



# Downtown Zoning By-law Update

Recommended Discussion Paper

April 2016



# EXECUTIVE SUMMARY

The City is updating the existing Zoning By-law for Downtown Guelph to implement the approved Downtown Secondary Plan (DSP) as incorporated into the Official Plan through OPA 43.

The Downtown Zoning By-law Update will support a vibrant and investment-ready downtown and provide more certainty to the public and stakeholders. It is part of a larger implementation strategy stemming from the DSP to create a place where people want to meet and interact.

The scope of the Downtown Zoning By-law Update is focused on the review of existing Downtown commercial zoning categories (e.g. CBD.1, CBD.2, CR and OR zones, etc.) in order to align the zoning regulations with the DSP Mixed Use 1, Mixed Use 2, and Institutional or Office designations.

To reflect the approach taken by the DSP, the Downtown Zoning By-law Update will be more form-based in nature than the existing zoning to achieve the built form vision.

This discussion paper identifies key topics that should be considered in the City's review of the Downtown Zoning By-law. Included in the discussion paper are a number of options that are reviewed through the planning analysis sections. Resulting preliminary recommendations of this report will assist in developing a new draft Zoning By-law for Downtown Guelph.

This paper will be presented to City Council April 20, 2016 for their consideration. At that time, staff will present the paper, address technical questions and provide additional information to Council members. Members of the public will have the opportunity to delegate before Council if they wish to register as a delegate.

Subsequent to this discussion paper being endorsed by Council, the next phase of the project involves the preparation of the first draft of the Downtown Zoning By-law followed by community/stakeholder engagement. The draft Downtown Zoning By-law will be released prior to a public open house. Feedback received will be reviewed and will result in a revised draft Downtown Zoning By-law that will be presented to Council at the statutory public meeting in accordance with the *Planning Act*. The draft Downtown Zoning By-law will be further revised and a recommended By-law will be presented to Council for consideration in Q4 of 2016.



# SUMMARY OF PRELIMINARY RECOMMENDATIONS

Preliminary recommendations presented below were developed based on options presented in this paper and refined through the planning analysis:

## **Implementing Official Plan Policies through Pre-zoning (Servicing & Potentially Contaminated Properties)**

1. Pre-zone for height in accordance with the Downtown Secondary Plan with an H symbol to ensure that adequate local servicing infrastructure is available prior to individual developments proceeding. The H symbol is to be applied only where increases in height from the existing Zoning By-law are proposed.
2. A detailed assessment of existing local servicing infrastructure should be undertaken by the City and included in the 2017 Capital Budget Forecast in order to provide information on local servicing infrastructure constraints within the Downtown area.
3. Rely on implementation tools other than the Zoning By-law to regulate potentially contaminated properties and to ensure compliance with the City's *Guidelines for Development of Contaminated or Potentially Contaminated Sites* (forthcoming).

## **Implementing Land Use Permissions**

4. Analyze existing uses within the Downtown and within the project scope to determine which of these uses are prohibited or discouraged by the Downtown Secondary Plan.
5. Uses that are existing but are prohibited by the Downtown Secondary Plan will be reviewed to determine whether the Zoning By-law should recognize and permit those uses or if they should become legal non-conforming (using the Legal Non-conforming Use policies of the Official Plan (Section 9.7.7)) once the updated Zoning By-law is in effect.
6. Uses that are existing but discouraged by the Downtown Secondary Plan will be recognized by the updated Zoning By-law on a site-specific basis as appropriate, however, the establishment of new uses that are discouraged by the DSP would not be permitted and will have to proceed through future site-specific Zoning By-law Amendment applications to determine whether they would be permitted.
7. Establish broad use definitions that permit a wide range of uses while not permitting the uses prohibited or strongly discouraged by the Downtown Secondary Plan.

### **Implementing Building Height & Floor Space Index (FSI)**

8. Establish maximum building heights based on the maximum heights permitted in the Downtown Secondary Plan subject to the protected view corridors.
9. Establish minimum building heights and minimum Floor Space Index (FSI) as outlined in the Downtown Secondary Plan.

### **Implementing Urban Design Standards**

10.
  - a. Require a 6 metre stepback above the 4th storey from the front of the building fronting a public street or park in Historic Street- Based Areas in the Mixed Use 1 land use designation.
  - b. Require a 3 metre stepback above the 4th storey from the front of the building fronting a public street or park in Renewal Areas in the Mixed Use 1 land use designation.
  - c. Require a 3 metre stepback above the 6th storey from the front of the building fronting a public street or park in Mixed Use 1 land use designation on Gordon Street and Wellington Street.
11.
  - a. Establish maximum floorplates restricted to 1,200 square metres for the 7th and 8th storey of a building.
  - b. Establish maximum floorplates restricted to 1,000 square metres with a maximum length to width ratio of 1.5:1 above the 8th storey of a building.
12. Require a rear yard angular plane in areas where a building transitions to adjacent residential zones, including R.1, R.2 and R.3 zones. Buildings equal to or less than 10 storeys in height should contain all massing within the 45 degree angular plane taken from a height of 10.5 metres above a line taken from the required minimum rear yard setback line.
13. Include a provision related to a maximum building length of 60 metres in order to break up the continuity of building façades.
14. Within the Mixed Use 1 land use designation permit a 0 metre *minimum* building setback (including side and rear yard setbacks) with the exception of Wellington Street East between Gordon Street and Wyndham Street South where the *minimum* front yard setback will be 10 metres.
15. Within the Mixed Use 1 land use designation permit a *maximum* front yard setback in the range of 2 to 5 metres.
16. Within the Mixed Use 2 land use designation, front yard setbacks should be based on the average of the two adjacent properties' front yard setbacks. Maintain the existing side and rear yard setbacks of the OR zone.

17. Based on Schedule C of the Downtown Secondary Plan, create an 'Active Frontage' overlay or specialized zone that includes use restrictions for the ground floor of buildings. Dedicate at least 60% of the street frontage of individual properties to active commercial uses.
18. Based on Schedule C of the Downtown Secondary Plan, create an 'Active Frontage' overlay or specialized zone that includes further design-oriented regulations. This includes:
  - Minimum first floor heights of 4.5 metres measured floor-to-floor from average grade;
  - Where lot frontages exceed 35 metres, a minimum of 75% of the frontage should be built to the front property line or applicable setback line. The remaining 25% of the building may be setback an additional distance to provide a deeper area for lobby entrances, bicycle parking, small plazas or marketing areas. Additional setbacks should be no greater than 2 metres;
  - Where lot frontages are less than or equal to 35 metres, the entire frontage should be built to the front property line or applicable setback line;
  - Minimum building heights of 3 storeys; and,
  - Ground floors of non-residential uses shall be transparent (e.g. in the range of 40-60% transparent).
19. Based on Schedule C of the DSP, create an 'Active Frontage' overlay or specialized zone to manage the location and separation distance between doors/entrances (i.e., to accomplish the objective of having one entrance every 10-15 metres).

### **Protection of Cultural Heritage Resources**

20. Rely on the development review process and the requirement of a Cultural Heritage Resource Impact Assessment (CHRIA) to ensure that cultural heritage resources are conserved.
21. Revise Site Plan Guidelines to include protection for prominent 3rd storey cornice lines as the proposed Zoning By-law will only require a setback after the 4th storey.
22. Heritage Staff continue to work with property owners and Heritage Guelph to recommend the designation of cultural heritage resources in Downtown.

### **Vehicle & Bicycle Parking Standards**

#### *Within the existing CBD.1 Zone*

23. a. No change to the current regulation that exempts the CBD.1 zone from providing off-street parking spaces is being proposed. It will need to be determined where it may be appropriate to expand the CBD.1 zone parking exemption within the DSP area.
- b. Consider implement a parking supply rate of 0.05 spaces per residential apartment unit within Downtown for visitor parking.

*Renewal Area South of the CN Rail Line (i.e. generally outside of CBD.1 zone)*

- c. Implement a single parking supply rate for general retail and commercial space (e.g. retail, personal service, real estate uses, restaurant, etc.). at a minimum rate of 1.0 space per hundred squares metres of gross floor area (GFA).
- d. Implement a parking supply rate of 1.5 spaces per hundred square metres of gross floor area (GFA) for office uses, including medical office.
- e. Implement a parking supply rate of 1.0 space per residential unit plus 0.05 visitor spaces per residential apartment unit within Downtown.

*Other Parking Recommendations*

- f. No additional parking will be required for cultural heritage resources designated under the *Ontario Heritage Act*.
  - g. Enable a payment-in-lieu of off-street parking permission in accordance with Section 40 of the *Planning Act*.
  - h. South of the CN rail line, implement additional on-street parking spaces where feasible and transition on-street parking to service short-term parking demand.
- 24.
- a. Implement long term bicycle parking requirements in Downtown that require a secure and covered supply for employees for non-residential uses (i.e. long term parking).
  - b. Implement short term bicycle parking requirements in Downtown.
  - c. Enable a payment-in-lieu of bicycle parking permission in accordance with Section 40 of the *Planning Act*.
  - d. Implement bicycle parking requirements for high density residential buildings zones. Parking has to be provided in a secure weather protected area of the building which would include bicycle racks in a monitored area, a limited access room or garage and bicycle lockers.
- 25.
- a. Do not permit surface parking in the front or exterior side yard in Mixed Use 1 and Mixed Use 2 areas in the Zoning By-law.
  - c. Additional regulations regarding side yard screening should be implemented in the Zoning By-law.
  - d. Regulate number and placement of driveways.

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# 1.0 > INTRODUCTION

The City is updating the existing Zoning By-law for Downtown Guelph to implement the Downtown Secondary Plan (DSP).

Council adopted the DSP in 2012 and it was later substantially approved by the Ontario Municipal Board. The DSP has been incorporated into the City's Official Plan through OPA 43 (Section 11). The DSP presents a comprehensive vision for the revitalization and development of Downtown Guelph up to the year 2031. The plan envisions more people, jobs, buildings and activities, which will be strategically attracted to grow the Downtown and change its dynamic. In particular, identified Renewal Areas (i.e. the area south of the CN rail line) will transform into a more urban place that is well integrated and expands the traditional urban core.

The Downtown Zoning By-law Update will support a vibrant and investment-ready downtown. It will provide more certainty to the public and stakeholders. The Zoning By-law Update is part of a larger implementation strategy stemming from the DSP to create a place where people want to meet and interact. It reinforces the idea of Downtown Guelph as a destination, which is a fundamental goal of the economic development strategy for Downtown.

This discussion paper identifies key topics that should be considered in the City's review of the Downtown Zoning By-law. Included in the discussion paper are options that are considered and analyzed through the planning analysis sections, which then result in preliminary recommendations. The preliminary recommendations of this report have been released for review and comment by the public and will assist in developing a new draft Zoning By-law for Downtown Guelph.

Community engagement has been incorporated within the timelines of the Downtown Zoning By-law Update and comments are encouraged throughout the process. Initial Key Stakeholder interviews were conducted in August and September 2015 to inform this paper. Stakeholders were encouraged to review this discussion paper and provide comments to the project team by February 26, 2016. Further community engagement will be held in Q2 of 2016 with the release of a draft Zoning By-law Amendment.

## 1.1 PURPOSE

The purpose of the Downtown Zoning By-law Update is to align the current Zoning By-law (1995)-14864 with the approved DSP. At a minimum the zoning in Downtown Guelph must conform to the policies of the DSP, therefore there is a need to review zoning. An updated Zoning By-law will be a critical implementation tool of the DSP. This project does not include the development of new policy direction.

The City of Guelph is updating the Downtown Zoning By-law regulations and reviewing Downtown commercial zones in order to:

- Support the vision of a vibrant Downtown Guelph;
- Align the existing Zoning By-law with the DSP;
- Support appropriate development in line with the DSP;
- Support investment and development in the Downtown; and,
- Streamline the work of development review staff through a potential reduction in zoning amendments/minor variances.

The purpose of the discussion paper is to identify recommended revisions to the Zoning By-law to implement the policies of the DSP. The recommendations will be developed through a review of the DSP policies that could potentially be implemented in zoning; consideration of other municipal practices; and identification and evaluation of options. There are a number of recommendations in this Paper; some of which are very high-level while others are very specific. This paper is for review and comment to begin the conversation on what can be implemented through zoning regulations versus matters better suited for the Downtown Built Form Standards, other municipal by-laws, or Site Plan Control.

The recommendations of this report, along with comments received from stakeholders and City advisory committees, will assist in developing a new draft Zoning By-law for Downtown Guelph.

## 1.2 WHAT IS A ZONING BY-LAW?

A Zoning By-law is a planning tool that contains specific land use regulations that are legally enforceable. The Zoning By-law is the key implementation tool of the DSP as it provides specific regulations for development and land use based on DSP policy and provides for its day-to-day administration.

Zoning By-laws are read and interpreted by many people including landowners, land purchasers, developers, planners, building and by-law officials, Council, the Committee of Adjustment, architects, lawyers, consultants and real estate agents for a variety of purposes. It states what land uses are currently permitted in Guelph and provides other detailed information such as:

- where buildings or structures may be located;
- what built form may be permitted; and
- standards for lot size, parking requirements, building height, and required yards.

The Zoning By-law acts as a legal tool under Ontario's *Planning Act* for managing the use of land and future development in the City. Zoning By-laws also protect property owners from the development of conflicting land uses. Any use of land or the construction or use of any building or structure not specifically authorized by the By-law is prohibited.

### 1.3 PROJECT SCOPE

The scope of the Downtown Zoning By-law Update is focused on the review of existing Downtown commercial zoning categories (e.g. CBD.1, CBD.2, CR and OR zones, and any other zoning within the study area.) in order to align regulations with the DSP policies for the Mixed Use 1, Mixed Use 2, and Institutional or Office designations. For example, the DSP has established policy related to land uses, heights, floor space index and other urban design directions within the Mixed Use 1 and Mixed Use 2 land use designations.

Generally, residential zones, lands within the Natural Heritage System, and lands within the Floodplain/Special Policy Area limits will not be within the project scope, as these are more appropriately addressed through the future city-wide review of the comprehensive Zoning By-Law. However, administrative changes may be necessary and will be considered through this process. See Table 1 below for further information on project scope.

Site-specific zoning amendment requests will not be considered within the scope of this project. The Zoning By-law Amendment application process or minor variance process is a more appropriate avenue for these requests.

Furthermore, the scope of this project does not consider existing Zoning By-law regulations that were not addressed through the DSP, including: regulations for hotels, bars, and the Natural Heritage System. A review of these items will be considered through the future scoping of the city-wide comprehensive Zoning By-law review.

PROJECT SCOPE IS (INCLUDES):	PROJECT SCOPE IS NOT (DOES NOT INCLUDE):
<p>Review and make recommendations for Zoning By-law regulations related to:</p> <ul style="list-style-type: none"> <li>• The implementation of the Downtown Secondary Plan (OPA 43)- lands designated Mixed Use 1, Mixed Use 2, Institutional or Office</li> <li>• Existing Downtown zoning categories (e.g. CBD.1, CBD.2, OR, etc. See Figure 1)</li> <li>• Consideration/development of new zoning categories and definitions to implement the Downtown Secondary Plan</li> <li>• FSI requirements</li> <li>• Floorplates</li> <li>• Active frontage</li> <li>• ROW requirements</li> <li>• Required building setbacks</li> <li>• Required building setbacks</li> <li>• Angular planes</li> <li>• Build to lines</li> <li>• Uses to address active frontage requirements</li> <li>• Regulation related to heritage sensitivities</li> <li>• Building heights</li> <li>• Parking regulations for private development</li> </ul>	<ul style="list-style-type: none"> <li>• Review of regulations for Natural Heritage System and Special Policy Area regulations</li> <li>• Major format changes to Zoning By-law</li> <li>• Public view corridors</li> <li>• Building materials policy</li> <li>• Definitions</li> <li>• Outdoor patios</li> <li>• Properties that require an urban design master plan as identified in the DSP (e.g. Woods I, Woods II, 55 Baker St.) and properties that have recent approval within the DSP scope (5 Gordon, 160 MacDonnell St., 150 Wellington St. E. and 40 Wellington St. W.). However, administrative review may be required (e.g. integrate with the structure of the new By-law).</li> <li>• Generally, any changes to R.1B and R.4 zones that exist in DSP area (see attached map)</li> <li>• Review of Downtown bar and hotel regulations</li> <li>• Site-specific Zoning By-law amendments</li> </ul>

**Table 1: Project Scope**



# 2.0 > POLICY CONTEXT

## 2.1 DOWNTOWN SECONDARY PLAN (DSP) CONTEXT

The DSP addresses the requirements of both municipal and provincial growth plans by planning for increased residential development to complement continued commercial and employment growth and cultural activities in Downtown. The plan is a compelling vision for the Downtown that promotes reconnection to the Speed River as a vital, community-wide asset. It also reinforces the historic character of Downtown Guelph while responsibly and creatively planning for growth. In drafting the plan, the City extensively consulted with community members and stakeholder groups through open houses and workshop sessions.

The plan replaces the Central Business District policies previously found within the Official Plan with policies that apply to the Downtown. More specifically, the DSP amended the Central Business District policies, introduced new land use designations and defined a new boundary for the Downtown.

In order to move forward with the implementation of the DSP, an amendment to the current Zoning By-law (1995)-14864 is needed to ensure that regulations for development align with the DSP.

As part of the Official Plan, the DSP sets out the municipality’s general policies for future land use. Downtown lands that are within scope are generally designated Mixed Use 1, Mixed Use 2, and Institutional or Office Areas. Table 2 below summarizes these land use designations.

