for the lodging house type 1. These parking spaces may be stacked.
4. The second parking space required for a group home and lodging house type 1 may be located in the driveway, residential in a stacked position.
5. If no legal off-street parking space can be provided for the primary dwelling unit, as of the effective date of this by-law, no parking spaces are required for the additional residential dwelling units.
6. Apartment buildings, mixed-use buildings, and triplexes with less than 20 dwelling units are not required to provide visitor parking spaces.
7. In multi-unit buildings with 3 dwelling units or less, if no legal off-street parking space can be provided for the existing dwelling unit, as of the effective date of this by-law, no parking spaces are required.

19.	<p>5.6 Required parking rates in downtown zones</p> <p>(a) Off-street parking spaces for D.1, D.2, D.3 and D.3a zones shall be provided in accordance with Table 5.4.</p> <p>(b) Despite Table 5.4, a designated structure, shall not require parking spaces. Any addition to the designated structure erected after the effective date of By-law (2017)-20187 shall require parking spaces in accordance with Table 5.4 for the gross floor area of the addition.</p>																				
20.	<table border="1"> <thead> <tr> <th colspan="2" data-bbox="436 573 1638 589">Table 5.4—Required parking rates in downtown zones</th> </tr> <tr> <th data-bbox="436 597 1035 621">Use</th> <th data-bbox="1045 597 1638 621">Minimum required</th> </tr> </thead> <tbody> <tr> <td data-bbox="436 630 1035 711">Apartment building, duplex, single detached, semi-detached, townhouse- onstreet, townhouse- rear access on-street</td> <td data-bbox="1045 630 1638 711">1 per dwelling unit (1)</td> </tr> <tr> <td data-bbox="436 719 1035 768">2. Live-work unit, mixed-use building In addition to the non-residential parking requirement,</td> <td data-bbox="1045 719 1638 768">1 per dwelling unit is required (1)</td> </tr> <tr> <td data-bbox="436 776 1035 857">3. Home occupation, lodging house type 1, additional residential dwelling unit, group home, long term care facility, hospice</td> <td data-bbox="1045 776 1638 857">In accordance with Table 5.3</td> </tr> <tr> <td data-bbox="436 865 1035 889">4. Retail uses</td> <td data-bbox="1045 865 1638 889">1 per 100 m2 of GFA</td> </tr> <tr> <td data-bbox="436 898 1035 922">5. Service uses</td> <td data-bbox="1045 898 1638 922">1 per 100 m2 of GFA</td> </tr> <tr> <td data-bbox="436 930 1035 954">6. Office uses</td> <td data-bbox="1045 930 1638 954">1.5 per 100 m2 of GFA</td> </tr> <tr> <td data-bbox="436 963 1035 987">7. Community uses</td> <td data-bbox="1045 963 1638 987">1.5 per 100 m2 of GFA</td> </tr> <tr> <td data-bbox="436 995 1035 1019">8. Hospitality uses</td> <td data-bbox="1045 995 1638 1019">0.75 per guest room</td> </tr> </tbody> </table> <p data-bbox="436 1027 1638 1044">Additional regulations for Table 5.4:</p> <p data-bbox="436 1084 1638 1166">1. Apartment buildings and mixed-use buildings in a D.1 or D.2 zone with more than 20 dwelling units require a minimum of 0.05 parking spaces per dwelling unit in addition to the requirements of Table 5.4, for the use of visitors to the building and such parking spaces shall be clearly identified as being reserved for the exclusive use of residential visitors.</p> <p data-bbox="436 1206 1638 1255">2. For a hotel, 1 additional parking space is required per 10 m2 GFA that is open to the public, excluding corridors, lobbies or foyers.</p>	Table 5.4—Required parking rates in downtown zones		Use	Minimum required	Apartment building, duplex, single detached, semi-detached, townhouse- onstreet, townhouse- rear access on-street	1 per dwelling unit (1)	2. Live-work unit, mixed-use building In addition to the non-residential parking requirement,	1 per dwelling unit is required (1)	3. Home occupation, lodging house type 1, additional residential dwelling unit, group home, long term care facility, hospice	In accordance with Table 5.3	4. Retail uses	1 per 100 m2 of GFA	5. Service uses	1 per 100 m2 of GFA	6. Office uses	1.5 per 100 m2 of GFA	7. Community uses	1.5 per 100 m2 of GFA	8. Hospitality uses	0.75 per guest room
Table 5.4—Required parking rates in downtown zones																					
Use	Minimum required																				
Apartment building, duplex, single detached, semi-detached, townhouse- onstreet, townhouse- rear access on-street	1 per dwelling unit (1)																				
2. Live-work unit, mixed-use building In addition to the non-residential parking requirement,	1 per dwelling unit is required (1)																				
3. Home occupation, lodging house type 1, additional residential dwelling unit, group home, long term care facility, hospice	In accordance with Table 5.3																				
4. Retail uses	1 per 100 m2 of GFA																				
5. Service uses	1 per 100 m2 of GFA																				
6. Office uses	1.5 per 100 m2 of GFA																				
7. Community uses	1.5 per 100 m2 of GFA																				
8. Hospitality uses	0.75 per guest room																				

	3. For a bed and breakfast establishment in a D.1 or D.2 zone, 1 additional parking space shall be provided. Required parking spaces may be in a stacked arrangement.		
21.	5.8 Bicycle parking rates  (a) Bicycle parking spaces, long term and bicycle parking spaces, short term shall be provided in accordance with Table 5.7 and Table 5.8.  (b) Where a lot contains more than one use, not within a multi-unit building, the required number of bicycle parking spaces is the sum of all bicycle parking spaces required for each use.		
22.	Table 5.7 - Required bicycle parking rates in all zones except downtown zones		
	Use	Bicycle parking spaces, short term – minimum required	Bicycle parking spaces, long term – minimum required
	1. Residential • Apartment building • Townhouse – back-to-back, cluster, stacked, stacked back-to back (where individual garages are not provided)	0.1 spaces per dwelling unit, 2 spaces minimum	1 space per dwelling unit, 2 spaces minimum
	2. Supportive housing	0.1 spaces per dwelling unit or suite, 2 spaces minimum	1 space per dwelling unit or suite, 2 spaces minimum
	3. Live-work unit, mixed-use building	In addition to the nonresidential parking requirement, 0.1 spaces per dwelling unit is required, 2 spaces minimum	In addition to the nonresidential parking requirement, 1 space per dwelling unit is required, 2 spaces minimum
	4. Multi-unit building (commercial) (includes individual buildings on the same lot as the multi-unit building)	0.2 spaces per 100 m2 GFA, 2 spaces minimum	0.1 spaces per 100 m2 GFA, 2 spaces minimum 0.07 spaces per 100 m2 GFA, 2 spaces minimum
	5. Multi-unit building (industrial) (includes individual buildings on the same lot as the multi-unit building)	0.03 spaces per 100 m2 GFA, 2 spaces minimum	
	6. Commercial, service, retail • Convenience store	0.2 spaces per 100 m2 GFA, 2 spaces minimum	0.1 spaces per 100 m2 GFA, 2 spaces minimum