Mixed Use Designations Summary (DSP) <i>Land Use Designation</i>	Mixed Use 1	Mixed Use 2	Institutional or Office Areas
General Policies Applicable to all Land Uses (11.1.7.2)	<ul style="list-style-type: none"> <li>Built form requirements are included in section 11.1.7.2 around:               <ul style="list-style-type: none"> <li>-building location/orientation; massing; building articulation; balconies and mechanical structures</li> <li>-parking location and servicing</li> <li>-above grade parking structures</li> </ul> </li> <li>Where Active Frontage Requirements apply (shown on Schedule C) further restrictions around land uses as well as further built form policies apply (section 11.1.7.2)</li> </ul>		
Uses that may be permitted	a) retail and service uses, including restaurants and personal service uses; b) multiple unit residential buildings,	a) small-scale retail uses and convenience commercial; b) personal service uses; c) detached, semi-detached and duplex dwellings, townhouses	a) offices including medically related uses; b) entertainment and commercial recreation uses; c) community services and facilities;

Mixed Use Designations Summary (DSP) <i>Land Use Designation</i>	Mixed Use 1	Mixed Use 2	Institutional or Office Areas
	<p>including apartments and townhouse dwellings;</p> <p>c) live/work uses;</p> <p>d) offices including medically related uses;</p> <p>e) entertainment and commercial recreation uses;</p> <p>f) community services and facilities;</p> <p>g) cultural, educational and institutional uses;</p> <p>h) public parking;</p> <p>i) hotels;</p> <p>j) parks, including urban squares; and,</p> <p>k) other employment uses that meet the intent of the principles, objectives and policies of the DSP and which are compatible with surrounding uses in regard to impacts such as noise, odour, loading, dust and vibration.</p> <p><b>**Note:</b> Uses within the Active Frontage Requirement areas (shown on Schedule C) are further limited under Section 11.1.7.3.4 (retail and service uses are generally required on the ground floors of all buildings at the street edge; offices are permitted but encouraged to locate in other Downtown locations, and the Zoning By-law may limit the size or width of such uses; the width of retail stores and restaurants may be</p>	<p>and multiple unit apartment buildings;</p> <p>d) live/work uses;</p> <p>e) offices, including medically related uses;</p> <p>f) community services and facilities;</p> <p>g) cultural, educational and institutional uses;</p> <p>h) small-scale hotels; and</p> <p>i) parks, including urban squares.</p>	<p>d) cultural, educational, civic and institutional uses;</p> <p>e) hotels;</p> <p>f) parks, including urban squares; and,</p> <p>g) other employment uses that meet the intent of the principles, objectives and policies of the DSP and which are compatible with surrounding uses in regard to impacts such as noise, odour, loading, dust and vibration.</p> <p>In addition to the primary uses above, the following uses may also be permitted where they are secondary to the main institutional or office use on the site:</p> <p>a) retail and service uses, including restaurants and personal service uses; and</p> <p>b) public parking.</p>

Mixed Use Designations Summary (DSP) Land Use Designation	Mixed Use 1	Mixed Use 2	Institutional or Office Areas
	limited in the Zoning By-law.		
Prohibited Uses	<ul style="list-style-type: none"> <li>• Vehicle sales;</li> <li>• New vehicle related uses, including vehicle service stations; and</li> <li>• Low density employment uses such as logistics or warehousing and other employment uses not compatible with other uses planned for Downtown.</li> </ul>		
Discouraged Uses	<p>Drive-through facilities shall be discouraged from locating Downtown, since they are inconsistent with the long term vision for Downtown, specifically the objectives to increase pedestrian activity, increase public transit use and reduce and minimize driveways accessed from Primary and Main Streets. The Zoning By-law shall ensure applications for drive-through establishments conform to the policies of the DSP, including all built form policies.</p>		
Minimum Floor Space Index	1.5, except on properties fronting Elizabeth Street, where the minimum FSI shall generally be 1.0	0.6	-----
Other Policies	<p>Stepbacks: A substantial stepback above the fourth storey generally in the range of 3-6 metres minimum from the front of the building fronting a public street or park, except on Gordon Street and Wellington Street, where a stepback of generally 3-6 metres minimum is required above the sixth storey</p> <p>Active frontage requirements include built form policies where active frontage is identified on Schedule C:</p> <p>c) Buildings shall contribute to a continuous street wall that has a minimum height of 3 storeys, with infrequent and minimal gaps between buildings.</p> <p>e) Ground floor heights will generally be a</p>	<p>a) Development shall be compatible with the character of the surrounding area and respect the character of neighbouring buildings in terms of their scale, materials, articulation, landscaping and relationship to the street.</p> <p>b) Building setbacks along the street shall be generally consistent with those of neighbouring buildings within the Mixed Use 2 area.</p> <p>c) Parking and servicing areas shall generally be located at the rear or side of buildings. Parking shall generally not be permitted between the front of a building and the street.</p>	<p>Institutional or Office areas Downtown are occupied by buildings that are expected to remain for the life of the DSP, with the exception of the areas between Farquhar Street and Fountain Street, where there is greater potential for redevelopment and a desire for improved conditions on Wyndham Street.</p> <p>Additions or alterations to existing institutional and office uses shall be permitted, provided they do not significantly change the function or form of the use and have regard for the land use and built form policies that apply to adjacent land use areas. New development in the Institutional or Office Area south of Farquhar Street shall be subject to the density and built form policies applicable to Mixed Use 1 Areas, specifically Policies 11.1.7.3.4-11.1.7.3.8.</p>

Mixed Use Designations Summary (DSP) <i>Land Use Designation</i>	Mixed Use 1	Mixed Use 2	Institutional or Office Areas
	minimum of approximately 4.5 metres floor to floor, and windows shall correspond appropriately to the height of ground floors. Generally, a large proportion of the street-facing ground floor wall of a new mixed-use building shall be glazed.		
Heights	Schedule D identifies building height ranges to be permitted within the Downtown Secondary Plan Area. Notwithstanding Schedule D, the Zoning By-law may establish maximum building heights lower than those shown in order to maintain the protected long views to the Church of Our Lady, as generally identified in Schedule D.		

**Table 2: DSP Land Use Designation**

## 2.2 DOWNTOWN BUILT FORM STANDARDS

Guelph’s [Downtown Built Form Standards](#) were approved by Council in 2014. This document updated previous guidelines with current best practices related to urban design while aligning the document with the DSP and incorporating stakeholder and public input. The Downtown Built Form Standards were prepared in order to provide direction for the Zoning By-law Update, development applications and the evaluation of Downtown Community Improvement Plan applications.

The Built Form Standards characterize the historic core of the City of Guelph in relation to its cultural heritage resources. It provides clear direction for renovations and additions to heritage resources and renovations and additions to contemporary and new buildings. The standards address new development within the historic core of Downtown Guelph, as well as within Renewal Areas (i.e. lands south of the CN rail line). The Built Form Standards provide direction pertaining to both site and building design, addressing such characteristics as building height, form, massing, orientation, setbacks, stepbacks, ground floor conditions, mix of uses, entrance design, material use, awning and canopy design, cornice and parapet design, and signage and lighting design.

The Built Form Standards identifies six distinct Character Areas within the Downtown, each with a unique location based conditions, site and building design characteristics, land use and built form policy considerations, and economic potential, within the DSP area.

Character Areas are illustrated in Figure 2. The character areas will be used throughout this paper to indicate specific areas of Downtown.



Figure 2: Character Areas (Downtown Streetscape Manual & Built Form Standards)

## 2.3 CURRENT ZONING BY-LAW

The project scope is generally focused on reviewing Downtown commercial zoning categories (e.g. CBD.1, CBD.2, CR and OR zones, and any other zoning within the study area) (see Figure 1) to align regulations with the DSP Mixed Use 1, Mixed Use 2, and Institutional or Office designations.

The existing CBD.1 (Central Business District) zone is considered to be the most urban zone in the By-law, since it provides for the most intensive form of development. This zone has no required building setbacks and the permitted lot coverage is 100%. It generally applies to the historic Downtown and permits a wide variety of commercial uses. Dwelling units are only permitted in a building with commercial uses. There are limits on height (generally 6 storeys with additional restrictive regulations) as well as setbacks and angular planes that shape the permitted building envelope. Generally, the CBD.1 zone does not require parking for non-residential uses. South of the CN rail line, properties are typically zoned CBD.1-1 which applies more suburban parking ratios for non-residential uses.

The CBD.2 (Central Business District) zone is less urban than CBD.1. The CBD.2 zone is applied to specific sites on the periphery of the historic Downtown area. Unlike the CBD.1 zone, setbacks are required as well as a maximum lot coverage of 40%. In addition, the CBD.2 zone has parking requirements that are more suburban in nature and more similar to commercial zones across the City.

Around the periphery, especially south of the CN rail line and along Elizabeth Street many of the lands are zoned CR (Commercial-Residential) and SC.1 (Service Commercial). CR permits some commercial uses as well as dwelling units when combined with commercial units. The CR zone has a maximum height of 3 storeys. The SC.1 zone permits commercial uses including vehicle related uses. The SC.1 zone has a maximum height of 3 storeys.

Generally lands to the north of the historic Downtown are zoned OR (Office Residential). This zone permits limited commercial uses and residential uses. The OR zone has a maximum height of 3 storeys.

# 3.0 > METHODOLOGY

## 3.1 PROJECT TIMELINES/PHASING

The following sets out the key milestones for completion of the Downtown Zoning By-law Update. The projected timelines are subject to the extent of community and stakeholder input required:

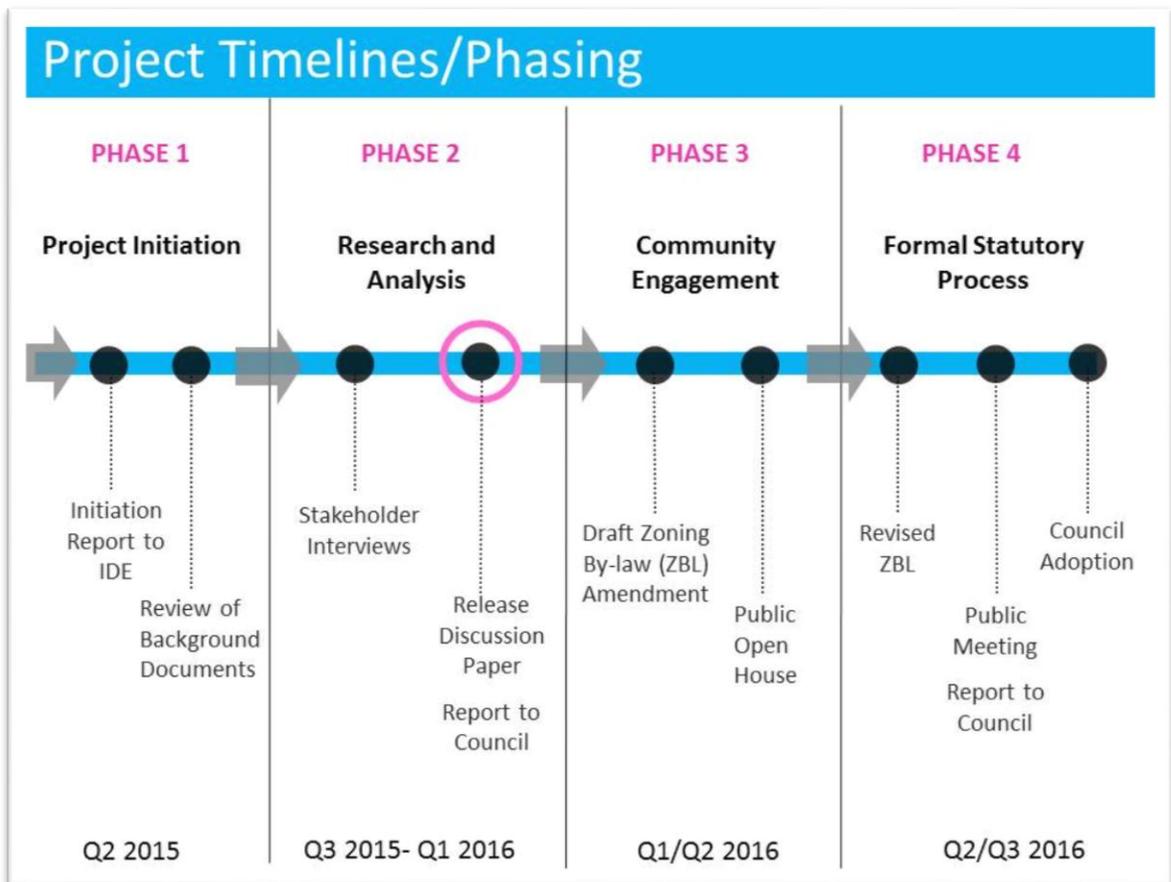


Figure 3: Project Time Lines/Phasing

### Phase 1: Project Initiation

Building on work completed to date (i.e. the DSP and Downtown Built Form Standards), this phase focused on developing a full understanding of potential issues and key topics associated with updating the Downtown Zoning By-law.

This phase included research of zoning regulations and best practices used in other municipalities. An interdepartmental technical team has been formed to provide ongoing input and review of research documents and proposed directions. In addition a consultant was retained to act as a senior advisor and peer reviewer for this project.

The project team has reviewed the following documents in preparation of writing the Discussion Paper:

- The DSP, Downtown Built Form Standards and applicable policies, plans and legislation from other levels of government that should be implemented in the Zoning By-law;
- Minor Variances to Zoning By-law (1995)-14864 that have been approved since the Zoning By-law came into effect, in order to identify trends that may warrant amendment to the Zoning By-law;
- Substantive challenges and technical difficulties staff and stakeholders have encountered to date in implementing existing Zoning By-law provisions to determine if they warrant amendment to the Zoning By-law; and,
- The Council approved Downtown Parking Master Plan.

Phase 1 has been completed.

#### *Phase 2: Research and Analysis*

The result of Phase 2 is this Discussion Paper. This paper will be presented to City Council. Staff will address technical questions and provide additional information to Council members.

During this phase the draft discussion paper was released on the website for public comments prior to the development of a draft Zoning By-law.

#### *Phase 3: Draft Zoning By-law & Community/Stakeholder Engagement*

Phase 3 will focus on the preparation of the first draft of the Downtown Zoning By-law and community/stakeholder engagement, including a public open house. Feedback received will be used to refine/revise the draft Downtown Zoning By-law.

#### *Phase 4: Statutory Public Meeting of Council and Decision*

A statutory public meeting in accordance with the *Planning Act* will be held prior to Council making a decision on the recommended Zoning By-law. The Zoning By-law will be further revised as necessary based on feedback received and a recommended By-law will be presented to Council for consideration.

### 3.2 APPROACH TO UPDATING THE ZONING BY-LAW

The DSP focuses on built form to achieve a desirable public realm and accommodate the projected residential and employment density. To reflect this approach, the resulting Zoning By-law regulations should be more form-based in nature. In other words, the By-law will be designed to achieve a specific urban form. This approach will help create predictability for the public by controlling physical form through zoning regulations, rather than focusing solely on regulating land use permissions. The new Downtown Zoning By-law will carry forward the general aspects of the existing CBD zoning while reflecting the updated urban design approach of the DSP.

It is intended that this project will make improvements to the Zoning By-law, without changing the basic structure of the By-law itself. Due to the focused scope, the alternative which involves 'starting from scratch' or 'repealing and replacing' is not being recommended.

Instead, the revised By-law will rely on a traditional zone structure. In the future, the City will be undertaking a comprehensive update to address the entirety of the Zoning By-law and issues such as format may be addressed through that process.

In accordance with the *Planning Act*, a comprehensive Zoning By-law review will be required upon the completion of the Ontario Municipal Board process for the Official Plan update (OPA 48). This process will ensure the Zoning By-law conforms to the Official Plan. This will address the city-wide zoning matters, including implementation of new Official Plan policy direction.

### 3.3 REVIEW OF EXISTING MINOR VARIANCES

A review of all minor variance applications since the passing of the (1995)-14864 Zoning By-law, within the project scope was undertaken to examine the nature of variance requests from the current Zoning By-law (1995)-14864 in an effort to identify any common themes.

Minor variances were categorized by the following themes: use, parking/drive-through, building, and other. The use category refers to any variance to add an additional use or to extend the legal non-conforming use of a property. Parking/drive-through variances consist of variances to allow a lesser number of parking spaces than what is required, to allow required parking spaces for a property to be located on a different property, parking space size and location on the property, and to permit drive-through facilities. Building variances consist of any variance application requesting an exemption for building height, setbacks, angular plane, protected view corridors, building materials and gross floor area. An other category has been included to capture variances that do not fit into the three themes set out. For example, other variances include sightlines and outdoor patios.

The number of variances recorded reflects the total number of applications per theme and does not reflect the approved/refused status of the application. This was to ensure data reflected the challenges created by the current Zoning By-law regulations.

It is also important to note that some minor variance decisions included multiple variance themes. For example, a variance to permit an additional use at a location may also require a variance to the number of required parking spaces.

A map showing the location and type of variances requested (see Figure 4) has been included to illustrate the areas that most commonly request variances. The most requested variances from the By-law are for use (43) and parking/drive-through (43) (see Table 3). The map indicates that the majority of parking/drive-through variances are south of the CN rail line, in areas outside of the CBD.1 zone. Generally, there are limited minor variance applications in the CBD.1 zone with a few building related applications and parking related applications for residential buildings. The majority of use variances also appear on the perimeter of the DSP area, outside of the CBD.1 zone.

MINOR VARIANCE THEME	NUMBER
USE	43
PARKING/ DRIVE-THROUGH	43
BUILDING	35
OTHER	14

**Table 3: Number of Minor Variances by Theme**

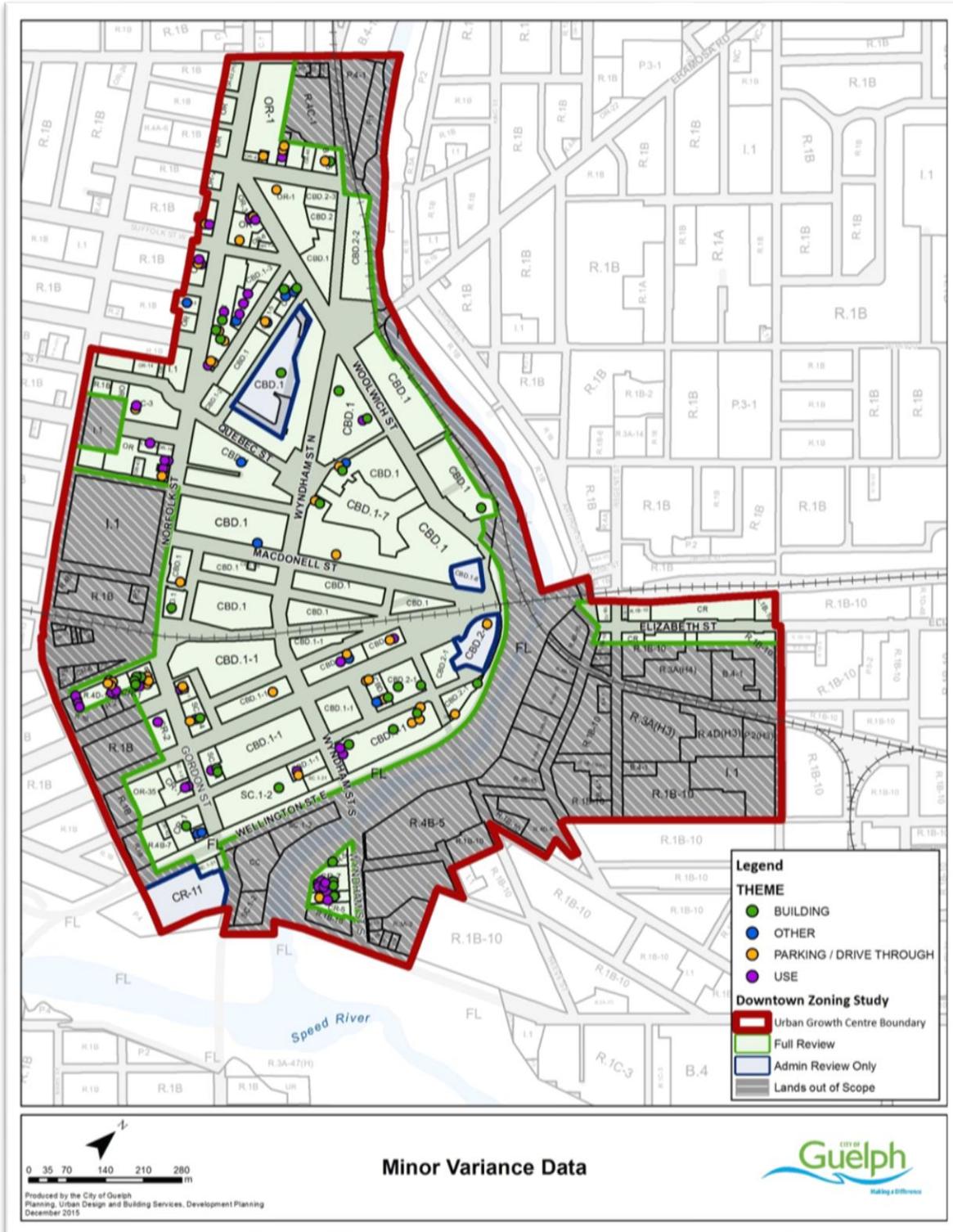


Figure 4: Minor Variances in the Downtown

## 3.4 OTHER MUNICIPAL PRACTICES REVIEW

The City of Guelph references a number of comparable municipalities when writing policy or regulation to gain insight. The City has a list of Council approved comparable municipalities based on similarities in size and composition. The project team has reviewed the list of comparable municipalities to determine which three cities are the most comparable for the Downtown Zoning By-law Update project. The project team determined that the City of Kingston, the City of Ottawa and the Town of Oakville were most comparable and would be used for best practice research for the purpose of this Discussion Paper because they have recently completed Zoning By-law reviews/updates.

### 3.4.1 City of Kingston

The City of Kingston initiated a two phase process for preparing a new Zoning By-law in 2012. To date, Phase One, a *Zoning Issues and Strategy Study* has been completed and was accepted by Kingston Council on February 5, 2013. The scope of this project expanded into an update to the 2010 Official Plan. The content from the Zoning Issues and Strategy Study will continue to inform the next phase of the Zoning project.

The City of Kingston dealt with similar issues related to pre-zoning around servicing, the treatment of cultural heritage resources and the implementation of urban design guidelines.

The *Zoning Issues and Strategy Study* recommended that lands should not be pre-zoned based on policies of the Official Plan, and instead zoning regulations would be based on existing zone entitlements. This was to ensure that each application could be evaluated individually to mitigate impacts and determine servicing capacity/constraints as their Official Plan was criteria-based. In addition, the paper recommended that a general provision in the Zoning By-law that requires confirmation of adequate and available servicing be established. It was also recommended that an analysis of zoning entitlements be undertaken to understand where increased development is permitted. This would allow the City to determine which properties may require a holding provision.

The City of Kingston, like Guelph, has a significant proportion of cultural heritage resources that requires protection. The Study recommended the use of form-based zoning codes to ensure protected view corridors of key heritage buildings and structures are maintained. It was also suggested that conventional site plan control provisions should be used for the same purposes.

The Kingston study recommended the continued use of form-based zoning codes in the Downtown and Harbour areas and suggested it should be extended to other designated main street areas and priority pedestrian streets. This includes angular planes, build-to-planes, minimum and maximum heights, setbacks and stepback regulations. It was further recommended that a review of Official Plan urban design elements should be undertaken to determine which policies should be dealt with through guidelines and which should be regulated through zoning.

### 3.4.2 City of Ottawa

The City of Ottawa initiated a four phase review of the Zoning By-law in order to implement the new Official Plan (2013). The City of Ottawa Report to Planning Committee, dated November 13, 2014, provides an overview of recommended amendments that will increase permitted height, orient buildings to the street and provide better opportunities for retail at grade.

Principles established through the 2014 Zoning Review include:

- Providing for development that encompasses urban design elements;
- Ensuring compatibility with the context of the surrounding community; and,
- Achieving densities that support an increase in the level of service of public transit.

The City of Ottawa's zoning review determined that as-of-right zone permissions for building heights in the Official Plan would be permitted through zoning regulation, and would be subject to performance standards that respond to the Official Plan compatibility provisions. For example, in mixed-use centres, the ability to construct to the maximum height is subject to compliance with building height transition requirements adjacent to R1 and R4 residential zones. In some cases, reduced heights would be regulated through heritage overlays (e.g. Dalhousie Street Traditional Mainstreet).

Active Frontage Requirements were established through the new Active Street Subzone, AM10, which is recommended to provide a zoning tool to assist in the creation of pedestrian friendly arterial main streets. This provision establishes building setbacks that increase development potential, requires street-oriented building placement and function. This incorporates phasing provisions that allow a portion of the site to be developed, provided that compliance with the active street frontage requirements is achieved at the conclusion of all phases of development.

### 3.4.3 Town of Oakville

The Town of Oakville initiated the inZone project in order to complete a new Zoning By-law 2014-014, for all lands south of Dundas Street and north of Highway 407.

A series of technical papers were completed in Phase Two of the inZone project, each to inform a component of the final Zoning By-law recommendations. The project is currently in Phase Four, the project implementation and completion phase. Zoning By-law 2014-014 has been appealed to the Ontario Municipal Board.

The Town of Oakville took two approaches to pre-zoning; partial pre-zoning with holds for Main Street 1 & 2 designations and partial pre-zoning with special provisions for Urban Centre and Urban Core designations. The purpose of pre-zoning with conditions is to direct growth in form and location as set out in the Official Plan. The conditions of pre-zoning ensure proper servicing availability, urban design directives that can be achieved through design standards and enhances the likelihood for bonusing in exchange for community benefit.

Oakville is addressing heritage concerns through an ongoing Downtown Heritage Conservation District Study.

Furthermore, the By-law contains payment-in-lieu of parking provision and minimum bicycle parking regulations.

# 4.0 >

## DOWNTOWN GUELPH

### ZONING TOPICS

This paper has been broken up into six zoning topics; each section is based on the following layout:

- 1. Introduction of zoning topic:**  
This section briefly explains the purpose of the zoning topic and connection to the DSP.
- 2. Review of DSP Policy:**  
This section summarizes the applicable DSP policies related to the Zoning Topic.
- 3. Review existing Zoning-law context:**  
This section summarizes the current Zoning By-law regulations related to the Zoning Topic.
- 4. Review Options:**  
This section sets out various options for revising zoning regulation with respect to the zoning topic. All of the options put forward in this paper were considered when drafting the preliminary recommendations. The options are not necessarily mutually exclusive. In some instances, one or more of the options were brought forward as preliminary recommendations.
- 5. Planning Analysis:**  
This section provides a review and evaluation of the proposed options.
- 6. Preliminary Recommendations:**  
This section outlines the proposed recommended action for addressing the zoning topic. Recommendations, including supporting rationale, were developed based on the options and refined through the planning analysis. The numbering of recommendations in this section matches the summary of preliminary recommendations in the Executive Summary of this paper.
- 7. Conclusion**



## **4.1 IMPLEMENTING OFFICIAL PLAN POLICIES THROUGH PRE-ZONING (SERVICING & POTENTIALLY CONTAMINATED PROPERTIES)**

The Downtown Secondary Plan (DSP) encourages increased height and density in parts of the Downtown to allow for more people and jobs by 2031. This section examines the degree of pre-zoning that should be applied through the Downtown Zoning By-law Update. Pre-zoning is the broadening of Zoning By-law provisions to enable the densities and land uses permitted in the Official Plan as-of-right, rather than requiring a landowner to go through a site-specific Zoning By-law amendment.

This section will review zoning options and make recommendations related to pre-zoning to permit height in accordance with DSP policy, which will also allow for greater density. This may have implications on local infrastructure and potentially contaminated sites.

### **4.1.1 USE OF PRE-ZONING FOR SERVICING ISSUES**

#### **4.1.1.1 Downtown Secondary Plan Context**

Higher density development encouraged by the DSP may require upgrades to the existing servicing infrastructure.

Policy 11.1.6.3.1 of the DSP provides the basis for ensuring that the processing and approval of development applications shall be contingent on the availability of water and wastewater capacity. The City completed a high level servicing capacity assessment as part of the DSP to ensure capacity is available at a system wide level to support planned growth. Like other areas of the City where intensification is anticipated there may be impacts on infrastructure in a specific area. Therefore, to determine if infrastructure is currently adequate to support development of specific sites/areas, a detailed assessment of existing servicing infrastructure Downtown should be completed.

In addition, the existing Official Plan (2001) contains general policies for the City as a whole that require the provision of adequate servicing prior to development:

- 4.1.1 v. Prior to permitting a development proposal, the City shall ensure there is adequate provision for overall municipal water, wastewater treatment and solid waste management facilities to accommodate the specific development proposal.
- 4.1.1 vi. Prior to permitting a development proposal, the City shall be satisfied that all municipal site services are adequate to accommodate the specific development proposal.

#### 4.1.1.2 Existing Zoning By-law Context

In a number of cases, the City has imposed holding symbols (H symbol) on an individual site basis in regards to the provision of servicing. An H symbol is only added to a property through a zoning amendment application and does not address all servicing constraints within the City.

Section 4.10 of Zoning By-law (1995)-14864 includes a general regulation requiring adequate municipal services prior to development:

##### 4.10 Municipal Services

No land shall be used or built upon and no building or structure shall be erected, used 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.

#### 4.1.1.3 Options (Servicing)

The following options are the basis for the planning analysis:

1. Pre-zone lands to the maximum height permitted in the DSP.
2. Pre-zone lands to the maximum height permitted in the DSP with an H symbol to ensure adequate local infrastructure is available prior to development approval.
3. Maintain current height and density zoning permissions and implement the DSP through site-specific Zoning By-law amendments.
4. Undertake a comprehensive analysis of the existing local Downtown water and wastewater infrastructure to identify required upgrades in relation to the proposed level of growth and intensification in the Downtown. On the basis of the findings of such a study, the Zoning By-law options would be re-evaluated.

#### 4.1.1.4 Planning Analysis (Servicing)

An H symbol is a zoning tool permitted by Section 36 of the *Planning Act*. An H symbol, as defined by the Ministry of Municipal Affairs and Housing (MMAH), is an optional planning tool that can restrict future uses until conditions for removing the H symbol are met. The City primarily uses the H symbol to further evaluate the impact of a proposed change in land use/property use before development takes place.

Council is responsible for passing a By-law to remove the H symbol from the property once development has met the conditions of the H symbol. Public consultation is not required as part of the application process to remove the H symbol. Only the applicant is permitted to appeal the decision of Council with respect to removing the H symbol. The City's Official Plan permits the use of the H symbol until adequate municipal services are available (9.10.7.1 a)).

City-wide master servicing studies have been completed to identify major servicing infrastructure projects that are required in order to service the future population and employment of Guelph as per the current Official Plan growth projections. These projects include major linear water and wastewater trunk infrastructure within parts of the DSP, however the master servicing studies do not directly address local (i.e. on a street level) water and wastewater service modifications. In order to pre-zone the lands without an H symbol, an analysis is required to determine if the existing local infrastructure is sufficient to support the proposed development. Based on this analysis, the City would determine if local improvements are required to accommodate future development as per the approved DSP population and employment projections. This analysis should be completed in advance of any consideration for full pre-zoning that is greater than the existing zoning permissions. A study to complete this analysis is not currently planned as it is not funded through the Capital Budget.

Without an analysis of the adequacy of Downtown local infrastructure (i.e. on a street level), an H symbol should be applied to specific sites in the Downtown where increases in height from the existing Zoning By-law are proposed. Without the H symbol the City may not have as strong of authority to ensure services are available prior to development. To some extent this risk already exists in the Downtown where properties have not developed to their full zoning permissions (e.g. where lands are zoned for 6 storeys and 2 storeys exist). Adding an H symbol to lands that are being zoned for additional height will help ensure that the City's existing risk is not increased. Once the City completes the analysis of the Downtown local infrastructure the need for the H symbol can be re-evaluated.

Individual applications to remove the H symbol can still be received by the City and reviewed on a case by case basis until the analysis of the Downtown local infrastructure is complete.

**Table 4: Analysis of Different Approaches**

Approach	Description	Permissions, Requirements & Process	Pros	Cons
<b>Pre-Zoning</b>	Applies height provisions to all properties as permitted in the DSP	<ul style="list-style-type: none"> <li>• Most permissive</li> <li>• Least process requirements</li> </ul>	<ul style="list-style-type: none"> <li>• Directs and encourages development in line with the DSP policies</li> </ul>	<ul style="list-style-type: none"> <li>• Assumes adequacy of Downtown local servicing infrastructure to accommodate planned growth in the Downtown</li> <li>• City may not have as strong of authority to ensure services are available prior to development</li> </ul>
<b>Pre-Zoning with Holding (H) Provision</b>	Applies height provisions to all properties within the DSP area but affixes a hold (H symbol) to the zoning for properties with increased height permissions that are greater than the existing zoning permissions	<ul style="list-style-type: none"> <li>• Permissive</li> <li>• More process requirements (an application to remove the H symbol would be required)</li> </ul>	<ul style="list-style-type: none"> <li>• H symbol ensures servicing requirements are met prior to development approval</li> <li>• Encourages development in line with the DSP policies</li> </ul>	<ul style="list-style-type: none"> <li>• Creates an additional regulation which may complicate the By-law</li> <li>• Would require applicants to provide a study outlining the adequacy of the local infrastructure to service the proposed development prior to the H symbol being removed</li> </ul>
<b>Maintain current zoning permissions</b>	Applies zoning provisions to a property that may not incorporate existing Official Plan policy	<ul style="list-style-type: none"> <li>• Least Permissive</li> <li>• A Zoning By-law Amendment may be required to develop in accordance with the Official Plan's policies</li> </ul>	<ul style="list-style-type: none"> <li>• Development applications would be reviewed individually to ensure DSP policies are met and the local infrastructure is adequate</li> <li>• Allow for time and budget to conduct a detailed analysis of existing Downtown local servicing infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>• Does not implement the DSP</li> <li>• May compromise intensification targets</li> <li>• Individual Zoning By-law amendment applications would be required to deal with servicing on a case by case basis and allows for potential appeals</li> <li>• Adequacy of existing local servicing infrastructure in the Downtown remains unknown</li> </ul>

**Table 4: Pros and Cons of Different Approaches**

#### 4.1.1.5 Preliminary Recommendations

Following the analysis of the options the preliminary recommendation(s) are:

**Recommendation 1:** Pre-zone for height in accordance with the Downtown Secondary Plan with an H symbol to ensure that adequate local servicing infrastructure is available prior to individual developments proceeding. The H symbol is to be applied only where increases in height from the existing Zoning By-law are proposed.

**Rationale:** This recommendation is based on option 2 as outlined in section 4.1.1.3. Pre-zoning lands in conformity with the DSP policy can help attract growth and development to the Downtown. Including an H symbol helps to ensure adequate local infrastructure is available to accommodate the potential growth.

Community engagement was undertaken as a part of the DSP process to set the policy direction. A full public process as per the *Planning Act*, for this Zoning By-law update is being undertaken to consider permitting heights in accordance with the DSP policy direction. Therefore, site-specific development applications that conform to the approved policy and the updated zoning would not need to proceed through a full public process. Council approval to lift the H symbol would still be required. However, no third-party appeals to the Ontario Municipal Board would be permitted on the Council decision with respect to removal of the H symbol.