<ul style="list-style-type: none"> <li>• Financial establishment</li> <li>• Fitness centre</li> <li>• Retail establishment</li> <li>• Service establishment</li> <li>• School, commercial</li> </ul>		
7. Day care centre	0.3 spaces per 100 m2 GFA, 2 spaces minimum	0.2 spaces per 100 m2 GFA, 2 spaces minimum
8. Restaurant (restaurant and restaurant, take-out)	2 spaces per use	0.1 spaces per 100 m2 GFA, 2 spaces minimum
9. Office	0.13 spaces per 100 m2 GFA, 2 spaces minimum	0.2 spaces per 100 m2 GFA, 2 spaces minimum
10. Medical clinic	0.2 spaces per 100 m2 GFA, 2 spaces minimum	0.07 spaces per 100 m2 GFA, 2 spaces minimum
11. Employment and specialty retail <ul style="list-style-type: none"> <li>• Building supply</li> <li>• Garden centre</li> <li>• Home improvement warehouse</li> <li>• Major equipment supply and service</li> <li>• Propane retail outlet</li> <li>• Repair service</li> <li>• Transportation depot</li> <li>• Vehicle body shop</li> <li>• Vehicle rental establishment</li> <li>• Vehicle repair establishment</li> <li>• Vehicle sales establishment</li> <li>• Vehicle service station</li> </ul>	0.05 spaces per 100 m2 GFA, 2 spaces minimum	0.09 spaces per 100 m2 GFA, 2 spaces minimum
12. Employment, industrial <ul style="list-style-type: none"> <li>• Catering services</li> <li>• Cleaning establishment</li> <li>• Computer establishment</li> <li>• Contractor's yard</li> </ul>	0.03 spaces per 100 m2 GFA, 2 spaces minimum	0.07 spaces per 100 m2 GFA, 2 spaces minimum

	<ul style="list-style-type: none"> <li>• Manufacturing</li> <li>• Micro-brewery</li> <li>• Storage facility</li> <li>• Print or publishing establishment</li> <li>• Research and development establishment</li> <li>• Trucking operation</li> <li>• Warehouse</li> </ul>		
	13. All other non-residential uses	4% of the required parking under Table 5.3, 2 spaces minimum.	4% of the required parking under Table 5.3, 2 spaces minimum.
Additional regulations for Table 5.7:			
1. In buildings having less than 10 dwelling units, no bicycle parking spaces are required for the residential component.			
23.	Table 5.8 - Required bicycle parking rates in downtown zones		
	1. Apartment building	0.07 spaces per dwelling unit (1)	0.68 spaces per dwelling unit (1)
	2. Live-work unit, mixed-use building	In addition to the nonresidential parking requirement, 0.07 spaces per dwelling unit is required (1)	In addition to the nonresidential parking requirement, 0.68 spaces per dwelling unit is required (1)
	3. Retail	uses 0.25 spaces per 100 m2 GFA	0.085 spaces per 100 m2 GFA
	4. Office uses	0.03 spaces per 100 m2 GFA	0.17 spaces per 100 m2 GFA
	5. All other non-residential uses	4% of the required parking under Table 5.4.	4% of the required parking under Table 5.4
Additional regulations for Table 5.8:			
1. In buildings having less than 10 dwelling units, no bicycle parking spaces are required for the residential component.			
2. The required bicycle parking space, short term for any use may be located on the lot on which the use is located, and/or on the street abutting the lot.			
24.	5.8.1 Bicycle parking space design and location		
	(a) Bicycle parking spaces, long term:		

	<ul style="list-style-type: none"> <li>(i) Bicycle parking spaces, long term shall be provided in a secure, weather proof enclosure with controlled access.</li> <li>(ii) A minimum of 25% of the required bicycle parking spaces, long term shall be stored in a horizontal ground mounted position. The remainder of the spaces may be provided as stacked or vertical spaces.</li> <li>(iii) For apartment buildings, mixed use buildings and townhouses where individual garages are not provided (back-to-back, cluster, stacked and stacked back-to-back townhouses), a minimum of 5% of the required bicycle parking spaces, long term shall be provided in individually secured enclosures that are a minimum of 1 metre wide by 2.6 metres in horizontal length and a minimum 1.9 metre vertical clearance, and shall have access to an electrical outlet.</li> </ul> <p>(b) Bicycle parking spaces, short term:</p> <ul style="list-style-type: none"> <li>(i) Bicycle parking spaces, short term shall be located no more than 25 metres from the primary pedestrian entrance to the building.</li> <li>(ii) A minimum of 25% of the required bicycle parking spaces, short term shall be weather protected.</li> </ul>
<p>25.</p>	<p>5.8.2 Bicycle parking space and aisle dimensions</p> <ul style="list-style-type: none"> <li>(a) Horizontal bicycle parking spaces shall:             <ul style="list-style-type: none"> <li>(i) Be a minimum dimension of 0.6 metres wide by 1.8 metres horizontal length, with a minimum vertical clearance of 1.9 metres.</li> <li>(ii) Be accessed by an aisle with a minimum width of 1.5 metres.</li> </ul> </li> <li>(b) Vertical bicycle parking spaces shall:</li> </ul>

	<p>(i) Have a minimum dimension of 0.6 metres wide by 1.8 metres vertical length, where the bike, when secured on the storage rack is provided with a minimum horizontal clearance from the wall of 1.2 metres.</p> <p>(ii) Be accessed by an aisle with a minimum width of 1.2 metres.</p> <p>(c) Stacked bicycle parking spaces shall:</p> <p>(i) Have minimum dimensions of 0.6 metres wide by 1.8 metres horizontal length, with a minimum vertical clearance of 1.2 metres.</p> <p>(ii) Be accessed by an aisle with a minimum width of 1.2 metres.</p>
26.	<p>5.9 Electric vehicle parking requirements</p> <p>(a) A minimum of 20% of the total required parking spaces for multi-unit buildings with 3 or more dwelling units and mixed use buildings on lots identified with a (PA) suffix shall be provided as electric vehicle parking spaces.</p> <p>(b) A minimum of 80% of total required parking spaces for multi-unit buildings with 3 or more dwelling units, townhouse – cluster, stacked, stacked back-to-back, and mixed-use buildings shall be provided as designed electric vehicle parking spaces</p> <p>(c) For any non-residential use, a minimum of 10% of required parking spaces shall be provided as electric vehicle parking spaces and a minimum of 20% of required parking spaces shall be provided as designed electric vehicle parking spaces.</p>
27.	<p>5.11.1 Maximum width of attached garage - residential</p> <p>(a) The maximum permitted garage width within residential zones shall be in accordance with Table 5.9.</p>
28.	<p>5.11.2 Garage location</p> <p>(a) Within residential zones, attached garages shall not project beyond the main front wall of the first storey containing habitable floor space oriented towards the front lot line or exterior side lot line abutting a street line. Where a roofed porch is provided, the attached garage may be located ahead of the main front wall, to a maximum projection of 2 metres.</p>

	(i) For single detached dwellings and semi-detached dwellings in downtown zones, attached garages shall not project beyond the main front wall of the building.	
29.	5.11.3 Maximum residential driveway widths  (a) The maximum driveway, residential width permitted in residential zones shall be in accordance with Table 5.10.	
30.	Table 5.9 – Maximum width of attached garage– residential	
	1. RL.1	Single detached dwelling - 6.5 metres Semi-detached dwelling - 50% of the lot frontage or 5 metres, whichever is less.
	2. RL.2	Single detached dwelling - 50% of the lot frontage or 5 metres, whichever is greater. (1) Semi-detached dwelling - 50% of the lot frontage or 5 metres, whichever is less
	3. Townhouses in RL.3, RL.4, RM.5, RM.6, CMUC, MOC, D.1, D.2 zones	50% of lot frontage
	4. Single detached dwelling and semi-detached dwelling in D.1, D.2 and MOC zones	50% of lot frontage
31.	Additional regulations for Table 5.9  1. Lots with lot frontage of 12 metres or greater may have a maximum attached garage width of 6 metres.	
32.	Table 5.10 – Maximum residential driveway width	
	Zone	Driveway, residential width - maximum permitted
	1. RL.1	Single detached/duplex dwelling, multi-unit building (up to 3 units) - 6.5 metres Semi-detached dwelling - 60% of the lot frontage or 5 metres, whichever is less.
	2. RL.2	Single detached - 50% of the lot frontage or 5 metres, whichever is (1) greater (1) Duplex dwelling, multi-unit building (up to 3 units) - 5 metres Semi-detached dwelling - 60% of the lot frontage or 5 metres, whichever is less.

	3. RL.3, RL.4, RM.5, RM.6, D.1,	Single detached, semi-detached and duplex dwelling - 50% of lot D.2 frontage or 5 metres, whichever is less. Townhouses- 65% of lot frontage or 5 metres, whichever is less.	
Additional regulations for Table 5.10:  1. Lots with lot frontage of 12 metres or greater may have a maximum driveway, residential width of 6 metres.			
33.	Table 6.3: RL.1 and RL.2 single detached dwelling/ multi-unit buildings (3 units) setback regulations		
(b) Exterior side yard		Min	4.5m
(c) Interior side yard (min)		RL.1	1.5m
		RL.2	1.2 m on one side of dwelling unit and 0.6 m on the other side
34.	Table 6.7: RL.1 and RL.2 semi-detached dwelling setback regulations		
Exterior side yard (min)		4.5 m	
35.	Additional regulations for Tables 6.2 to 6.9  1. For lots located within the Older Built-up Area Overlay, as shown on Schedule B-1:  a. The minimum lot frontage is the average lot frontage of the lots within the same city block face.  b. For lots with a single detached dwelling the minimum lot frontage is 9 m. c. Nothing in this section shall require the minimum lot frontage to be greater than the minimum lot frontage established in Table 6.2 and 6.6.  2. For lots located within the Older Built-up Area Overlay, as shown on Schedule B-1:  a. The minimum front yard and/or exterior side yard setback is the average of the established setbacks of the immediately adjacent lots. Where there is only one immediately adjacent lot or where the average of the setbacks		

	<p>of the adjacent lots cannot be determined, the minimum setback shall be 6 m. Where the off-street parking space is located within a garage or carport, the setback for the garage or carport shall be a minimum of 6 m from the street line.</p> <p>b. Where a road widening is required in accordance with Section 4.22, the calculation of the front yard or exterior side yard shall be as set out in 2 (a), provided that the required front yard or exterior side yard is not less than the new street line established by the required road widening.</p> <p>3. Where buildings or structures are located on a through lot, the setback shall be a minimum of the average of the setbacks of the adjacent properties, or in the case of a corner lot, the minimum setback shall be the same as the nearest adjacent main building.</p> <p>4. Where a transformer easement is located in the front yard or exterior side yard of a lot, portions of the dwelling unit shall be required to maintain a minimum separation of 3 metres between the transformer easement and any part of the dwelling unit.</p> <p>5. A 6 metre exterior side yard setback is required on existing and proposed arterial and collector roads, as identified in the City's Official Plan in force and effect on the effective date of this by-law.</p>	
36.	Table 6.11: RL.3 and RM.5 on-street townhouse setback regulations	
	(A) Front yard (min)	6m
	(B) Exterior side yard (min)	4.5 m
37.	Table 6.12: RL.3 and RM.5 on-street townhouse building regulations	
	(A) Building height (max)	3 storeys and in accordance with Section 4.14
	(B) Number of dwelling units in a row (max)	8

38.	Table 6.13: RL.3 and RM.5 on-street townhouse entrance regulations	
	(A) Elevation of principle entrance (max)	1.5 m measured from the front lot line elevation
39.	Table 6.15: RL.3 and RM.5 rear access on-street townhouse setback regulations	
	(A) Front yard (min)	5m
	(B) Exterior yard (min)	4.5m
	(C) Interior yard (min)	1.5m 0m along common lot line
40.	Table 6.16: RL.3 and RM.5 rear access on-street townhouse building regulations	
	(A) Building height (max)	3 storeys and in accordance with Section 4.14
	(B) Number of dwelling units in a row (max)	8
41.	Table 6.18: RL.4 and RM.6 townhouse lot setback Regulations	
	(b) Exterior side yard (min)	4.5 m
	(d) Read yard (min)	One-half the building height, and no less than 4.5 m



(e) Lot Coverage (max) - % lot area	RL.4	30%
	RL.5	40%
Landscape open space (min)		40% of lot area
Active entrance		When a building(s) or portion thereof is within 15 m of a street line, a minimum number of 1 active entrance for every 30 m of street line shall be required for the portion of the building facing the street.
(f) Buffer strip		A 3 m buffer strip is required adjacent to interior side and rear lot lines 3 m buffer strip is required around the perimeter of surface parking lots
(h) Common amenity area (min)		Common Cluster townhouses- amenity area 5 m2 per dwelling unit
		Stacked and back-to back townhouses- 10 m2 per dwelling unit
Private amenity area (min)	RL.4	20 m2 per dwelling unit

		RM.6	20 m <sup>2</sup> per dwelling unit
42.	Table 6.19: RL.4 and RM.6 townhouse unit regulations		
	Dwelling unit width (min)	6 m (2) Back-to-back – 7 m(3) Stacked – N/A	
	Front yard from private street back of curb or sidewalk or lot line (min)	6 m (1) Stacked with no garage – 3m	
	Exterior side yard from private street back of curb or sidewalk or lot line (min)	4.5m	
	Rear yard from private street back of curb or sidewalk or lot line (min)	7.5m 0m from back-to-back townhouse dwelling units	
	Overall building length of townhouse building (max)	49m	
43.	Table 6.19: RL.4 and RM.6 townhouse unit Regulations		
	(a) Building height (max)	RL.4	3 storeys and in height (max) accordance with Section 4.14
		RM.6	4 storeys and in accordance with Section 4.14
	(b) Dwelling unit width	6 m (min) m( 3) Back-to-back – 7 Stacked – N/A	
	(c) Front yard from private street back of curb or sidewalk or lot line (min)	6 m street back of curb or Stacked with no sidewalk or lot line (min)6 m (1)Stacked with nogarage – 3 m	
	(d) Exterior side yard from private street back of curb or sidewalk or lot line (min)	4.5 m	
	(e)Rear yard from private street back of curb or sidewalk or lot line (min)	7.5 m 0 m from back-to back townhouse dwelling units	
	(g) Overall building length of townhouse building (max)	49 m	
44.	Additional regulations for Tables 6.17 to 6.19:		
	2. Minimum dwelling unit width of 5.5 m for a townhouse with a detached garage in the rear yard.		