**Recommendation 2:** A detailed analysis of existing local servicing infrastructure should be undertaken by the City and included in the 2017 Capital Budget Forecast in order to provide information on local servicing infrastructure constraints within the Downtown area.

**Rationale:** This recommendation is based on option 4 as outlined in section 4.1.1.3. Once the detailed analysis is complete, the City will better understand the adequacy of local water and wastewater infrastructure in the Downtown and will be able to allocate Capital Budget to implement improvements in the future. The study would confirm locations where the H symbol could be removed and where it would be required until infrastructure upgrades, if any, are completed.

### 4.1.2 USE OF PRE-ZONING FOR POTENTIALLY CONTAMINATED PROPERTIES

#### 4.1.2.1 Downtown Secondary Plan Context

Section 4.4.4 of OPA 48 defines potentially contaminated sites as properties where the environmental condition may have potential to cause adverse effects on human health, ecological health or the natural environment.

The DSP recognizes Guelph's commitment to green development and other initiatives that promote sustainability. Specific objectives and targets related to redevelopment of

potentially contaminated properties in the DSP include remediation and redevelopment of contaminated lands, by reducing the extent of brownfield lands and promoting the clean-up of potentially contaminated properties in Downtown.

#### 4.1.2.2 Existing Downtown Zoning By-law Context

Similar to servicing, the current Zoning By-law has addressed brownfield sites through an H symbol on certain properties. The H symbol has been applied to some properties through site-specific zoning by-law amendment applications; however, these do not address all potentially contaminated properties within the City.

#### 4.1.2.3 Options (Potentially Contaminated Properties)

The following options are the basis for the planning analysis:

1. Pre-zone lands and rely on the development application process to ensure appropriate site remediation prior to building permit issuance in accordance with City Guidelines (forthcoming).
2. Pre-zone lands with an H symbol to ensure adequate site remediation has occurred prior to development.
3. Maintain current Zoning By-law permissions and implement the DSP through site-specific Zoning By-law amendments.

#### 4.1.2.4 Planning Analysis (Potentially Contaminated Properties)

The *Environmental Protection Act* (EPA) is the key piece of legislation related to the clean-up of contaminated sites in Ontario. The Act grants the Ontario Ministry of Environment and Climate Change (MOECC) broad powers to deal with the discharge of contaminants which cause adverse effects. The act specifically:

- Prohibits the discharge of any contaminants into the environment which cause or are likely to cause negative effects - and in the case of some approved contaminants requires that they must not exceed approved and regulated limits;
- Requires that any spills of pollutants be reported and remediated (cleaned up) in a timely manner.

The requirements for the assessment and clean-up of a property and prohibiting certain changes in the use of a property are detailed in Part XV.1 (RSC - O. Reg. 153/04) of the EPA.

In addition, buildings in Ontario are subject to the *Ontario Building Code Act* (OBC), 1992 and enacted by O. Reg. 350/06. The linkage between the OBC and EPA is via a Record of Site Condition (RSC) filing requirement before construction when a building or property is proposed to change from less sensitive to more sensitive uses (e.g. industrial/commercial to residential).

Zoning is a land use permission tool and is not designed to directly address contaminated land remediation. However an H symbol implemented through the Zoning By-law can contain conditions requiring an RSC be submitted to the City prior to the H symbol being lifted and development approved. Council would need to pass a By-law to lift the H symbol from the property.

Introducing an H symbol on potentially contaminated properties places additional constraints on both the City and applicants. The City would be required to develop a comprehensive list of potentially contaminated properties in the Downtown and ensure this list is kept up to date or apply an H symbol to all sites where pre-zoning would introduce a more sensitive land use. Furthermore, placing an H symbol on a potentially contaminated property in Downtown provides over-regulation on a property where an RSC, if applicable, would be required by the EPA through the building permit process. The process to lift an H symbol from a property may conflict with the permit process and increase development costs and timelines for applicants.

#### 4.1.2.5 Preliminary Recommendations

Following the analysis of the options the preliminary recommendation(s) are:

**Recommendation 3:** Rely on implementation tools other than the Zoning By-law to regulate potentially contaminated properties and to ensure compliance with the *City's Guidelines for Development of Contaminated or Potentially Contaminated Sites* (forthcoming).

**Rationale:** This recommendation is based on option 1 as outlined in section 4.1.2.3. The City's forthcoming Guidelines will ensure all relevant environmental conditions are satisfied, capturing scenarios where RSC filing with MOECC is required and also scenarios where RSC filing is not required for property development, but environmental works are required to be completed to the satisfaction of the City prior to development/planning approval.

#### 4.1.3 Conclusion (Use of Pre-zoning)

Pre-zoning lands in the Zoning By-law to accommodate greater density will assist in realizing the vision established in the DSP. Placing an H symbol on these lands regarding site servicing will ensure the technical aspects of development are met while reducing obstacles such as timing and costs associated with a Zoning By-law amendment application through the planning process. Regulation of potentially contaminated properties can be better addressed through other legislated processes rather than relying on the Zoning By-law.



## 4.2 IMPLEMENTING LAND USE PERMISSIONS

This section will review zoning options and make recommendations on how to implement the land uses envisioned by section 11.1.7 Land Use and Built Form of the Downtown Secondary Plan (DSP) in the Zoning By-law.

### 4.2.1 Downtown Secondary Plan Context

Underlying the long-term vision for Downtown Guelph is a framework of land uses. The DSP encourages a wide range of uses, including office, retail, institutional, entertainment and residential. The DSP identifies that in Downtown most blocks and buildings will have a mix of uses with active uses such as retail and restaurants on the ground floor and other uses such as residential on upper floors. The DSP also seeks to ensure that there is a balance between employment and residential uses, and suggests that some sites be reserved for office and institutional uses.

Four land use designations of the DSP are within the project scope, Mixed Use 1, Mixed Use 2, Institutional or Office areas and Major Transit Station. See Table 2 for a list of uses that may be permitted.

#### **Mixed Use 1 (11.1.7.3):**

- Applies to the majority of the historic Downtown.
- Accommodates a broad range of uses in a mix of compact development forms (11.1.7.3.2).
- Special policies ensure that on key streets active frontages reinforce the role of these streets (or portions thereof) as commercial pedestrian-oriented, urban streetscapes (11.1.7.3.4).

#### **Mixed Use 2 (11.1.7.4):**

- This designation generally applies to the north area of Downtown and in the vicinity of Neeve Street.
- These areas were historically residential with a mixture of housing styles but have evolved to accommodate a range of uses, many in partially or fully converted houses. Permitted uses include residential and small-scale retail and commercial uses that would be compatible with residential uses (11.1.7.4.2).

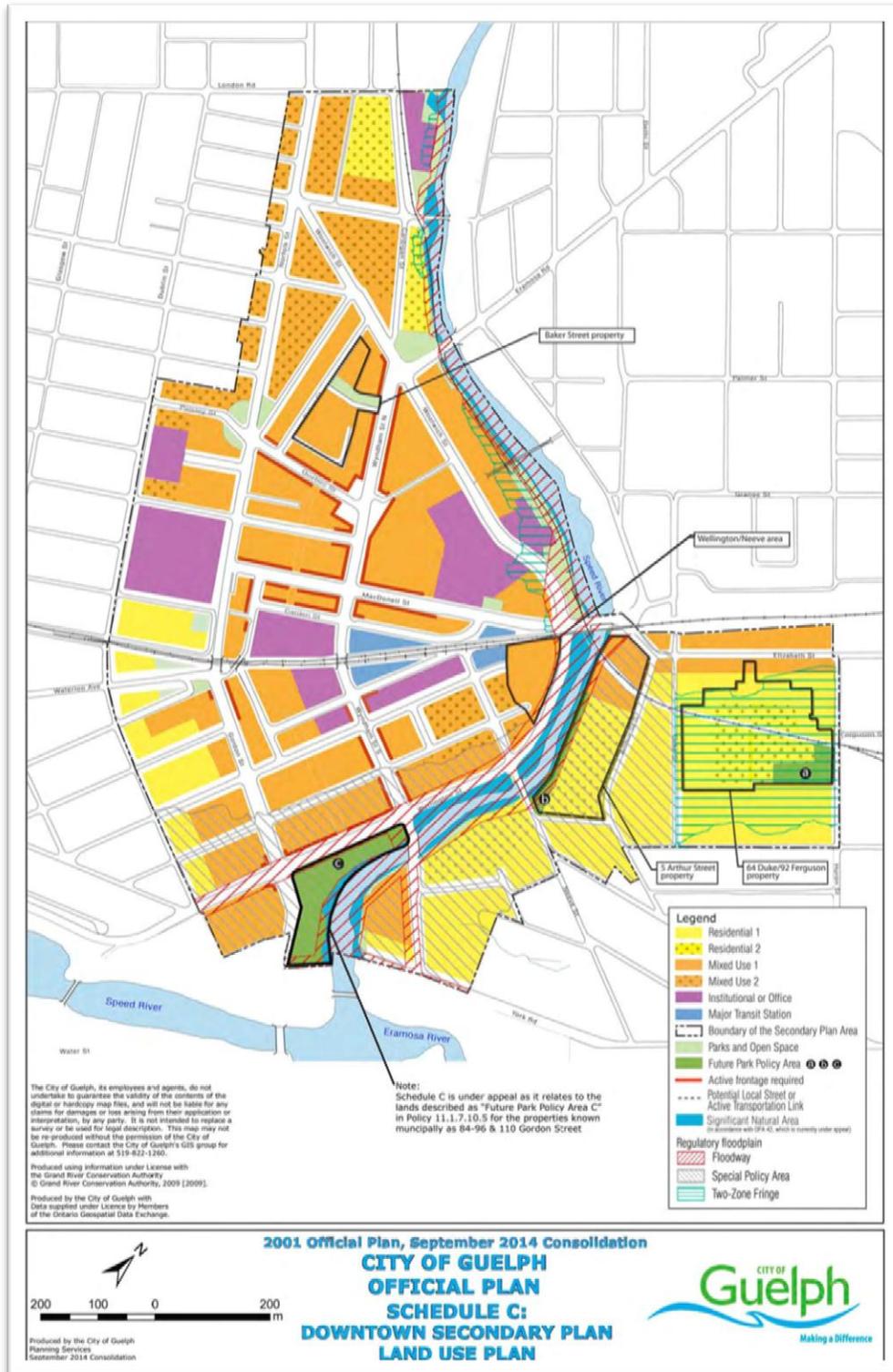


Figure 5: Downtown Secondary Plan, Land Use Plan

**Institutional or Office areas (11.1.7.5):**

- This designation incorporates those properties that include significant civic, cultural and other public institutions or an office building, such as the Sleeman Centre, River Run Centre, City Hall, etc.). It also includes properties close to the Downtown Transit Terminal (Guelph Central Station).
- Accommodates uses such as offices, recreational, and community services (11.1.7.5.2).

**Major Transit Station (11.1.7.6):**

- This designation is intended to accommodate the various components of the Downtown Transit Terminal (Guelph Central Station).

**Use restrictions:**

The DSP also recognizes that some uses are not consistent with the objective of a walkable, transit-supportive Downtown and, therefore, shall not be permitted or shall be discouraged. These include vehicle related uses, as well as low density employment uses such as logistics or warehousing (11.1.7.1.2 and 11.1.7.1.3).

## 4.2.2 Current Zoning By-law Context

The project scope is focused on reviewing Downtown commercial zoning categories. These include the Central Business District zones (CBD.1 and CBD.2), Commercial Residential (CR) and Office Residential zones (OR). In addition, some lands that contain existing vehicle related uses are zoned Service Commercial (SC). Lands within the Floodplain/Special Policy Area are not included in the scope of this project.

Currently, each zoning category has detailed lists of permitted uses. Specific uses that are not listed, or do not fit the definition of those that are listed, are not permitted by the Zoning By-law.

## 4.2.3 Options

The following options address two identified land use issues and are the basis for the planning analysis:

### ***Issue #1: Existing Legal Uses that do not conform to the Downtown Secondary Plan***

1. Existing uses that are not consistent with the DSP would become legal non-conforming.
2. Introduce site-specific zoning that permits the uses envisioned by the DSP and also recognizes and allows for legally existing uses that are not envisioned by the DSP to continue as legal uses.

### ***Issue #2: Broad vs. Specific Land Use Definitions/Uses/Categories***

3. Identify a detailed list of permitted uses in each zone category such as different types of retail establishments (postal service, bakery, etc.) with the understanding that uses not found on the list are not permitted in that zone.
4. Establish broad use definitions that permit many different uses. For example rely on 'retail establishment' to permit all types of retail uses.

## 4.2.4 Planning Analysis

### 4.2.4.1 Existing Legal Uses that do not conform to the Downtown Secondary Plan: Legal Non-conforming vs. Legalizing

A clear approach for addressing legal non-conforming uses and legal non-complying buildings/structures that legally existed prior to the date of adoption of the Zoning By-law must be determined for the new Downtown Zoning By-law in accordance with Section 34(9) of the *Planning Act*.

A legal non-conforming use refers to the use of an existing lot, building, or structure for a purpose that is currently not permitted by the Zoning By-law, but was legally established prior to the date of the By-law's adoption and has continued uninterrupted since the By-law came into effect. A good example would be the operation of a retail store, legally established in 1990, which was re-zoned to a residential zone in 1995. The store would have legal non-conforming status.

A legal non-complying building or structure refers to a building or structure that legally existed prior to the date of adoption of the By-law and is permitted in a zone even though it does not comply with one or more of the zone requirements. For example, a dwelling that occupied 80% of the lot area before the adoption of the current By-law, which only permits 30% lot coverage, may exist as a permitted non-complying structure. Although it does not comply with the 30% lot coverage requirement, the building has legal non-complying status.

The DSP policies (11.1.7.1.4) state that previously approved and existing uses located Downtown which do not conform to the policies of the DSP shall be permitted, subject to the Legal Non-conforming Use policies of the Official Plan (Section 9.7.7). The redevelopment of legal non-conforming uses to uses that are consistent with the vision, principles and objectives of the DSP is encouraged.

Section 9.7.7 of the Official Plan (2001) identifies that, where appropriate, the Zoning By-law may recognize existing legal uses that are not in conformity with the provisions of the Official Plan. When determining the suitability of any existing use for consideration in this manner, the City shall be concerned with the following principles:

- a) That the zoning will not permit any change of use or performance standard;
- b) That the use does not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or by the traffic generated;

- c) That the use does not pollute the air or water and the use conforms with the provisions of subsection 7.1;
- d) That any extension or enlargement to an existing building or structure will be permitted only by amendment to the Zoning By-law; and
- e) That any extension or enlargement to existing building or structures will be subject to site plan control in accordance with the policies of the Official Plan.

Alternatively, the Zoning By-law may not recognize existing legal uses and they would then become 'legal non-conforming' and would be permitted to continue in accordance with Section 34(9) of the *Planning Act*.

To ensure conformity with the new policy framework, a review of the nature and location of uses that are currently permitted as-of-right by the Zoning By-law, but which are no longer permitted by the DSP, needs to be undertaken. Once such a review has been completed, options would then be identified for consideration, with one of these options being the elimination of the use as a permitted use in the Zoning By-law. This means that the affected existing uses would then become legal non-conforming uses.

However, the DSP prohibits certain vehicle-related uses including new service stations and vehicles sales, as well as low density employment uses (11.1.7.1.2). Therefore these uses will only be recognized where these uses are both (a) already permitted by the existing zoning, and (b) already in existence on the site. Non-conforming uses will continue to be treated as non-conforming uses, and new ones will not be permitted to establish in new locations.

In addition, the DSP discourages drive-through facilities (11.1.7.1.3) since they are inconsistent with the long term vision for the Downtown. However, the DSP does establish criteria to evaluate if a drive-through should be permitted. Therefore, drive-throughs will not be included as a permitted use in any zone. Instead, if one is proposed, it is to be tested against the policies of the DSP on a site-specific basis. The intent of the DSP is that new drive-through facilities will be established by way of a site-specific Zoning By-law Amendment.

#### **4.2.4.2 Broad vs. Specific Land Use Definitions/Uses/Categories**

The DSP includes policies for permitted uses in each of the designations. As the zoning for the Downtown is updated, it is intended that the uses permitted by the Zoning By-law will match the uses permitted by the corresponding land use designation (with potential exceptions to legalize non-conforming uses).

Note that a Zoning By-law cannot be more permissive than an Official Plan.

The current zoning categories that are within the project scope in Downtown include CBD.1, CBD.2, SC.1, OR, and CR. Currently, the Zoning By-law identifies a very specific list of uses that are permitted in each zone.

The approach would be to establish new zones based on the approved DSP land use designations. The proposed approach would generally be based on the following:

DSP Land Use Designation	Potential Zone Category
Mixed Use 1	Downtown 1
Mixed Use 2	Downtown 2
Institutional or Office	Downtown 3
Major Transit Station	Downtown 3 with Exception

**Table 5: Potential Zone Categories**

In the preparation of the new Zoning By-law, Section 3: Definitions of the existing Zoning By-law will be reviewed to align with the uses permitted by the DSP.

The DSP is designed to achieve a specific urban form to help create predictability for the public by controlling physical form through zoning regulations, rather than focussing solely on land uses. This form-based focus means that land uses become more generalized which will provide for greater flexibility and easier administration. For example, the By-law can rely on ‘retail establishment’ to permit all types of retail uses rather than narrowly defining multiple types of retail (e.g. florists, bakery etc.).

Where properties are subject to site-specific zoning exceptions, the provisions of the site-specific zone will be maintained or carried forward to the new recommended zoning category, unless the exception provisions become redundant as a result of the change to the recommended zone category (i.e., the new zone provides for similar regulations).