	3. Minimum dwelling unit width of 6 m for a back-to-back townhouse without an attached garage.
45.	<p>Common amenity area:</p> <p>5. Buildings with less than 20 dwelling units are not required to provide common amenity area.</p> <p>6. Common amenity area shall be aggregated into areas of not less than 50 m<sup>2</sup>.</p> <p>7. Common amenity area for combined cluster and stacked, back-to-back, or stacked back-to-back townhouses shall be calculated on a block by block basis using the applicable zone requirements.</p> <p>8. Common amenity areas shall be designed and located so that the length does not exceed 4 times the width.</p> <p>9. A common amenity area shall be located in any yard other than a required front yard or required exterior side yard.</p> <p>10. Landscaped open space areas, building rooftops, patios and above ground decks may be included as part of the common amenity area if they are associated with recreational facilities that are provided and maintained, such as swimming pools, tennis courts, lounges and landscaped areas.</p>
46.	<p>11. Private amenity area: The following regulations apply to private amenity areas for cluster townhouses:</p> <p>Have a minimum depth of 4.5 metres, measured from the wall of the dwelling unit, and a minimum width equal to the dwelling unit width and no less than 4.5 metres, whichever is greater;</p> <p>b. Not form part of a required front yard or exterior side yard;</p> <p>c. Be setback a minimum of 3 metres from rear lot line;</p> <p>d. Not face onto a street, public;</p> <p>e. Be accessed from the dwelling unit;</p> <p>f. Be separate and not include walkways, play areas, or any other communal area;</p>

	<p>g. Be defined by a wall or fence between adjacent units;</p> <p>h. A minimum distance of 6 metres is required between private amenity areas of two separate buildings or 3 metres for the private amenity areas between two end units of a building; and</p> <p>i. A minimum distance of 4.5 metres is required between the private amenity area and a wall of another building containing windows of habitable rooms which face the private amenity area.</p> <p>12. Private amenity areas for ground level units in stacked townhouses, back-to-back townhouses and stacked back-to-back townhouses shall be a minimum of 10 m<sup>2</sup> in area and may be provided in the front yard on an unenclosed porch or balcony with no privacy screen. Private amenity areas for units below finished grade shall be a minimum of 10 m<sup>2</sup> in area and have a maximum 50% first storey projection above the below grade patio.</p> <p>13. Private amenity areas for above grade units in stacked townhouses, back-to-back townhouses and stacked back-to-back townhouses shall be a minimum of 10 m<sup>2</sup> in area, consist of a balcony and be defined by a wall or railing between adjacent units to a height of 1.8 m and a minimum depth of 1.8 m.</p> <p>14. 50% of the total landscaped open space must be covered by soft landscaping in the form of natural vegetation, such as grass, flowers, trees and shrubbery.</p> <p>15. 30% of the required landscaped open space can be in the form of a green roof or blue roof.</p>	
47.	Table 6.20: RL.4 Apartment building lot regulations	
	(A) Lot frontage (min)	30 m
	Density (max) - units per hectare (uph)	35
48.	Table 6.21: RL.4 Apartment building setback regulations	
	(A) Front yard or exterior side yard	Min 6m
		max 10m
	(D) Buffer strip (min)	A 3 m buffer strip is required adjacent to interior side and rear lot lines

		3 m buffer strip is required around the perimeter of surface parking lots
49.	Table 6.22: RL.4 Apartment building – building Regulations	
	(C) Building length (max)	48 m for buildings located within 15 m of a street
	Common amenity area (min)	20m <sup>2</sup> per dwelling unit
	Angular plane	In accordance with Section 4.14.4
	Principal entrance	A principal entrance shall be provided that faces the front lot line or exterior side lot line
50.	Table 6.24: RM.5 Apartment building lot regulations	
	(A) Lot frontage (min)	30 m
	Density- units per hectare (uph)	min
		max
		35
		100
51.	Table 6.25: RM.5 Apartment building setback regulations	
	(D) Buffer strip (min)	A 3 m buffer strip is required adjacent to interior side and rear lot lines 3 m buffer strip is required around the perimeter of surface parking lots
52.	Table 6.26: RM.5 Apartment building - building regulations	
	(b) Building height (max)	4 storeys and in accordance with Section 4.14
	(c) Building Length (max)	75 m for buildings located within 15 m of a street for the portion of the building adjacent to the street.
	Common amenity area (min)	20 m <sup>2</sup> per dwelling unit
	Angular plane	In accordance with Section 4.14.4
	Active entrance	When a building(s) or portion thereof is within 15 m of a street line, a minimum number of 1 active entrance for

		every 30 m of street line shall be required for the portion of the building facing the street
53.	Table 6.28: RM.6 Apartment building lot Regulations	
	(a) Lot frontage (min)	30 m
	Density - units per hectare (uph)	min 35 max 100
54.	Table 6.29 RM.6 Apartment building setback regulations	
	(A) Front yard or exterior side yard	min 6m max 11m
	(D) Buffer strip (min)	A 3m buffer strip is required adjacent to interior side and rear lot lines 3m buffer strip is required around the perimeter of surface parking lots
	Landscaped open space (min)	40% of lot area
55.	Table 6.30: RM.6 Apartment building - building Regulations	
	(c) Building length (max)	75 m for buildings located within 15 m of a street for the portion of the building adjacent to the street.
	Common amenity area (min)	20 m <sup>2</sup> per dwelling unit
	Active entrance	When a building(s) or portion thereof is within 15 m of a street line, a minimum number of 1 active entrance for every 30 m of street line shall be required for the portion of the building facing the street
56.	Table 6.31: RM.6 Apartment building angular plane regulations	
	Angular plane	Building height shall not exceed an angular plane of 45 degrees from the interior side yard and/or rear yard lot lines when adjacent to RL.1 and/or RL.2 zones
	Angular plane	In accordance with Section 4.14.4
57.	Table 6.33: RH.7 Apartment building setback regulations	

	Front yard or exterior side yard	Min	6m
		Max	11m
	Building length (max)		75 m for buildings located within 15 m of a street for the portion of the building adjacent to the street
58.	6.3.9 Apartment buildings (a) Lot regulations (b) Setback regulations		
59.	Table 6.32: RH.7 Apartment building lot regulations		
	Lot frontage (min)	30 m	
	Residential density-units per hectare (uph)	Min	100
		max	150
60.	Table 6.33: RH.7 Apartment building setback regulations		
	(a) Front yard or exterior side yard	Min	6m
		max	11m
	(d) Buffer strip (min)	A 3 m buffer strip is required adjacent to interior side and rear lot lines 3 m buffer strip is required around the perimeter of surface parking lots	
	Landscaped open space (min)	40 % of lot area	
61.	Table 6.34: RH.7 Apartment building – building regulations		
	(b) Building height (max)	10 storeys in accordance with Section 4.14	
	(c) Floorplate size (max)	7th and 8th storeys - 7th and 8th 1,200 m <sup>2</sup> storeys Each storey above 9th 9th and above storey - 1,000 m <sup>2</sup> storeys	
	(d) Building setbacks	3 m for all portions of (min) the building above the 6th storey facing a street for buildings located within 15 m of a street	
	(e) Building length (max)	75 m for buildings located within 15 m of a street for the portion of the building adjacent to the street	
	Active entrance	When a building(s) or portion thereof is within 15 m of a street line, a minimum number of 1 active entrance for	

		every 30 m of street line shall be required for the portion of the building facing the street
	(a) Tower	The tower portion of the separation building, which is the portion of a building 7 storeys and above, shall be setback a minimum of 25 m from any portion of another tower measured perpendicular from the exterior wall of the 6th storey
	Common amenity area (min)	20 m <sup>2</sup> per dwelling unit
62.	Table 6.35: RH.7 Apartment building angular plane regulations	
	Angular plane	Building heights shall not exceed an angular plane of 30 degrees measured from the property line for the interior side yard and/ or rear yard lot lines when adjacent to RL.1 and/or RL.2 zone
63.	Table 6.35: RH.7 Apartment building angular plane regulations	
	(a) Angular plane	Building heights shall not exceed an angular plane of 30 degrees measured from the property line for the interior side yard and/ or rear yard lot lines when adjacent to RL.1 and/or RL.2 zone
	(a) Angular plane	Building heights shall not exceed an angular plane of 45 degrees measured 10.5 m above the average elevation of the grade at the property line for the interior side yard or rear yard lot lines when adjacent to RL.3, RL.4, RM.5 RM.6 and/or institutional zone
	(a) Angular plane	In accordance with Section 4.14.4
64.	Additional Regulations for Tables 6.20 to 6.35 1. Where windows of a habitable room face an interior side yard, the minimum interior side yard setback shall be 7.5 m.  2. Common amenity area:	



	<p>a. Common amenity areas shall be aggregated into areas not less than 50 m<sup>2</sup> and shall be designed and located so that the length does not exceed 4 times the width.</p> <p>b. Common amenity areas shall be located in any yard other than the required front yard or required exterior side yard.</p> <p>c. Landscaped open space areas, building rooftops, patios, and above ground decks may be included as part of the common amenity area if recreational facilities are provided and maintained, such as swimming pools, tennis courts, lounges, and landscaped areas.</p> <p>d. Rooftop common amenity area shall be located a minimum of 2 m from the roof edges facing an interior side yard.</p> <p>3. No common amenity area is required for buildings on lots within the Older Built-up Area Overlay, Schedule B-1.</p> <p>4. Buildings on a lot with less than 20 dwelling units are not required to provide common amenity area.</p> <p>5. 50% of landscaped open space shall be covered by soft landscaping in the form of natural vegetation, such as grass, flowers, trees and shrubbery.</p> <p>6. 30% of the required landscaped open space can be in the form of a green roof or blue roof.</p> <p>7. Landscaped open space shall occupy the front yard of any lot, except the driveway, within the Older Built-up Area Overlay, Schedule B-1. No parking shall be permitted within this landscaped open space.</p>		
65.	<p>7.3.1 Commercial mixed-use centre (CMUC) zone</p> <p>a) Lot regulations</p> <p>b) Setback regulations</p>		
66.	<p>Table 7.2: CMUC zone lot regulations</p> <table border="1" data-bbox="422 1242 871 1271"> <tr> <td data-bbox="422 1242 871 1271">(a) Lot frontage</td> <td data-bbox="871 1242 1638 1271">50m</td> </tr> </table>	(a) Lot frontage	50m
(a) Lot frontage	50m		

	(b) Lot area	Min	7,500m
		max	50,000m
	Residential density units per hectare (uph)	Min	100
		Max	150
67.	Table 7.3: CMUC zone setback regulations		
	(a) Front yard and exterior side yard	Min	3m
		max	15m
	(b) Interior side yard (min)		3m
	(c) rear yard (min)		7.5m
	(d) buffer strip (min)		A 3 m wide buffer strip is required adjacent to interior side and rear lot line
	Landscaped open space (min)		20% of lot area
68.	Table 7.4: CMUC zone building regulations		
	Building height (min)		7.5 m for buildings located within 15 m of an existing and proposed arterial and/ or collector road, as identified in the City's Official Plan in force and effect on the effective date
	(c) Floorplate size (max) 7th and 8th storeys Above the 8th storey		7th and 8th storeys - 1,200 m <sup>2</sup> Above 8th storey -1,000 m <sup>2</sup>
	(d) Building setbacks (min)		3 m for all portions of the building above the 6th storey facing a street for buildings located within 15 m of a street
	(e) Building length (max)		75 m for buildings located within 15 m of a street for the portion of the building adjacent to the street
	(g) First storey height (min)		4.5m
	First storey transparency (min)		40 % of the surface area of the first storey of a building, up to 4.5 m from the ground, shall be comprised of transparent windows and/or active entrances when a building is within 15 m of an existing and proposed arterial and/or collector road, as identified in the City's Official Plan in force and effect on the effective date

	Active entrance	When a building(s) or portion thereof is within 15 m of an existing and proposed arterial and/ or collector road, as identified in the City's Official Plan in force and effect on the effective date of this by- law, a minimum number of 1 active entrance for every 30 m of street line shall be required for the portion of the building facing the street
	(a) Tower separation (min)	The tower portion of the building which is the portion of a building above the 6th storey, shall be setback a minimum of 25 m from any portion of another tower. measured perpedicularly from the exterior wall of the 6th storey The tower portion of a building shall be setback a minimum of 12.5 m from an interior side lot line and rear lot line measured perpedicularly from the exterior wall of the 6th storey
	Common amenity area (min)	20 m2 per dwelling unit
69.	Table 7.5: CMUC angular plane regulations	
	(a) Angular plane	Building heights shall not exceed an angular plane of 45 degrees from any interior side yard and/or rear yard lot lines when adjacent to a residential low density (RL.1, RL.2, RL.3, RL.4) zone
	(b) Angular plane	Building heights shall not exceed an angular plane of 45 degrees from any interior side yard and/or rear yard lot lines when adjacent to a residential medium density (RM.5, RM.6), and/ or institutional zone, as measured from 10.5 m above the average elevation of the grade at the required setback from the property line
	(c) Angular plane	In accordance with Section 4.14.4
70.	7.3.2 Commercial regulations for CMUC zone	
	(a) Minimum commercial gross floor area (GFA)	

	<p>(i) Not less than 25% of the commercial gross floor area (GFA) existing on the date of the passing of this by law.</p> <p>(ii) Where no commercial gross floor area (GFA) exists, on the effective date of this by-law, the minimum commercial gross floor area (GFA) shall be 0.15 floor space index (FSI).</p>	
71.	7.3.3 Mixed-use corridor (MUC) and neighbourhood commercial centre (NCC) zones	
	(c) Building regulations	
72.	Table 7.7: MUC and NCC zone setback regulations	
	(d) Buffer strip (min)	A 3 m wide buffer strip is required adjacent to interior side and rear lot lines
73.	Table 7.8: MUC and NCC zone building regulations	
	(a) Building height (min)	7.5 m for buildings located within 15 m of an existing and proposed arterial and/or collector road, as identified in the City's Official Plan in force and effect on the effective date
	(c) Building length (max)	75 m for buildings located within 15 m of a street for the portion of the building adjacent to the street
	Active entrance	When a building(s) or portion thereof is within 15 m of an existing and proposed arterial and/or collector road, as identified in the City's Official Plan in force and effect on the effective date of this bylaw, a minimum number of 1 active entrance for every 30 m of street line shall be required for the portion of the building facing the street
	(f) First storey height (min)	4.5m

	(g) First storey transparency (min)	40 % of the surface area of the first storey of a building, up to 4.5 m from the ground, shall be comprised of transparent windows and/or active entrances when a building is within 15 m of an existing and proposed arterial and/ or collector road, as identified in the City's Official Plan in force and effect on the effective date	
	Common amenity area (min)	20 m2 per dwelling unit	
74.	Table 7.9: MUC and NCC angular plane regulations		
	(a) Angular plane	Building heights shall not exceed an angular plane of 45 degrees from any interior side yard and/or rear yard lot lines when adjacent to a residential low density (RL.1, RL.2, RL.3, RL.4) zone, as measured from the lot line	
	(b) Angular plane	Building heights shall not exceed an angular plane of 45 degrees from any interior side yard and/or rear yard lot lines when adjacent to a residential medium density (RM.5, RM.6) and/or institutional zone, as measured from 10.5 m above the average elevation of the grade at the required setback from the property line	
	(c) Angular plane	In accordance with Section 4.14.4	
75.	7.3.4 Commercial regulations for MUC and NCC zones		
	(a) Maximum gross floor area (GFA) of individual retail use in an NCC zone m2 3,250		
76.	7.3.5 Mixed office/commercial (MOC) zone		
	(a) Lot regulations		
77.	Table 7.10: MOC zone lot regulations		
	Residential density units per hectare (uph)	Min	N/A
		max	100