#### 4.2.5 Preliminary Recommendations

Following the analysis of the options, the preliminary recommendation(s) are:

**Recommendation 4:** Analyze existing uses within the Downtown and within the project scope to determine which of these uses are prohibited or discouraged by the Downtown Secondary Plan.

**Recommendation 5:** Uses that are existing but are prohibited by the Downtown Secondary Plan will be reviewed to determine whether the Zoning By-law should recognize and permit those uses or if they should become legal non-conforming (using the Legal Non-conforming Use policies of the Official Plan (Section 9.7.7)) once the updated Zoning By-law is in effect.

**Recommendation 6:** Uses that are existing but discouraged by the Downtown Secondary Plan will be recognized by the updated Zoning By-law on a site-specific basis as appropriate, however, the establishment of new uses that are discouraged by the DSP would not be permitted and will have to proceed through future site-specific Zoning By-law Amendment applications to determine whether they would be permitted.

**Rationale:**

These recommendations are based on a combination of options 1 and 2 as outlined in section 4.2.3. The DSP in policy 11.1.7.1.4 identifies that previously approved and existing uses Downtown which do not conform to the policy of the

DSP shall be permitted, subject to the Legal Non-conforming Uses policies of the Official Plan (Section 9.7.7).

**Recommendation 7:** Establish broad use definitions that permit a wide range of uses while not permitting the uses prohibited or strongly discouraged by the Downtown Secondary Plan.

**Rationale:**

This recommendation is based on option 4 as outlined in section 4.2.3. The DSP focuses on built form and treats land use permissions more generally. Following this approach, the Downtown Zoning By-law will provide for greater flexibility and easier administration.

#### 4.2.6 Conclusion

Implementing broad land use categories will make administration easier and recognize the mixed-use nature of Downtown. Combining this approach with reviewing site-specific exceptions and prohibiting those uses in the Zoning By-law that are prohibited in the DSP will help ensure the land use vision of the DSP is achieved.



## 4.3 IMPLEMENTING BUILDING HEIGHT & FLOOR SPACE INDEX (FSI)

The Downtown Secondary Plan (DSP) establishes a different direction in regards to building height than the existing Zoning By-law framework in certain locations. As outlined in the DSP, the new built form will reflect Downtown's urbanity and the principles of adaptability, permanence, and simple beauty. In addition, the DSP contains minimum building height and density policies to help ensure the City's Growth Management Strategy can be achieved. The Zoning By-law is able to translate these policies into enforceable regulation.

### 4.3.1 Downtown Secondary Plan Context

Different building types are permitted in the Downtown through the DSP, while maintaining the predominant mid-rise built form that currently exists. Taller building heights have been introduced, but are restricted to strategic locations. The locations for tall buildings have been chosen because they would have minimal impacts on existing neighbourhoods and the Downtown historic core. These locations are also located outside of the protected public view corridors.

Downtown building types include:

- Low-Rise Buildings (less than 4 storeys);
- Mid-Rise Buildings (4 to 6 storeys); and
- Tall Buildings (7 to 18 storeys).

Schedule D of the DSP (see Figure 6) establishes minimum and maximum building heights. Exemptions from minimum height requirements may be permitted for utility and other buildings accessory to the main building on a site. The DSP also has policies for a minimum height of 3 storeys on key streets where active frontages are required (11.1.7.3.4 c)).

The DSP also includes minimum floor space index (FSI) policies to help ensure that the density targets can be achieved. The DSP does not include maximum density requirements except in site-specific cases (e.g. 11.1.7.11.7 and 11.1.7.11.11). Instead the DSP regulates built form requirements. The Downtown Built Form Standards carry-forward these directions regarding height and density.

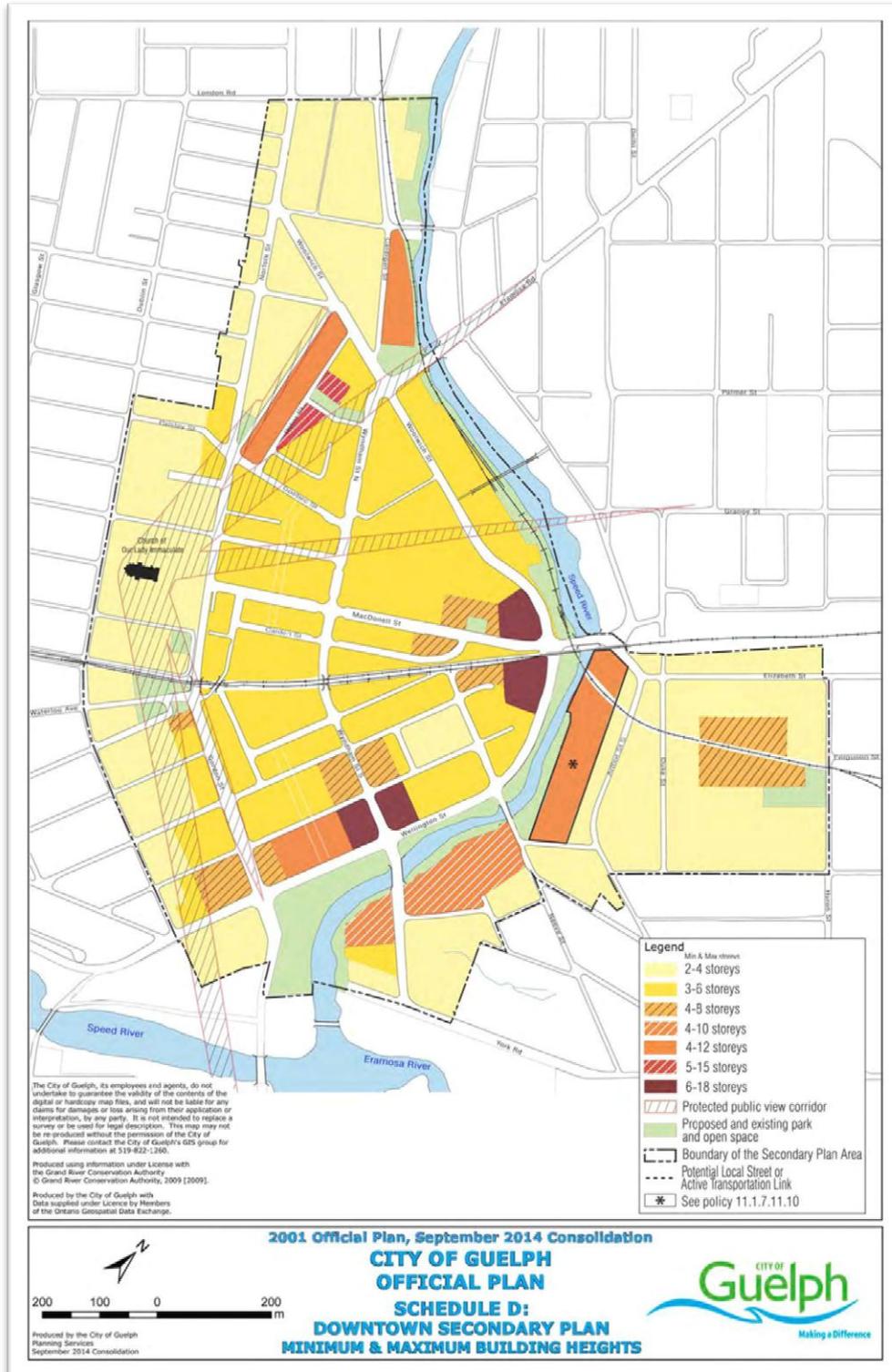


Figure 6: Downtown Secondary Plan, Height Schedule

### 4.3.2 Existing Downtown Zoning By-law

The Central Business District (CBD.1 and CBD.2) zones limit building height to 6 storeys. This maximum height is further limited by angular planes (Section 4.15), protected views to the Basilica of Our Lady Immaculate (Section 4.18) and, where applicable, 15 metre stepbacks (Section 6.3.2.3). On key streets, a minimum building height of 3 storeys is required for the first 15 metres of a building from the front of the street (6.3.2.3.1). On other streets, a 2 storey minimum is permitted (6.3.2.3.2). In the Office Residential (OR) zone, the maximum building height is 3 storeys subject to the protected views of the Basilica of Our Lady Immaculate.

Minimum or maximum FSI requirements are not currently included in the CBD.1, CBD.2 and OR zones. However, in the CBD.2 zone there is a maximum 40% lot coverage regulation, which is another planning tool that addresses density and shapes the built form.

### 4.3.3 Options

The following options are the basis for the planning analysis:

1. Establish maximum building heights based on the maximum heights permitted in the DSP subject to the protected view corridors.
2. Establish maximum building heights in the Zoning By-law lower than the maximum height permitted in the DSP subject to the protected view corridors.
3. Establish minimum building heights.
4. Establish minimum Floor Space Index (FSI) requirements.

### 4.3.4 Planning Analysis

#### 4.3.4.1 Maximum and Minimum Building Heights

As established in the DSP, a diversity of building typologies are permitted to provide more flexibility for the private sector to respond to market demand, and to help achieve the growth target for Downtown. Therefore, the DSP sets a different direction in regards to height than the existing Zoning By-law framework in certain locations. While much of the planning area will continue to only permit heights of 6 storeys or less, strategic sites have been chosen to permit taller building heights.

Taller buildings permitted in specific locations will have minimal direct impacts on existing neighbourhoods and the historic Downtown, and are outside protected public view corridors. The maximum heights recognize the Basilica of Our Lady's status as a landmark and signature building. As addressed in section 4.4.1 of this paper, building massing and built form regulations included will limit the floorplate sizes of tall buildings and require stepbacks to help ensure good building design.

Permitting the maximum building heights established by DSP policy in the Zoning By-law will direct and encourage growth to occur in the forms and locations envisioned. This would mean that no Zoning By-law amendment for height would be required if a development proposal aligns with the zone permissions. Site plan approval and built form regulations in the Zoning By-law would continue to apply, as well as the Council-adopted Downtown Built Form Standards. In addition, as outlined previously, pre-zoning with an H symbol to address site servicing is the general approach being recommended to ensure adequate services are available. For these reasons the maximum building height policy in the DSP is generally recommended for the Zoning By-law.

Determining not only maximum but also minimum building heights (or minimum number of storeys) will be essential to limit or prohibit the construction of single storey buildings, or buildings which are not in keeping with the existing built form context and achievement of Downtown growth targets. While minimum heights already exist on key streets, expanding this requirement to all lands in the study area will help achieve this direction. As outlined in the DSP, exemptions from minimum height requirements may be permitted for utility and other buildings accessory to the main use on a site. In certain locations, where one storey buildings exist (e.g. along Wellington Street) this may create legal non-complying buildings (which are currently one storey). Due to the renewed emphasis on Downtown intensification as outlined in the DSP, this is an appropriate regulation to include as the intent of the DSP is to create a more urban place and achieve growth targets.

#### 4.3.4.2 Minimum Floor Space Index Requirements

Floor Space Index (FSI) is a way to control massing. FSI is calculated by taking the total floor area of a building (i.e. the area of each floor) and dividing it by the site area. The DSP contains minimum FSI in combination with minimum building heights to help ensure that the density targets can be achieved. By requiring both minimum building height and minimum FSI, the Zoning By-law will promote a more urban form that will achieve the vision of the DSP (i.e. ensuring a minimum threshold of density is achieved). In particular, the DSP contains the following minimum FSI Requirements based on land use designation:

- **Mixed Use 1:** 1.5 FSI, except on properties fronting Elizabeth Street, where the minimum FSI shall generally be 1.0.
- **Mixed Use 2:** 0.6 FSI.
- **Residential 2:** 1.0 FSI.
- **Institutional or Office Area:** 1.5 FSI except for designations north of Farquhar Street.

Implementing these requirements will help ensure the growth targets of the DSP can be achieved.

#### 4.3.5 Preliminary Recommendations

Following the analysis of the options the preliminary recommendation(s) are:

**Recommendation 8:** Establish maximum building heights based on the maximum heights permitted in the Downtown Secondary Plan subject to the protected view corridors.

**Rationale:** This recommendation is based on option 1 as outlined in section 4.3.3. Allowing for the maximum building heights envisioned by the DSP, directs and encourages growth to occur in the forms and locations envisioned in the DSP. The site plan process, Downtown Built Form Standards and Zoning By-law built form regulations (e.g. stepbacks, floorplate requirements, etc.) will be used to address building design.

**Recommendation 9:** Establish minimum building heights and minimum Floor Space Index (FSI) as outlined in the Downtown Secondary Plan.

**Rationale:** This recommendation is based on options 3 and 4 as outlined in section 4.3.3. Due to the renewed emphasis on Downtown intensification as outlined in the DSP, this is an appropriate regulation to include as the intent of the plan is to create a more urban place and achieve intensification targets. Implementing minimum building heights and minimum FSI will help ensure the growth targets of the DSP can be achieved.

#### 4.3.6 Conclusion

Generally, the Zoning By-law should establish maximum building heights based on the maximum heights permitted in the DSP.

Requiring minimum building heights along with minimum FSI requirements will assist in achieving the growth targets and urban built form envisioned by the DSP.



## 4.4 IMPLEMENTING URBAN DESIGN STANDARDS

### 4.4.1 BUILDING MASSING (STEPBACKS, FLOORPLATES, TRANSITION ANGULAR PLANE REQUIREMENTS, BUILDING LENGTH)

Building massing can be regulated through Zoning By-laws to help ensure that buildings have a positive impact on the public realm and are compatible with surrounding buildings and uses. Buildings should be massed to establish appropriate height transitions to existing adjacent developments, and to fit-in with adjacent streets and open space.

Urban design policies established in the DSP and the Downtown Built Form Standards will be incorporated into Zoning By-law regulations, where appropriate, to ensure future development of new buildings and alterations to existing buildings further improve and enhance the character of Downtown.

#### 4.4.1.1 Downtown Secondary Plan Context

The DSP is based on a “Build Beautifully” principle. As part of this, new buildings in the Downtown will reflect a sense of urbanity and the principles of adaptability, permanence, and simple beauty.

Key objectives of the DSP include:

- Promote design excellence;
- Ensure the built form of development contributes to attractive streetscapes and open spaces and supports an inviting, comfortable and active public realm;
- Ensure new development respects the character of Downtown’s historic fabric and the quality of life in surrounding neighbourhoods; and,
- Strategically locate and articulate tall buildings to minimize impacts on historic areas and preserve important public views.

The DSP includes policies related to building massing, including setbacks, floorplates, building length, and floor space index, for buildings within the Downtown.

Specifically, the DSP contains building massing policies related to:

- Building setbacks in designated areas to ensure a human-scale pedestrian realm;
- Maximum floorplates above the 6<sup>th</sup> storey; and,
- Maximum building length.

The Downtown Built Form Standards (2014) provide additional building massing direction related to:

- Further direction on building setbacks in front yard and rear yards;
- Further direction on maximum floorplate size; and,
- Angular planes.

#### 4.4.1.2 Existing Downtown Zoning By-law Context

The current Downtown Zoning By-law includes provisions related to setbacks and angular planes. The By-law does not currently regulate FSI, building length or maximum floorplates.

<p>Stepbacks</p>	<p>Section 6.3.2.3 of the Zoning By-law regulates the building height in the CBD.1 zone:</p> <p>A setback of 15 metres is required above the 5<sup>th</sup> storey for buildings located on St. George’s Square, Quebec Street, Wyndham Street, Wilson Street, Carden Street, Macdonell Street, Cork Street, Baker Street, Woolwich Street, Norfolk Street and the east side of Yarmouth Street.</p> <p>A setback of 15 metres is required above the 3<sup>rd</sup> storey for buildings located on Douglas Street and the west side of Yarmouth Street.</p> <p>No setback provisions are required in the CBD.2 zone.</p>
<p>Angular Planes</p>	<p>Angular Plane requirements are outlined in the General Provisions section of the Zoning By-law. CBD.1, CBD.2, OR and CR maximum building heights are subject to these regulations:</p> <p>“4.16.2 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> <div style="text-align: center;"> </div> <p>Angular Planes are defined in the Zoning By-law:</p> <p>“Angular Plane from a Street means an imaginary inclined plane, rising over</p>

	<p>a lot, drawn at a specified angle from the horizontal, the bottom side of which is coincidental with the lot lines, which together with other building regulations and lot size requirements, delineates the maximum bulk and building height.”</p> <p>“Angular Plane from a River or Park means and imaginary inclines plane, rising over a lot adjacent to a river or park, drawn at a specified angle from the horizontal, the bottom side of which is coincidental with the lot line, which together with other building regulations and lot size requirements, delineates the maximum bulk and building height.”</p>
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**Table 6: Existing Zoning By-law Regulations**

#### 4.4.1.3 Options

The following options are the basis for the planning analysis:

1. Include front and rear yard setback regulations to ensure suitable building proportions; mitigate visual impact of building heights; and, create comfortable pedestrian conditions.
2. Include a maximum floorplate size for taller buildings to encourage more slender and elegant tall building designs.
3. Consider modifications to existing angular plane requirements to ensure appropriate transitions.
4. Consider a provision related to a maximum building length of 60 metres in order to break up the continuity of building façades.

#### 4.4.1.4 Planning Analysis

##### *Massing:*

The DSP contains policy related to building massing to support development that reflects the character of Downtown and helps ensure an attractive streetscape while allowing for increased density. The Built Form Standards, which provide further guidance to assist in the implementation of the DSP, contain specific standards relating to building massing to provide direction to development including: setbacks, angular planes, maximum floorplates, and maximum building length.

##### *Setbacks:*

The inclusion of front yard setback regulations will help maintain the heritage character of the street, limit the impacts of taller buildings and create a more comfortable pedestrian/public realm. Rear yard setbacks are used to create appropriate transitions to low-density residential uses.