78.	Table 7.11: MOC zone setback regulations	
	(a) Front yard and exterior side yard (min)	6m
	(d) rear yard (min)	10m
	(e) buffer strip	Where a MOC zone abuts any residential, institutional, park or natural heritage system zone, a 3 m wide buffer strip is required adjacent to interior side and rear lot lines
79.	Table 7.12: MOC zone building regulations	
	(a) building height (max)	4 storeys and in accordance Section 4.14
	Common amenity area (min)	20 m <sup>2</sup> per dwelling unit
	Angular plane	In accordance with section 4.14.4
80.	<p>Additional Regulations for Tables 7.2 - 7.13:</p> <p>2. 30% of the required landscaped open space area can be in the form of a green roof or blue roof.</p> <p>4. Common amenity area:</p> <p>a. Common amenity areas shall be aggregated into one area or grouped into areas of not less than 50 m<sup>2</sup> and shall be designed and located so that the length does not exceed 4 times the width.</p> <p>b. Common amenity areas shall be located in any yard other than the required front yard or required exterior side yard.</p> <p>c. Landscaped open space areas, building rooftops, patios, and above ground decks may be included as part of the common amenity area if recreational facilities are provided and maintained, such as swimming pools, tennis courts, lounges, and landscaped areas.</p> <p>d. Rooftop common amenity area shall be located a minimum of 2 metres from the roof edges facing an interior side yard.</p>	
81.	Table 8.3: CC zone setback regulations	
	(D) Buffer strip (min)	A 3 m wide buffe strip is required adjacent to interior side and rear lot line A 3 m wide buffer strip shall be maintained

		adjacent to the street line, except for those areas required for entry ramps				
82.	Table 8.4: CC zone building regulations					
	(a) Building height (max)		3 storeys			
	Gross floor area (GFA) (max)		400 m2			
83.	Table 8.6: SC zone setback regulations					
	(D) Buffer strip (min)		A 3 m wide buffer strip is required adjacent to interior side and rear lot line A 3 m wide buffer strip shall be maintained adjacent to the street line, except for those areas required for entry ramps			
84.	Table 8.7: SC zone building regulations					
	(B) Building Length (max)		75 m for Buildings located within 15 m of a Street for the portion of the building adjacent the street			
	First storey		30% of the surface transparency (min) area of the first storey of a building, up to 4.5 m from the ground, shall be comprised of transparent windows and/or active entrances when a building is within 15 m of an existing and proposed arterial and/or collector road, as identified in the City's Official Plan in force and effect on the effective date of this by-law			
	Active entrance		When a building(s) or portion thereof is within 15 m of an existing and proposed arterial and/or collector road, as identified in the City's Official Plan in force and effect on the effective date of this by-law, a minimum number of 1 active entrance for every 30 m of street line shall be required for the portion of the building facing the street			
85.	Table 9.1 - Permitted uses in downtown zones					
	Permitted uses	D.1	D.2	D.3	D.3a	Active uses

Residential uses					
Additional residential dwelling unit		P			
Apartment building	P	P			
Day care, private home	P	P			
Duplex dwelling		P			
Group home	P	P			
Home occupation	P	P			
Hospice	P	P			
Live-work unit	P	P			
Lodging house type 1	P	p			
Long term care facility	P	P			
Mixed-used building	P	P			
Retirement residential facility	P	P			
Semi-detached dwelling		P			
Single detached dwelling		P			
Supportive housing	P	P			
Townhouse on-street	P	P			
Townhouse rear-access on street	P	P			
Retail uses					
Agricultural produce market	P	P	P	P	p
Retail establishment	P	P	P	P	P
Service uses					
Artisan studio	P	P	P		
Auction center	P				P
Catering service	P		P		



Commercial entertainment	P		P		P
Day care centre	P	P	P		
Financial establishment	P	P	P		p
Food vehicle	P	P	P	P	
Micro-brewery	P				p
Permitted uses					
Micro-distillery	P				p
Nightclub	P				p
Restaurant	P	P	P	P	p
School, commercial	P	P	P		
Service establishment	P	P	P	P	p
Taxi establishment	P		P		
Tradeperson's shop	P		P		
Veterinary service	P	P			
Office uses					
Medical clinic	P	P	p		
Office	P	P	P		
Research establishment	P		P		
Community uses					
Art gallery	P	P	P		P
Community center	P	P	P		P
Conference and convention facility	P		P		
Emergency shelter	P				
Museum	P	P	P		P
Place of worship	P	P	P		
Public hall	P		P		
Recreation facility	P		P		P
School	P	P	P		

	School, post-secondary	P	P	P		
	Transit terminal	P		P	P	
	Hospitality uses					
	Bed and breakfast	P	P			
	Hotel	P		P		P
	Other					
	Accessory use	P	P	P	P	
	Occasional use	P	P	P	P	
	Outdoor display and sales area	P	P	P	P	
86.	9.3 Regulations for all downtown Zones					
	(a) Built form					
	(i) The maximum floorplate of the 7th and 8th storeys of a building shall not exceed 1,200 square metres.					
	(ii) The maximum floorplate of each storey of a building above the 8th storey shall not exceed 1,000 square metres and shall not exceed a length to width ratio of 1:5:1.					
	(iii) The minimum stepback shall be 3 metres and shall be required for all portions of a building above the 4th storey. Stepbacks shall be measured from the building face of the 3 <sup>rd</sup> storey facing a street					
	(iv) Despite Section 9.3 (a) (iii), where a lot abuts Gordon Street or Wellington Street the minimum stepback shall be 3 metres and shall be required for all portions of a building above the 6th storey. Stepbacks shall be measured from the building face of the 3 <sup>rd</sup> storey facing a street.					
	(b) Building tower separation					
	(i) Any portion of a tower above the 12th storey of a building shall be separated by a minimum of 25 metres from any portion of another tower above the 12th storey of any building, measured perpendicularly from the exterior wall at the 13 <sup>th</sup> storey					

	<p>(ii) For any portion of a tower at or below the 12th storey of a building:</p> <p>(A) A minimum tower setback of 6 metres is required from the side lot line and/or rear lot line;</p> <p>(B) Shall be separated by a minimum 12 metres from any portion of another tower at or below the 12th storey of any building, measured perpendicularly from the exterior wall of the tower.</p> <p>(C) Despite Section 9.3(b)(ii)(A) and 9.3(b)(ii)(B) , the tower setback may be reduced to a minimum of 3 metres from the side lot line and/or rear lot line if there are no windows to a habitable room on the facing wall of an existing abutting building.</p> <p>(c) Building height In addition to the provisions of Section 4.14, the following shall also apply:</p> <p>(i) The Downtown Height Overlay, Schedule B-4 establishes the minimum and maximum building heights in downtown zones.</p> <p>(ii) Minimum building height is not applicable to accessory buildings or structures.</p> <p>(iii) Section 4.14.4 is not applicable.</p> <p>(iv) In addition to the Downtown Height Overlay, Schedule B-4, an angular plane establishes the maximum building height as follows: Building heights shall not exceed an angular plane of 45 degrees from the minimum required rear yard or side yard of a downtown zone that abuts a lot line of a RL.1, RL.2, RL.3 or RM.5 zone, as measured from 10.5 metres above the average elevation of the grade at the lot line.</p> <p>(d) Active frontage area Despite Table 9.2, 9.3, 9.4, 9.8, 9.9 and 9.10, the following provisions apply to the street line or portion thereof, identified as active frontage area in accordance with Downtown Active Frontage Area Overlay, as shown on Schedule B-5. If the active frontage area only applies to a portion of the street line, the regulations of Section 9.3 (d) shall only apply to that portion Identified</p>
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	<p>(i) Where a street line, or portion thereof, identified as active frontage area exceeds 35 metres, the maximum front yard and/or exterior side yard setback shall be 0.5 metres for a minimum of 75% of the street line. The remaining 25% of the street line shall have a maximum front yard and/or exterior side yard setback of 2 metres.</p> <p>(ii) Where a street line, or portion thereof, identified as active frontage area is less than or equal to 35 metres, the maximum front yard and/or exterior side yard setback shall be 0.5 metres.</p> <p>(iii) Despite Section 9.3 (d) (i) and 9.3 (d) (ii) , where a lot abuts Wellington Street East between Gordon Street and Wyndham Street South the building setback shall be a minimum of 10 m from the Wellington Street East street line.</p> <p>(iv) The minimum first storey height shall be 4.5 metres.</p> <p>(v) The minimum number of active entrances to the first storey on the front yard and/or exterior side yard building façade shall be 1 for every 15 metres of street line or portion thereof identified as active frontage area, but shall not be less than 1. For the purposes of calculating the minimum number of building entrances required, any fraction of a building entrance shall be rounded to the next highest whole number.</p> <p style="padding-left: 40px;">(A) Active entrances shall be at or within 0.2 metres above or below finished grade</p> <p>(vi) A minimum of 50% of the surface area of the first storey façade, measured from the finished grade up to a height of 4.5 metres, facing a street, public or public square must be comprised of a transparent window and/or active entrances.</p> <p>(vii) Despite Table 9.1, the uses identified in the active uses column in Table 9.1 with a “P” shall occupy a minimum of 60% of the street line. Where an existing building occupies less than 60% of the street line, the uses identified in the active uses column in Table 9.1 with a “P” shall occupy all portions of a building of the first storey immediately abutting a street line.</p>
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	<p>(viii) A driveway, non-residential is prohibited at grade or in the first storey of a lot or building for the first 6 metres of the depth measured in from the street line. Despite this provision, where the entirety of a lot's street frontage is included in the active frontage area, a maximum of 1 driveway shall be permitted perpendicular to the street line within the active frontage area in accordance with all other requirements of this by-law.</p> <p>(e) Licenced establishments</p> <p>(ii) The maximum floor area of a licensed establishment is 230 square metres.</p> <p>(iii) Licensed establishments shall not be permitted adjacent to or above a residential use within a building or a directly adjoining building.</p>	
87.	Active frontage area regulation	
88.	Table 9.3: D.1 zone setback regulations	
	Buffer strip (min)	Where a D.1 zone abuts a RL.1, RL.2, RL.3, institutional, park or natural heritage system zone, a 3 m wide buffer strip is required adjacent to the lot line abutting such zone
89.	Table 9.4: D.1 zone building regulations	
	Building height ( min & max)	In accordance with Section 9.3(c)
	Building Stepbacks (min)	In accordance with Sections 9.3(a)(iii) and 9.3(a)(iv)
90.	Additional Regulations for Tables 9.2 - 9.4:	
	1(b) Where a dwelling unit occupies the first storey of a building, that portion of the building shall have a minimum setback of 3 m from the street line.	
91.	9.4.2 Exterior finishes (D.1) Despite the provisions of this or any other by-law for the City, the following shall apply:	
	(a) All visible walls of any building within the Downtown Exterior Finishes Overlay, as shown on Schedule B-6 shall be constructed of transparent glass and coursed masonry and/or such materials which replicate coursed masonry as specified in Section 9.4.2(a)(i).	

	<p>(i) Exterior facades Coursed masonry and/or materials which replicate coursed masonry (except plain, uncoloured concrete).</p> <p>(ii) Exterior facade trim All of the material permitted for exterior facades as well as plain, uncoloured concrete elements, wood and metal.</p> <p>(iii) In addition, where a building is located on the corner of any street shown on the Downtown Exterior Finishes Overlay, Schedule B-6, the provisions of Section 9.4.2</p> <p style="padding-left: 40px;">(a) shall apply to the building wall or walls facing onto the crossing street.</p> <p style="padding-left: 40px;">(b) All windows of any building existing within the D.1-1 zone on the date of the passing of this by-law, or any predecessor thereof, shall be of transparent glass only.</p> <p style="padding-left: 40px;">(c) No exterior walls of a building constructed of natural stone within the D.1-1 zone shall be defaced in any manner or covered, in whole or in part, with paint, stucco, metal, or other cladding material.</p> <p style="padding-left: 40px;">(d) No window openings of any building existing within the D.1-1 zone on the date of the passing of this by-law, or any predecessor thereof, shall be closed up with any material except transparent glass.</p>	
92.	Table 9.6: D.2 zone setback regulations	
	(a) Front yard or exterior side yard (min)	The minimum front yard or exterior side yard shall be the average of the setbacks of the adjacent property or where the average of the setbacks of the adjacent properties cannot be determined, the minimum setback shall be 3 meters
	(b) Interior side yard (min)	1.5m
	(c) Rear yard (min)	10m