##### *Floorplate:*

Maximum floorplate requirements are an increasingly common tool used to regulate the form of tall buildings. The inclusion of maximum floorplate regulations will encourage slender tall buildings which effectively reduce significant shadow impacts and maintain

sky views. Reduced floorplates will ensure that shadows are narrower and move quickly. The proposed maximum floorplate size in the DSP is larger when compared to maximum floorplates in other municipalities within the 'inner ring' of the Greater Golden Horseshoe (GGH), which are typically between 700 m<sup>2</sup> and 1000 m<sup>2</sup>. A slightly larger maximum floorplate in Guelph recognizes that there are a limited number of appropriate sites for taller buildings; height limits are moderate to be compatible with the surroundings; and the housing market in Downtown Guelph is different than 'inner ring' GGH markets.

*Angular Plane:*

Angular planes can be used as a tool to evaluate the massing and height transitions of proposed developments, similar to stepbacks. Angular plane requirements are one method to achieve an appropriately scaled street wall. Angular planes or related regulations can also ensure appropriate transition to adjacent low-rise residential areas. Alternatively, regulating building stepbacks and implementing maximum floorplate sizes can effectively replace angular plane provisions.

*Building Length:*

The DSP indicates that a length to width ratio of 1.5:1 should generally not be exceeded above the eighth storey. The intent of this provision is to discourage "slab" buildings and to attain a strong vertical expression in the Downtown.

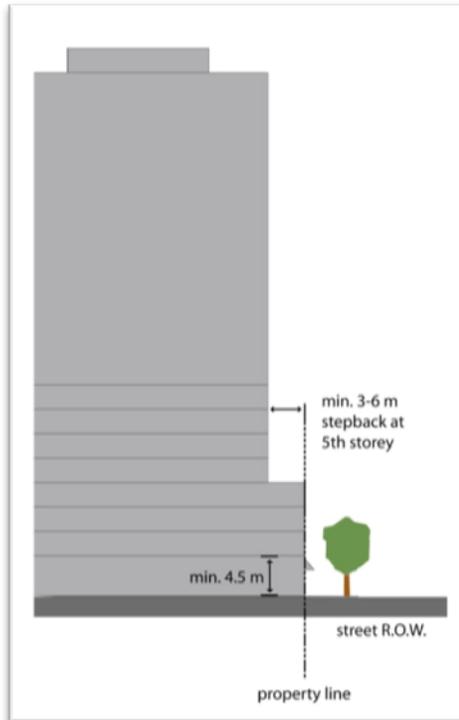
Provisions related to maximum building length will ensure the break-up in continuity of building facades in order to express individual units and encourage distinctive architectural elements. The DSP and the Downtown Built Form Standards suggests that buildings should generally not be greater than 60 metres in length.

#### **4.4.1.5 Preliminary Recommendations**

Following the analysis of the options the preliminary recommendation(s) are:

**Recommendation 10:**

- a. Require a 6 metre stepback above the 4<sup>th</sup> storey from the front of the building fronting a public street or park in Historic Street- Based Areas in the Mixed Use 1 land use designation.
- b. Require a 3 metre stepback above the 4<sup>th</sup> storey from the front of the building fronting a public street or park in Renewal Areas in the Mixed Use 1 land use designation.
- c. Require a 3 metre stepback above the 6<sup>th</sup> storey from the front of the building fronting a public street or park in Mixed Use 1 land use designation on Gordon Street and Wellington Street.



**Figure 7: Stepback Illustration**



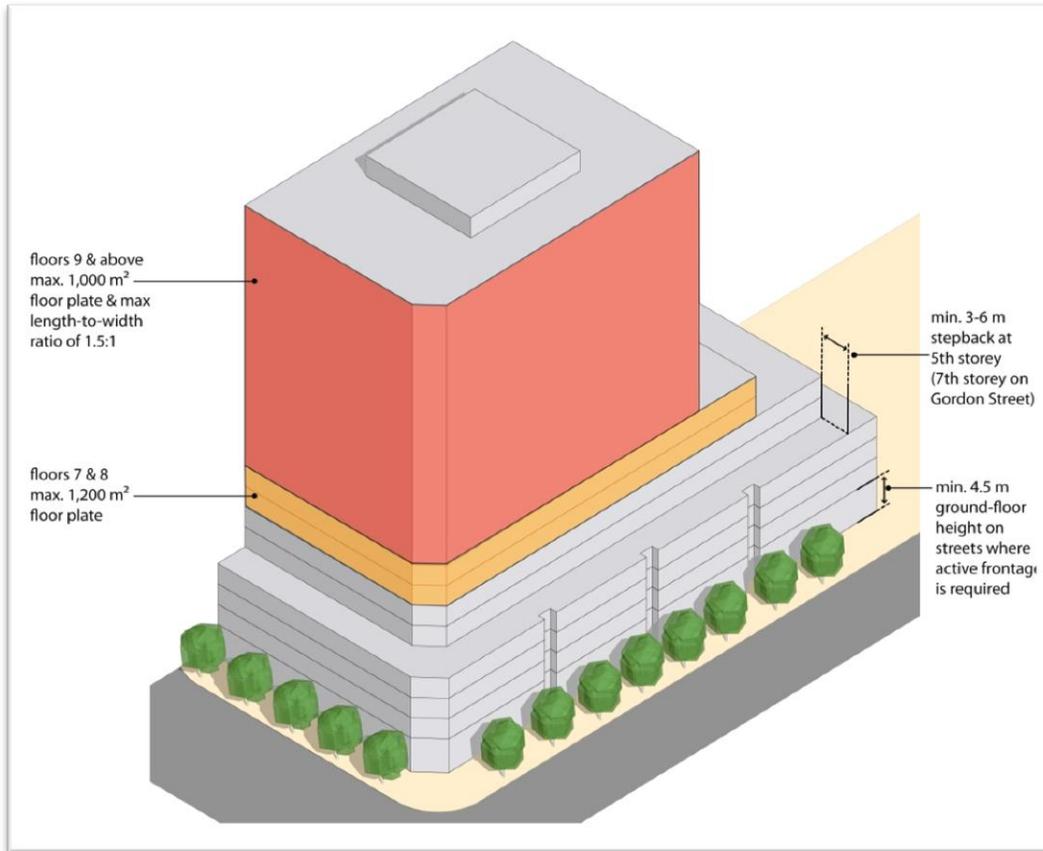
**Figure 8: Stepback on Gordon Street Illustration**

**Rationale:** This recommendation is based on option 1 as outlined in section 4.4.1.3. The stepback regulation in the current CBD.1 zone is 15 metres, which effectively limits the height of buildings to 5 stories (on St. George’s Square, Quebec Street, Wyndham Street, Wilson Street, Carden Street, Macdonell Street, Cork Street, Baker Street, Woolwich Street, Norfolk Street and the east side of Yarmouth Street) on 30 metre through lots in the Downtown. The result of this regulation has limited the height over the years on properties in the Downtown. Amending the stepback regulations will allow more height potential in the Downtown while ensuring visual impacts are mitigated and comfortable pedestrian conditions are maintained.

A more restrictive Zoning By-law regulation is recommended in the Historic Street-Based Area (see Figure 7) to recognize and conserve the cultural heritage value of the area. A more relaxed stepback is being recommended in the Renewal Areas based on a lower risk of impact to adjacent buildings and the streetscape.

**Recommendation 11:**

- a. Establish maximum floorplates restricted to 1,200 square metres for the 7<sup>th</sup> and 8<sup>th</sup> storey of a building.
- b. Establish maximum floorplates restricted to 1,000 square metres with a maximum length to width ratio of 1.5:1 above the 8<sup>th</sup> storey of a building.

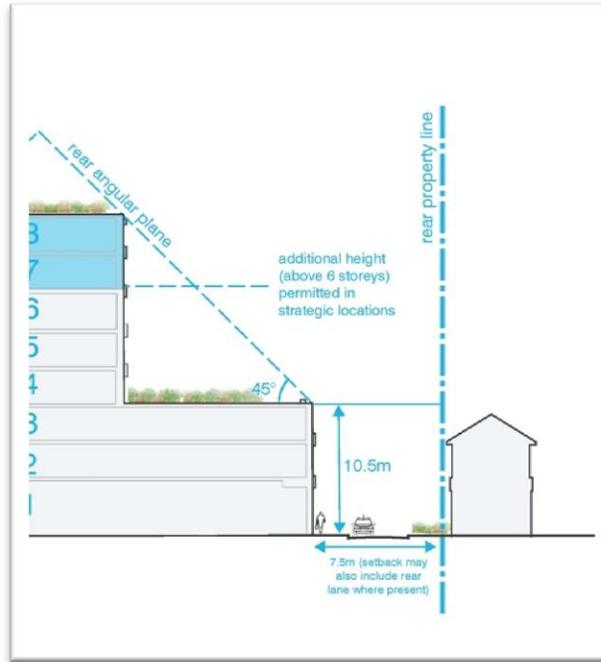


**Figure 9: Floorplate Illustration (Downtown Built Form Standards)**

**Rationale:** This recommendation is based on option 2 as outlined in section 4.4.1.3. The purpose of maximum floorplate regulation is to ensure that tall buildings are slender and massed to contribute positively to Guelph’s profile. By limiting mass of taller buildings, it is intended that light, shadow and sky view impacts are minimized. The addition of floorplate regulations in the Zoning By-law implements the DSP policy.

**Recommendation 12:** Require a rear yard angular plane in areas where a building transitions to adjacent residential zones, including R.1, R.2 and R.3 zones. Buildings equal to or less than 10 storeys in height should contain all massing within the 45 degree angular plane taken from a height of 10.5 metres above a line taken from the required minimum rear yard setback line.

**Rationale:** This recommendation is based on option 3 as outlined in section 4.4.1.3. Special consideration is required when reviewing development adjacent to existing low rise residential and communities on the edge of Downtown. Angular planes may require greater setbacks than those required in the DSP/Built Form Standards (see Figure 10).



**Figure 10: Rear Yard Angular Plane (Downtown Built Form Standards**

**Recommendation 13:** Include a provision related to a maximum building length of 60 metres in order to break up the continuity of building façades.

**Rationale:** This recommendation is based on option 4 as outlined in section 4.4.1.3. Provisions related to maximum building length will ensure the break-up in continuity of building facades in order to express individual units and encourage distinctive architectural elements as established in the DSP. This also adds to the creation of pedestrian-oriented streets.

#### 4.4.1.6 Conclusion

The Zoning By-law can be used to ensure key urban design policies are appropriately incorporated into development throughout the Downtown. Appropriate building massing will ensure a positive pedestrian experience and an appropriate built urban form that addresses and mitigates potential impacts to neighbouring properties.

## 4.4.2 BUILDING SETBACKS

A building setback is the distance that a building must be situated away from the property line, typically defined and regulated as a minimum (see Figure 10). Building setbacks can help ensure that new development fits within its context, respecting the existing development pattern of buildings in the area, or they can be used to establish a different vision. For example, setbacks can be used to reflect the historic siting of buildings in the Downtown. In other areas, setbacks can be used to ensure consistency with those of neighbouring buildings which may be set further back. Furthermore, in Renewal Areas south of the CN rail line, where the built form is expected to transition from suburban to urban buildings, reduced setbacks can be established in the Zoning By-law in order to achieve a more urban form.

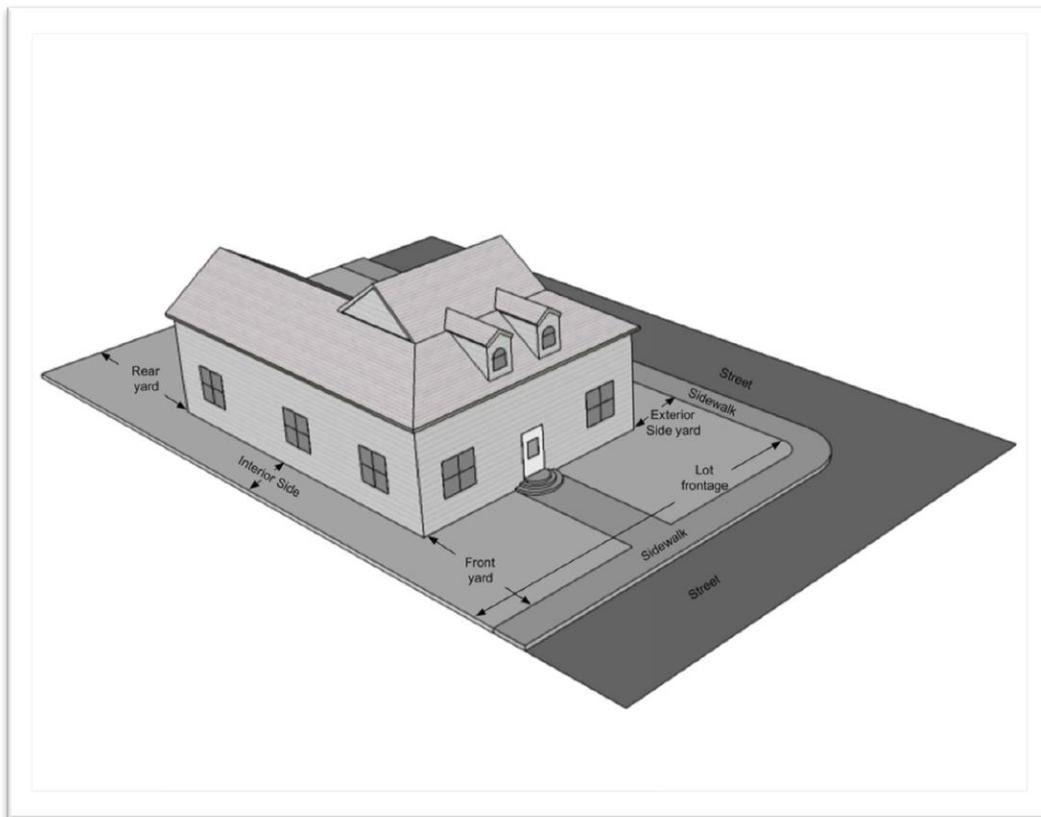


Figure 11: Building Setback Diagram

### 4.4.2.1 Downtown Secondary Plan Context

One of the objectives of the DSP is to ensure that new development contributes to attractive streetscapes and supports an inviting, comfortable and active public realm.

The DSP states the following regarding building setbacks:

- Since Wellington Street East between Wyndham Street South and Gordon Street will continue to be a busy road, the pedestrian zone between future

development on the north side and the roadway in this area should be in the range of 10 metres to provide a buffer between pedestrians and vehicular traffic and accommodate restaurant patios (DSP policy 11.1.5.1.5).

- The Zoning By-law shall establish maximum setbacks on streets where active frontages are required (DSP policy 11.1.7.3.5). See Active Frontage Requirement regulations (Section 4.4.3 of this paper for discussion of this point).
- On all other streets, minimum and maximum setbacks shall be established. The Zoning By-law may include limited exceptions to the build-to lines and maximum setbacks while ensuring that a consistent streetwall is extended, maintained or established.
- Table 1 of the DSP provides for setbacks of 0 to 5 metres with the exception of laneways where the setback is 1 to 2 metres and local streets where the setback is 0 to 6 metres.
- Generally buildings in the Mixed Use 1 land use designation shall be built close to the front property line to help frame and animate adjacent streets (DSP policy 11.1.7.3.5).
- Buildings within the Mixed Use 2 land use designation will have building setbacks along the street that shall generally be consistent with those of neighbouring buildings (DSP policy 11.1.7.4.4b).

The Downtown Built Form Standards includes further direction regarding Building Setbacks:

- Ensure that prevailing setbacks, established by neighbouring properties, are retained, unless this conflicts with the heritage attributes of the building (Built Form Standards, Performance Standard #2)
- In Renewal Areas, new development will transition from suburban to urban setbacks where applicable (Built Form Standards, Performance Standard #6).
- Buildings should be built to the prevailing side and rear yard setbacks, established by neighbouring buildings (Built Form Standards, Performance Standard #6).
- Where an applicable setback line does not exist as a result of varied setbacks on adjacent properties, mixed use or apartment buildings should establish a new front yard setback line based on the average of adjacent setbacks (Built Form Standards, Performance Standard #6).
- On corner sites, development should respond to the setback pattern and alignment of neighbouring buildings on both streets (Built Form Standards, Performance Standard #6).
- Further direction on setbacks within Active Frontage Areas (Built Form Standards, Performance Standard #17).

#### **4.4.2.2 Existing Downtown Zoning By-law**

Currently, the Zoning By-law's CBD.1 (Central Business District) zone does not require a minimum front yard, and has no regulations for side yard or rear yard setbacks. This means that the building can be built to the property line and cover the entire lot. The CBD.2 (Central Business District) zone has a minimum front yard setback of 6 metres, a side yard setback of 3 metres and a rear yard setback of 7.5 metres for residential uses

(12 metres for all other uses). Maximum front yard setbacks are not included in the CBD zones.

In the OR (Office Residential) zone, the front yard setback for a building is a minimum of 3 metres and a maximum of 7.5 metres. Exceptions on specific streets are identified in section 4.24. Sight line triangles are also applicable in the OR zone at intersections where a driveway, lane or parking aisle meets the street (section 4.6). The side yard setback is 1.5 metres (except adjacent to parks, wetland or residential zones). The rear yard setback is 10 metres.

#### 4.4.2.3 Options

The following options are the basis for the planning analysis:

1. Do not require a minimum front yard/exterior side yard setback.
2. Require a minimum front yard/exterior side yard setback.
3. Establish a maximum front yard/exterior side yard setback.
4. Require front yard/exterior side yard setbacks based on the average of neighbouring properties.
5. Review side and rear yard setback requirements.

#### 4.4.2.4 Planning Analysis

Buildings should address adjacent streets while incorporating appropriate building setbacks to maintain streetwall continuity and to achieve appropriate transitions between the public and private realm.

The DSP Land Use Plan (Schedule C) (see Figure 5) shows areas where active frontage is required along key streets (see Section 4.4.3 of this paper). This Built Form Standards recommends that where lot frontages exceed 35 metres, a minimum of 75% of the frontage should be built to the front property line or applicable setback line. The remaining 25% of the building may be setback an additional distance to provide a deeper area for lobby entrances, bicycle parking, small plazas or marketing areas. Additional setbacks should be no greater than 2 metres. A maximum setback regulation would be new to the Zoning By-law. The purpose of a maximum setback regulation is to create a continuous and consistent streetwall to align with the urban vision of the DSP. In accordance with the DSP a 10 metre setback along a portion of Wellington Street will provide a buffer between pedestrians and vehicular traffic and accommodate restaurant patios.

Generally within the balance of the Historic Street-Based Areas and Historic House-Based Area, (see Figure 2) where the 'active frontage' requirement is not applicable, setbacks should respect the historic siting of buildings and ensure the pattern is maintained and extended, particularly adjacent to cultural heritage resources.

Therefore, the 0 metre front, rear and side yard setbacks should be maintained in the existing Historic Street –Based Area (see Figure 2) which has a consistent street edge. This approach should generally be extended to the Renewal Areas (see Figure 2). In addition, a new maximum setback provision should be included, which would range between 2 and 5 metres from the street line.

In the Historic House-Based Area (e.g. the Mixed Use 2 Area) (see Figure 2), building setbacks should be generally consistent with those of neighbouring buildings. For new construction, including additions, the setback should be based on the average of the adjacent properties front yard setbacks. On corner lots, setbacks should generally align with respective street frontages to create a consistent setback along the street. Generally, the side yard and rear yard setback regulations of the existing zoning would be maintained.

Relief from the setback regulations in the Zoning By-law is currently provided through minor variances for site-specific issues. The City will continue to use this existing process to provide relief from the regulations on a site-specific basis.

#### 4.4.2.5 Preliminary Recommendations

Following the analysis of the options the preliminary recommendation(s) are:

**Recommendation 14:** Within the Mixed Use 1 land use designation permit a 0 metre *minimum* building setback (including side and rear yard setbacks) with the exception of Wellington Street East between Gordon Street and Wyndham Street South where the *minimum* front yard setback will be 10 metres.

**Rationale:** This recommendation is based on options 1 and 2 (as applicable to different areas), as outlined in section 4.4.2.3. This minimum setback would reflect the current location of many of the buildings in Downtown at the present time as well as carry forward the existing CBD.1 regulation. A 0 metre setback is consistent with the urban vision established in DSP policy for these areas.

**Recommendation 15:** Within the Mixed Use 1 land use designation permit a *maximum* front yard setback in the range of 2 to 5 metres.

**Rationale:** This recommendation is based on option 3, as outlined in section 4.4.2.3. Similar to the flexibility proposed in the Active Frontage areas, in allowing for a small portion of the building to be setback on larger lots, some flexibility for setbacks is also proposed in the remainder of the Mixed Use 1 area while ensuring that the historical urban setbacks are respected. A new maximum setback provision, ranging between 2 to 5 metres from the streetline would be consistent with the DSP setbacks envisioned.

**Recommendation 16:** Within the Mixed Use 2 land use designation, front yard setbacks should be based on the average of the two adjacent properties' front yard setbacks. Maintain the existing side and rear yard setbacks of the OR zone.

**Rationale:** This recommendation is based on option 4, as outlined in section 4.4.2.3. In accordance with the DSP, lands within the Mixed Use 2 designation are historically mostly residential with a mixture of housing styles but have evolved to accommodate a range of uses, many in partially or fully converted houses. Therefore the predominant character of this area is low-rise buildings that are residential in character, with landscaped front yards, and small-scale, visually unobtrusive commercial signage. In addition, many of the existing buildings and properties in these areas are of cultural heritage value or interest and contribute to Downtown's unique identity. As land uses evolve, the predominant character of the Mixed Use 2 land use designation should be maintained. Therefore in the Mixed Use 2 land use designation, front yard setbacks should generally be consistent with those of neighbouring buildings and based on the average of the adjacent properties' front yard setbacks. This method to determine setbacks in historic areas of the City is currently used in Zoning By-law (1995)-14864. For other setbacks, the existing regulations of the OR zone should be maintained.

#### 4.4.2.6 Conclusion

Regulating minimum and maximum setbacks can ensure that new development respects the existing streetscape as well as help ensure Renewal Areas transition from suburban buildings to urban buildings. Generally, setting reduced minimum and maximum setbacks in the Mixed Use 1 area will ensure consistency with DSP policy and vision of an urban place. Around the edges (e.g. in the Mixed Use 2 land use designation) the Zoning By-law can be used to help reinforce the existing character of the streetscape by ensuring front yard setbacks are based on the average setbacks in the area and carrying forward existing setbacks.

### 4.4.3 ACTIVE FRONTAGE REQUIREMENTS

Vibrant downtowns have active streets with shops, restaurants and other similar uses on the ground floors. Ground floor uses can encourage stronger pedestrian flow and attract customers/patrons/visitors to the area which can have other economic spin-offs.

As stated in the Downtown Guelph Assessment (2013):

*“Strong pedestrian flow increases the length of visits, the number of stores patronized, and the amount spent per visit, which translates into increased commercial activity throughout the Downtown.”*

The DSP includes policies for ground floor commercial uses on key streets to reinforce the role of commercial, pedestrian-oriented, urban streetscapes. The intent of the DSP policy is to ensure the main floor is open to the public rather than closed office or private space. The “Active Frontage” policies can be implemented through regulations in the new Downtown Zoning By-law.

#### 4.4.3.1 Downtown Secondary Plan Context

The DSP Land Use Plan (Schedule C) (see Figure 5) shows areas where active frontage is required along key streets including: Quebec Street, portions of Wyndham Street, portions of MacDonnell Street, Carden Street West, Wilson Street, portions of Wellington Street (generally between Gordon Street and Wyndham), and a small portion of Gordon Street (in the vicinity of the Farmer’s Market).

The DSP contains associated policies that apply to these identified areas that (11.1.7.3.4):

- Limit ground floor use to preserve/establish a retail character;
- Create a continuous street wall—minimum height of 3 storeys;
- Potentially limit the width of stores/space between building entrances;
- Set a minimum ground floor heights of 4.5m;
- Ensure a large proportion of the street-facing ground floor wall of a new mixed-use building shall be glazed; and,
- Establish maximum setbacks for buildings.

The Downtown Built Form Standards includes further direction regarding Active Frontages regarding:

- setbacks;
- active frontage percentage; and
- building entrances.

#### 4.4.3.2 Existing Downtown Zoning By-law

Currently the Downtown Zoning By-law does not contain active frontage requirements. However, it does include a regulation for requiring transparent glass on key streets (Zoning By-law regulation 6.3.2.4.4):

*“No window openings of any Building existing within the CBD.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.”*

In addition, the existing CBD.1 zone does not permit residential units on the ground floor (Zoning By-law regulation 6.3.2.1.3).

#### **4.4.3.3 Options**

The following options are the basis for the planning analysis:

1. Along streets where active frontage is required, regulate the types of ground-level uses (e.g. limit first floor uses) that would be permitted.
2. Along streets where active frontage is required, regulate the distance between building entrances in order to achieve a rhythm and spacing of building entrances facing the street.
3. Along streets where active frontage is required, provide further built form regulations in the Zoning By-law that address: minimum first floor heights, maximum setbacks, ground floor transparency and minimum building heights. Use the DSP and the Built Form Standards to set these regulations.
4. Develop an active frontage overlay or specialized zone that addresses the built form standards depending on the extent of form-based regulation that is desired.

#### **4.4.3.4 Planning Analysis**

Updating the Downtown Zoning By-law to include active frontage regulations will implement the objectives and policies of the DSP and the active frontage recommendations within the Downtown Built Form Standards, as appropriate.

Zoning can be used to reinforce the role of key streets as commercial, pedestrian-oriented, urban streetscapes based on the direction established through the DSP.

Zoning regulations can help to ensure that built form supports a vibrant public realm envisioned along Downtown’s main streets by ensuring that the ground floor design and building entrances promote animation at street level, while encouraging casual surveillance.

This can be established by using form-based zoning to require the development of certain types of built form, such as minimum first floor heights, maximum setbacks, transparency and minimum building heights.

This direction can be accomplished through creating an overlay zoning or specialized zone in the specific active frontage locations identified on Schedule C of the Official Plan (see Figure 5).

In some locations on these key streets office uses currently exist. Office uses are often private in nature and are not open to casual use by visitors to the Downtown. In this sense they do not contribute to creating active vibrant spaces. While the Zoning By-law can limit these uses, existing office uses could be recognized in order to avoid creating legal-non conforming uses.

While certain design elements can be regulated through Zoning By-law regulation, other design elements that cannot be addressed through zoning shall remain in the Downtown Built Form Standards as development guidelines. The Built Form Standards would be applied through the development process. For example, the guidelines would be used and applied through the site plan process. Some of these design elements include window fenestration, specific architectural elements, entrance articulation, etc. are addressed through the review of site plan or other development applications.

#### 4.4.3.5 Preliminary Recommendations

Following the analysis of the options the preliminary recommendation(s) are:

**Recommendation 17:** Based on Schedule C of the Downtown Secondary Plan, create an 'Active Frontage' overlay or specialized zone that includes use restrictions for the ground floor of buildings. Dedicate at least 60% of the street frontage of individual properties to active commercial uses.

**Rationale:** This recommendation is based on option 1, as outlined in section 4.4.3.3. This type of regulation will reinforce the role of key streets as commercial, pedestrian-oriented, urban streetscapes. This regulation will support and implement the DSP policy. The DSP states that "The Zoning By-law may restrict the size of such new uses and/or their width along the street to ensure they do not detract significantly from the intended commercial function of the street."

**Recommendation 18:** Based on Schedule C of the Downtown Secondary Plan, create an 'Active Frontage' overlay or specialized zone that includes further design-oriented regulations. This includes:

- Minimum first floor heights of 4.5 metres measured floor-to-floor from average grade;
- Where lot frontages exceed 35 metres, a minimum of 75% of the frontage should be built to the front property line or applicable setback line. The remaining 25% of the building may be setback an additional distance to provide a deeper area for lobby entrances, bicycle parking, small plazas or marketing areas. Additional setbacks should be no greater than 2 metres;
- Where lot frontages are less than or equal to 35 metres, the entire frontage should be built to the front property line or applicable setback line;
- Minimum building heights of 3 storeys; and,
- Ground floors of non-residential uses shall be transparent (e.g. in the range of 40-60% transparent).

**Recommendation 19:** Based on Schedule C of the DSP, create an 'Active Frontage' overlay or specialized zone to manage the location and separation

distance between doors/entrances (i.e., to accomplish the objective of having one entrance every 10-15 metres).

**Rationale:**

These recommendations are based on options 2, 3 and 4, as outlined in section 4.4.3.3

The DSP states that:

“The width of retail stores and the frequency of entrances shall contribute to a continuously active public realm and give the street wall a visual rhythm. The width of stores and restaurants may be limited through the Zoning By-law to ensure a rhythm of commercial entrances and avoid long distances between commercial entrances.”

Furthermore, the average storefront entrance on the Active Frontage areas north of the CN rail line is approximately every 6.5 metres. Requiring a consistent spacing of building entrances facing the street will help ensure a regular pattern of commercial entrances and avoid long distances between store entrances. Limiting the width of new uses in the Zoning By-law is not proposed at this time.

#### **4.4.3.6 Conclusion**

Zoning can be used effectively to reinforce the role of key streets as commercial, pedestrian-oriented, urban streetscapes based on the direction established through the DSP. Creating an ‘Active Frontage’ overlay or specialized zone, based on Schedule C, which includes ground-level use restrictions will help achieve the policies of the DSP. Further design-oriented regulations related to first floor heights, setbacks, minimum height, transparency, and building entrances are also recommended.

## 4.5 PROTECTION OF CULTURAL HERITAGE RESOURCES

The Downtown Secondary Plan (DSP) recognizes the historic roots of Downtown Guelph, including its original street pattern and a rich inventory of historic buildings. Heritage buildings in the Downtown contribute to a unique and attractive character.

The DSP places emphasis on the importance of conserving significant cultural heritage resources, encouraging sensitive restoration/rehabilitation, and ensuring new construction is compatible with the cultural heritage value of surrounding buildings and neighbourhoods. The Zoning By-law can help support this direction.

### 4.5.1 Downtown Secondary Plan Context

The DSP places an emphasis on the retention of historic buildings and neighbourhoods in the Downtown. As Downtown grows and evolves, it will be important to conserve significant cultural heritage resources; encourage restoration and rehabilitation; maintain distinct heritage character areas; and, ensure new development and tall buildings are compatible with surrounding cultural heritage value.

The DSP provides specific direction for implementation of heritage policies within the Zoning By-law:

11.1.5.4.4 b) implement, where appropriate, standards through the Zoning By-law that further support the conservation of the heritage character of Downtown as outlined in the Downtown Private Realm Improvements Manual, including identified public views, built form provisions, materials, etc.

11.1.5.4.4 c) in addition to the policies of 11.1.7.4.4, implement standards through the Zoning By-law that protect the existing heritage character of Woolwich Street/Norfolk Street and surrounding areas.

The current Official Plan (2001) contains policies that impact redevelopment of heritage properties by including requirements for Built Heritage Resource Impact Assessments through the development process:

3.5.12 The City may require as a condition of approval of a development proposal including the issuance of a building permit, change of use or partial demolition of a built heritage resource that the proponent prepare a built heritage resource impact assessment or a scoped built heritage resource impact assessment.

In addition, Official Plan Amendment 48 (OPA 48) (i.e. the City-wide Official Plan Update) contains more detailed policies related to the requirement of a CHRIA. OPA 48 has been approved by City Council and the Ministry of Municipal Affairs and Housing but is currently under appeal at the OMB.

OPA 48 policy outlines that a CHRIA or a scoped CHRIA may be required, as part of a development application, if the subject property has been designated under the *Ontario Heritage Act* or has been listed as a non-designated property in the Heritage Register:

Non-designated properties that are listed in the Heritage Register may be required to enter into an agreement, as a condition of a development application, to conserve the heritage property and permit the property to be designated. In addition, the City may require the proponent to prepare a Cultural Heritage Conservation Plan as a condition of approval for a development application.

#### **4.5.2 Existing Zoning By-law Context**

The current Zoning By-law (1995)-14864 does not address cultural heritage resources through zoning provisions.

#### **4.5.3 Options**

The following options are the basis for the planning analysis:

1. Include a heritage overlay in the Downtown Zoning By-law to further protect the height and character of heritage buildings.
2. Include an H symbol on listed and designated heritage properties to ensure a CHRIA is undertaken to limit negative development impact.
3. Do not specifically zone heritage properties and allow the development process to ensure protection of cultural heritage resources.
4. As per OPA 48, require a CHRIA for development applications.

#### **4.5.4 Planning Analysis**

The DSP and Built Form Standards recognize the significance that cultural heritage resources have on the social and physical well-being of Downtown. The future success of Downtown is dependent on how built heritage resources and cultural heritage landscapes are conserved and integrated into the built form and physical landscape context. Heritage conservation in the urban context presents an opportunity to enhance and maintain the existing heritage fabric of Downtown. Planning in the Downtown will be about the management of change. Historic buildings and structures should be retained and alterations should be respectful and complimentary to the architectural style and surrounding built heritage form.

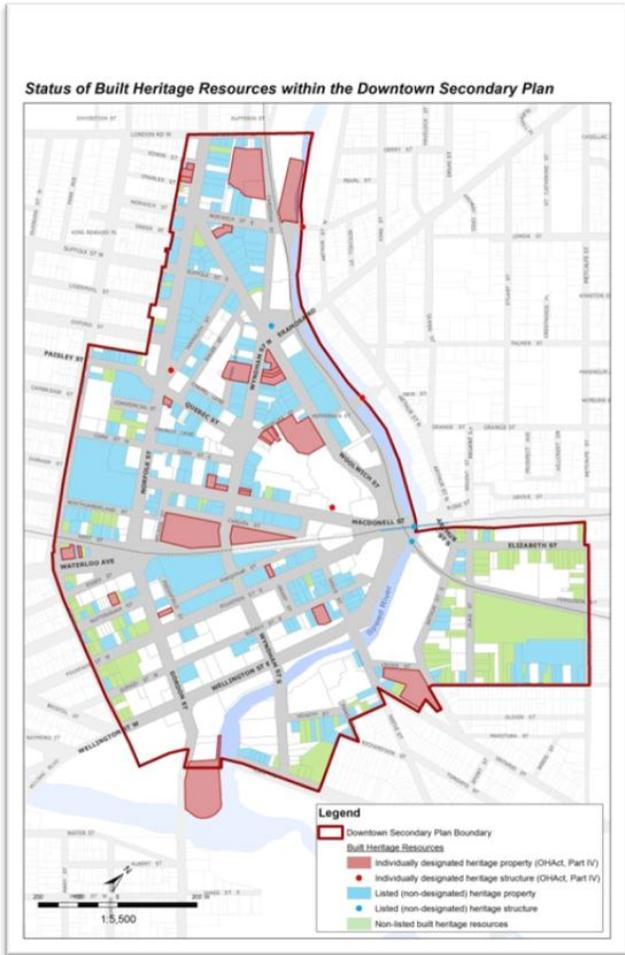
The inclusion of a heritage overlay or H symbol for designated or listed (non-designated) heritage properties in the Zoning By-law could provide an additional regulatory framework specific to the redevelopment of significant heritage properties. However, the inclusion of either a heritage overlay or an H symbol could further complicate the Zoning By-law and development process as a CHRIA is already required through Official Plan policy.