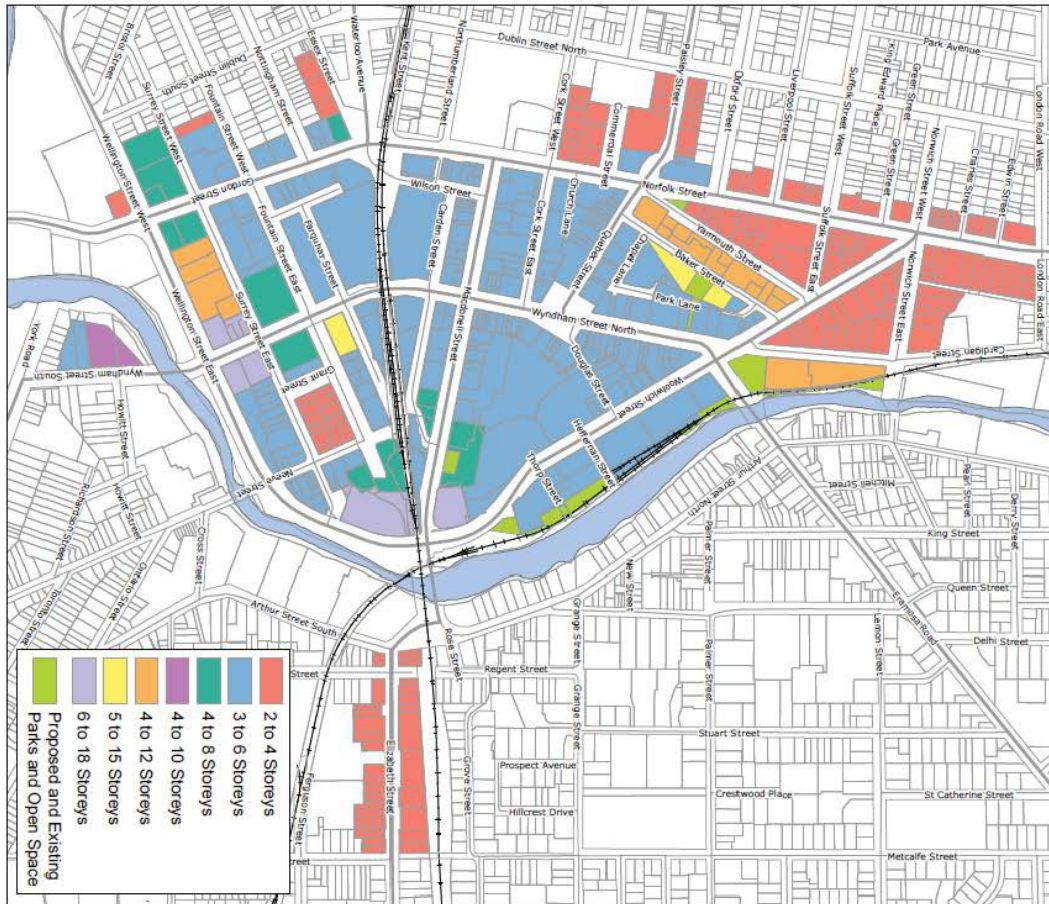
	Buffer strip (min)	Where a D.2 zone abuts a RL.1, RL.2, RL.3, institutional, park or natural heritage system zone, a 3 m wide buffer strip is required adjacent to the lot line abutting such zone
93.	Table 9.7: D.2 zone building regulations	
	Building height (min & max)	In accordance with Section 9.3(c)
94.	Additional Regulations for Tables 9.5 - 9.7:	
	1. In accordance with Section 4.6 and Section 4.22.	
	2. Where a lot line abuts a public lane, the minimum setback may be reduced to 1 m from the lot line.	
	3. Where the D.2 zone abuts an RL.1, RL.2, RL.3, institutional, park or natural heritage system zone the minimum side yard shall be 3 m on the abutting side.	
95.	Table 9.10: D.3 and D.3a zone building regulations	
	Building height (min & max)	In accordance with Section 9.3(c)
96.	Table 10.6: EMU zone setback regulations	
	Buffer strip (min)	A 3 m wide buffer strip is required adjacent to interior side and rear lot lines
	Landscaped open space (min)	15% The required front yard and exterior side yard, except the driveway, parking areas, or loading areas, shall be landscaped

Comprehensive Zoning By-Law: Provisions that remain under appeal (Site-specific provisions)	
1.	<p>17.1.12 (H12) Municipal Services</p> <p>(a) Purpose: To ensure that municipal services are adequate and available, to the satisfaction of the City, prior to construction of new buildings and/or additional residential development of the lands.</p>

	<p>(b) Uses Subject to Removal of the (H) For such time as the holding provision (H) is in place, these lands may be used for all uses permitted in the applicable zone except for new residential uses as set out in Table 6.1 or 7.1. The use of these lands for new residential uses is subject to the interim regulations in (c) as follows:</p> <p>(c) Conditions: Prior to the removal of the holding provision (H) a municipal services review shall be completed to the satisfaction of the City. The scope and boundary of the municipal services review will be determined by the City and may include but is not limited to: watermain condition and water supply; sanitary sewer condition and sanitary capacity; storm sewer condition and capacity; stormwater management facility condition and capacity; road and intersection condition and capacity; transportation facilities; and hydro services.</p> <p>(d) Should the municipal services review demonstrate that all necessary municipal services required for the proposed construction of a new building and/or residential development are adequate and available to the satisfaction of the City, the (H) may be lifted; or,</p> <p>(e) Should the municipal services review determine that all necessary municipal services required for the proposed construction of a new building and/ or residential development are not adequate and available, then prior to the (H) being lifted:</p> <ul style="list-style-type: none"> <li>(i) Adequate security for the actual design and construction costs of any municipal services required for the proposed new building and/ or residential development shall be provided to the City in a matter satisfactory to the City; and,</li> <li>(ii) Any municipal services required for the proposed new building and/ or residential development shall be designed to the satisfaction of the City; and,</li> <li>(iii) Any municipal services required for the proposed new building and/ or residential development shall be constructed to the satisfaction of the City.</li> </ul>
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Schedule B-4: Downtown Height Overlay





# **ATTACHMENT 3**

**Table of Appellants**

<b>Appellant #</b>	<b>Appellant</b>	<b>Address(es)</b>	<b>Appeal Scoping</b>	<b>Counsel</b>
1	2014707 Ontario Inc. (Cook Homes)	Block 121, Plan 61M-38 Part 1, 61R-11324 Blocks 69, 72, 73, 74, 75, 76, 77 and 78, Plan 61M-181	Site Specific	Jennifer Meader
2	Thomasfield Homes Limited	295 Southgate Drive	Site Specific	Kevin Thompson  Giovanni Giuga
3	*Forum Asset Management	601 Scottsdale	Site Specific	Johanna Shapira
4	Loblaw Properties Limited	124 Clair Road East (previously 1750 Gordon Street) 1045 Paisley Road 297-299 Eramosa Road 160 and 170 Kortright Road West 111-191 Silvercreek Parkway North 35 Harvard Road 104 Silvercreek Parkway North) 435 Stone Road West 375 Eramosa Road	Site Specific	Tom Halinski  Jasmine Fraser

		615 Scottsdale Drive 88 Clair Road East		
5	*Paisley & Whitelaw Inc.	201 Elmira	Appellant has not consented to this Motion to Scope. The City is requesting an Order from the Tribunal that the Appellant provide details for a site-specific or area-specific scoping to the Tribunal by December 11, 2023.	Jennifer Meader
6	Silvercreek Guelph Developments Limited 2089248 Ontario Inc.	35, 40 and 55 Silvercreek Parkway South	Site Specific	Tom Halinski  Jasmine Fraser
7	Windmill Development Group	55 Baker, 160 and 155 Wyndham (Baker District)	Site Specific	Philip Osterhout
8	2742707 Ontario Limited	280 Clair Road West	Site Specific	Eileen Costello  Jasmine Fraser
9	*Industrial Equities Guelph Corporation	384 Crawley Road	Appellant has not consented to motion	Michael Foderick
10	2738777 Ontario Limited	120 Malcolm Road (2738777) 126 Malcolm Road (2738766)	Site Specific	Eric Davis

	2738766 Ontario Limited  848866 Ontario Limited	45 Lewis Road (848866)		
11	Ferrovia Investments Inc.	512 Woolwich Ave	Site Specific	Kevin Thompson  Giovanni Giuga
12	University Village (Guelph) Limited	Commercial plaza at 304-324 Stone Road and 511 Edinburgh Road	Site Specific	Kevin Thompson  Giovanni Giuga
13	642762 Ontario Limited	10 Kingsmill Avenue	Site Specific	Kevin Thompson  Giovanni Giuga
14	IJK Holdings Inc.	81 Royal Road	Site Specific	Eric Davis
15	Guelph Watson Holdings Inc.	115 Watson Parkway North (Formerly 72 Watson Road North)	Site Specific	Tom Halinski  Jasmine Fraser

16	*Guelph & District Home Builders' Association  *Wellington Development Association	N/A  City-Wide Appeal	No site-specific or area-specific scoping.  Appeal to be scoped to those policies identified in Schedule "A" on a City-wide basis.	Kevin Thompson  Giovanni Giuga
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