Development in the Downtown has the ability to enhance and revitalize specific heritage assets. New development that is compatible with the existing heritage built form and the original 1827 Town Plan streetscape will produce a high quality built environment. The inclusion of a heritage overlay or H symbol could potentially duplicate efforts as well as add time and costs to applications.

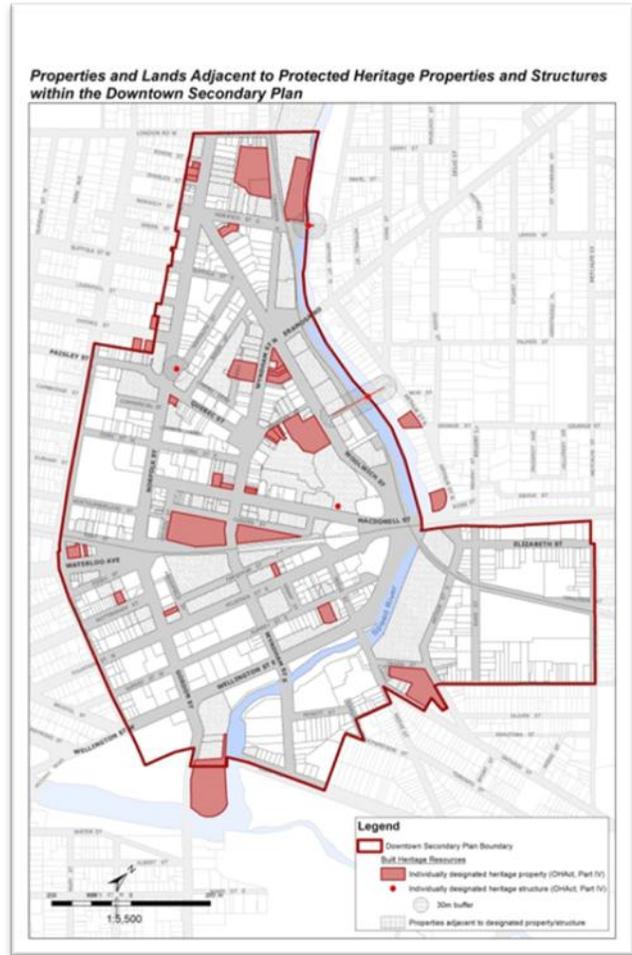
According to current Official Plan policy, a CHRIA can be required when any development is proposed within the Downtown where built heritage resources are impacted. In addition, Heritage Planning and Urban Design staff are highly involved at the development application and site plan approval stage, where new development can be guided in accordance with the established Downtown Built Form Standards and a CHRIA.

One key heritage element that was identified through the preparation of this document was the importance of respecting the cornice line within the Historic Street Based Area (See Figure 2). Based on Staff analysis, setting additional height behind an existing or adjacent cornice line can promote the opportunity for more intensification while respecting the existing heritage character of existing buildings or adjacent buildings.

In addition, the designation of heritage properties in the Downtown is another way to conserve heritage resources. The Downtown Built Form Standards discusses the importance of heritage conservation district(s) (HCD) and the designation of individual properties in the Downtown. The designation of historic areas under Part V of the *Ontario Heritage Act* can provide protection and the management of change and growth. HCDs reinforce community identity, create local self-awareness and promote social cohesion. The districts will contribute to a strong sense of place while reflecting the historic significance and community heritage values. The Built Form Standards recognize the potential of a HCD for Douglas Street, residential areas adjacent to Ward West and Neighbourhood Fringe Area, as defined in the Built Form Standards. The designation of individual properties under Part IV of the *Ontario Heritage Act* will further assist in conserving properties already recognized as having cultural heritage value. The Downtown Zoning By-law update does not address the designation of properties or districts. However, designation is important and would provide additional regulatory means to protect heritage resources. The designation of properties is not within scope of this project.



**Figure 12: Built Heritage Resources in DSP Area**



**Figure 13: Land Adjacent to Protected Properties in the DSP Area**

#### 4.5.5 Preliminary Recommendations

Following the analysis of the options the preliminary recommendation(s) are:

**Recommendation 20:** Rely on the development review process and the requirement of a Cultural Heritage Resource Impact Assessment (CHRIA) to ensure that cultural heritage resources are conserved.

**Rationale:** This recommendation is based on recommendation 4, as outlined in section 4.5.3. The City has sufficient authority through current Official Plan policy to require a CHRIA through the development review process. The CHRIA would inform and provide recommendations for the heritage components of the application. In addition, Official Plan policy and the Downtown Built Form Standards are applied through the development application process, including the Site Plan Approval stage (where applicable).

**Recommendation 21:** Revise Site Plan Guidelines to include protection for prominent 3rd storey cornice lines as the proposed Zoning By-law will only require a setback after the 4th storey.

**Rationale:** This recommendation was developed as the options in section 4.5.3 were analyzed. An update to the Site Plan Guidelines would ensure protection of third storey prominent historic cornice lines in the Downtown when Zoning By-law regulations will permit an additional fourth storey with no required setback. This guideline would give staff more authority to negotiate building massing and work with applicants to ensure building alterations respect the existing heritage character of the building/adjacent buildings.

**Recommendation 22:** Heritage Staff continue to work with property owners and Heritage Guelph to recommend the designation of cultural heritage resources in Downtown.

**Rationale:** This recommendation was developed as the options in section 4.5.3 were analyzed. Designation of individual property under Part IV of the *Ontario Heritage Act* should be considered a priority for the buildings in Downtown Guelph identified as "Listed." Future designations will assist in conserving properties already recognized locally of cultural heritage value and provide future municipal stewardship of the built environment. For properties identified as "non-listed built heritage resources" further research to determine cultural heritage value should be prepared to evaluate their merit for inclusion as a "Listed" property.

#### 4.5.6 Conclusion

As discussed, the Zoning By-law can be used to enforce specific regulations. However, in some cases, zoning regulations may cause undue impacts on applications such as extended timelines and duplication of efforts. Furthermore, additional regulation such as overlays and H symbols can complicate the By-law, making it more difficult to administer. Therefore, zoning tools related to Cultural Heritage Resources are unnecessary in the implementation of the DSP. As recommended, the development

process offers multiple stages that will ensure heritage buildings and cultural heritage landscapes are conserved appropriately. Additional guidelines can be added to provide additional direction to development.

## 4.6 VEHICLE & BICYCLE PARKING STANDARDS

Parking needs to be addressed appropriately in order to achieve the urban vision of an intensified Downtown. Parking rates that are too high can work against creating a walkable place by creating gaps in the urban fabric. For developers, it can be difficult and costly to incorporate parking spaces. On the other hand, new development can generate additional demand and affect the parking system of the Downtown.

### 4.6.1 Downtown Secondary Plan Context

The DSP contains objectives to ensure parking is provided to meet the needs of Downtown businesses, residents and visitors, while encouraging alternative modes of transportation, such as walking, cycling, transit and carpooling.

DSP policy emphasizes Transportation Demand Management (TDM) practices to promote attractive alternatives to the automobile, additionally reducing the pressure for parking in the Downtown as well as reduced community fragmentation caused by road/street widening.

TDM is considered critical to achieving a transportation system Downtown that provides and promotes attractive alternatives to the automobile. The City will work with stakeholders to promote the use of transit, walking, cycling and carpooling. Guelph Central Station is located in the Downtown which will help increase the transit modal share. TDM plans for large scale developments are required by the DSP in an effort to discourage single-occupancy vehicle trips, minimize parking and promote transit use, cycling, car sharing and/or carpooling. Reduced parking standards may be considered for developments which demonstrate that a reduction in parking standards is appropriate or justified.

In addition, the DSP includes specific policies related to the inclusion of bicycle parking in the Zoning By-law.

- 11.1.4.4.3 All office and apartment buildings shall include secure, indoor private parking and storage facilities. The Zoning By-law shall establish minimum requirements for bicycle parking. Major office developments shall be encouraged to include change rooms, showers and lockers for bicycle commuters.

Furthermore, the DSP encourages development in Downtown, particularly in the Renewal Areas south of the CN rail line (see Figure 2) and the Ward West area (i.e. southeast of the Speed River) in order to expand the Downtown and urbanize this area. Zoning By-law requirements will need to be reviewed to ensure that zoning regulation supports this urban form. Specifically, policy 11.1.4.5.4 f) of the DSP indicates that the City will consider the appropriate minimum and maximum parking standards including the provision of required parking off-site.

Specific details relating to the design of parking facilities are also included within the DSP:

- 11.1.7.2.4 c) Parking for apartment dwellings, including visitor parking, generally shall be located in underground or above-ground structures or surface parking at the rear of the building, unless other arrangements for off-site parking have been made to the City's satisfaction.
- 11.1.7.2.4 e) Generally no parking shall be permitted between the front of a building and the street to help create pedestrian-oriented streetscapes.

## 4.6.2 Existing Zoning By-law Context

Section 4.13 of Zoning By-law (1995)-14864 outlines the standard commercial use ratios for off-street parking within the City. Table 6.3.2- Regulations Governing Central Business District (CBD) zones more specifically addresses parking within the CBD. Currently most lands within the CBD.1 zone, with the exception of apartment dwelling units and hotels, are exempt from the need to supply any off-street parking. Lands that fall within the DSP area that are not in the CBD.1 zone are required to meet the same off-street parking requirements that exist for the entire City, including more suburban areas. Table 7 below provides a summary of the existing off-street parking requirements for various land uses in the CBD.1 zone and for zones outside of the CBD.1 zone.

The Zoning By-law does not currently regulate bicycle parking.

### Existing Zoning By-law Parking Supply Requirements outside the CBD.1 Zone

Land Use	Minimum Number of Required Parking Spaces	
	CBD.1 Zone	Outside CBD.1 Zone
Office	No parking required	3.03 per 100 m <sup>2</sup> (1/33 m <sup>2</sup> )
Medical Office	No parking required	7.0 per practitioner
Medical Clinic	No parking required	6.0 per practitioner or 6.45 per 100 m <sup>2</sup> (1/15.5 m <sup>2</sup> )
Veterinary Service	No parking required	4.0 per 100 m <sup>2</sup> (1/25 m <sup>2</sup> )
Financial Establishment	No parking required	6.06 per 100 m <sup>2</sup> (1/16.5 m <sup>2</sup> )
Retail Establishment	No parking required	6.06 per 100 m <sup>2</sup> (1/16.5 m <sup>2</sup> )
Personal Service Establishment	No parking required	6.06 per 100 m <sup>2</sup> (1/16.5 m <sup>2</sup> )
Convenience Store	No parking required	6.06 per 100 m <sup>2</sup> (1/16.5 m <sup>2</sup> )
Hardware Store	No parking required	5.0 per 100 m <sup>2</sup> (1/20 m <sup>2</sup> )
Liquor Store	No parking required	6.06 per 100 m <sup>2</sup> (1/25 m <sup>2</sup> )
Dry Cleaning Outlet	No parking required	3.03 per 100 m <sup>2</sup> (1/33 m <sup>2</sup> )
Repair Service	No parking required	3.03 per 100 m <sup>2</sup> (1/33 m <sup>2</sup> )

Office Supply	No parking required	4.0 per 100 m <sup>2</sup> (1/25 m <sup>2</sup> )
Print Shop	No parking required	2.0 per 100 m <sup>2</sup> (1/50 m <sup>2</sup> )
Computer Establishment	No parking required	3.03 per 100 m <sup>2</sup> (1/33 m <sup>2</sup> )
Tradesperson Shop	No parking required	2.5 per 100 m <sup>2</sup> (1/40 m <sup>2</sup> )
Factory Sales Outlet	No parking required	3.03 per 100 m <sup>2</sup> (1/33 m <sup>2</sup> )
Restaurant, Tavern	No parking required	13.33 per 100 m <sup>2</sup> (1/7.5 m <sup>2</sup> )
Restaurant, Take-out	No parking required	11.11 per 100 m <sup>2</sup> (1/9 m <sup>2</sup> )
Hotel	1.0 per guest room	1.0 per guest room plus 10.0 per 100 m <sup>2</sup> (1/10 m <sup>2</sup> ) open to the public excluding corridors, lobbies or foyers
Apartment Building	1.0 per unit for dwelling units. No visitor parking required	1.5 per unit up to 20 units 1.25 per unit in excess of 20 units No visitor parking required
Townhouse	1.0 per unit	1.0 per unit

**Table 7: Existing Zoning By-law Parking Requirements outside the CBD.1 Zone**

### 4.6.3 Options

The following options are the basis for the planning analysis:

1. Do not change the existing Downtown parking ratios in the Zoning By-law.
2. Minimize the number of land use categories with different parking supply requirements.
3. Reduce the parking supply requirements for lands outside of the CBD.1 zone that are within the DSP area.
4. Include bicycle parking supply and associated shower/change facility requirements in the Zoning By-law.
5. Include shared parking ratios for mixed use developments.
6. Regulate the location and design of parking on a property.

### 4.6.4 Planning Analysis

The Downtown Parking Master Plan (2016 to 2035) was adopted by Council on November 18, 2015. As part of the project, IBI Group was retained to develop background information for the Downtown Parking Master Plan (DPMP).

The DPMP presented the following zoning direction:

- Align Zoning By-law regulations with the DSP area to reflect urban built-form standards:
  - Rationalize policies and approaches to embed into updated zoning regulations;
  - Consider minimum and maximum parking standards for all uses;
  - Introduce adjustment factors for shared parking, TDM, bike parking, etc.;
  - Introduce off-street parking option (allowing developer to secure private or municipal parking off-site); and,
  - Review and update on-street operations where land-use objectives have been upgraded (change areas).

The DPMP program requirements include the development of supportive policies and zoning in order to address the infrastructure need and vision for intensification and economic development in Downtown.

Through the Downtown Zoning By-law Update project, BA Group was retained to conduct a peer review of the recommendations in the IBI Background Report and provide more detailed parking ratios to be included in the Zoning By-law. The memo provided by BA Group specifically recommends consolidating uses, reducing parking ratios, applying a blended vehicle parking rate and bicycle parking ratios that are appropriate in the Downtown Guelph context. The Downtown Guelph Parking Supply Requirements Memorandum, prepared by BA Group, has been included as Appendix A to this Paper.

Recommendations from the DPMP and Downtown Guelph Parking Supply Requirements Memorandum have informed the recommendations of this discussion paper.

As outlined in Appendix A, the types of retail and commercial uses found in traditional main streets and downtown core areas exhibit less intense parking and traffic demand than suburban shopping areas. A reduction in the parking requirements for areas outside of the CBD.1 zone in Downtown, specifically those lands in the Renewal Area south of the CN rail line, will allow for the transition of this area from a suburban to an urban form as envisioned in DSP policy and will encourage redevelopment in this area. Reducing the parking regulations will assist in the continued economic vitality of Downtown.

The number of land use categories with different parking supply requirements in the Zoning By-law should be reviewed and minimized in order to facilitate new development and provide flexibility in terms of tenant use. The inclusion of a number of different parking ratios based on use within Downtown urban environments can impede new development or conversion projects because every time the use changes a different parking requirement applies. This “new” parking requirement may not be achievable on smaller building sites.

Parking maximums can be used to discourage the development of excessive parking while also ensuring that adequate parking is supplied. As outlined in the IBI Group report, parking maximums are not being recommended, as it is considered unlikely that excessive parking will be supplied given the constrained land area in Downtown Guelph.

### *Analysis for CBD.1*

As outlined above no parking is required for commercial uses in the CBD.1 zone of the historic Downtown. Residential uses generally require parking. No major changes are anticipated in this area with regards to parking. However, based on experience with some of the recent developments in Downtown, a small amount of residential visitor parking should be required in the Zoning By-law.

### *Analysis and Directions for Renewal Areas south of the CN rail line (i.e. generally outside CBD.1)*

Parking ratios have been determined based on parking supply and demand assumptions in the Renewal Area south of the CN railway line. Current parking demand assumptions are based on BA Group's experience observing/determining parking demand in other mixed-use downtowns across Ontario and Canada (see Appendix A for further discussion).

Assumptions of public parking spaces are based on the proposed parking structures identified in the DPMP (2016-2035), i.e. Neeve Street and Fountain Street parking structures. Neeve Street will contain a minimum of 250 public parking spaces and Fountain Street will contain a minimum of 500 public parking spaces. When accounting for current monthly parking permits in those lots as well as the on-street permit parking that will be moved off-street, it is assumed that Neeve Street will supply 50 additional parking spaces and Fountain Street will supply 250 additional public parking spaces south of the CN rail line.

Additional short term public parking may be accommodated on-street through adjustments to the parking management system. Currently there are 146 on-street public parking spaces on streets south of the CN rail line. 53 monthly parking permits have been issued south of the CN rail line on the following streets: Surrey Street, Farquhar Street and Freshfield Street. There is potential to turn these monthly permit spaces into short term on-street spaces and move the monthly permit parking west of Gordon Street or in new off-street parking structures, i.e. Wilson, Neeve or Fountain, to increase short term on-street parking capacity. In addition, the background information prepared by IBI Group suggested there is an opportunity to create an additional 50 on-street parking spaces south of the CN rail line as some streets that currently only have parking on one side of the street may have potential to add parking on the opposite side. In total it is assumed that there will be approximately 150 on-street parking spaces south of the CN rail line.

<b>Use</b>	<b>Total Parking Demand</b>	<b>Notes</b>
<b>Commercial</b>	3.0 per 100m <sup>2</sup>	
<b>Office</b>	3.0 per 100 m <sup>2</sup>	
<b>Residential</b>	1.15 per unit	Includes a visitor parking rate of 0.15 per unit

**Table 8: Parking Demand Rates**

Private parking assumptions are based on anticipated commercial, office and residential gross floor area (GFA) south of the CN rail line, as well as projected parking demand rates (see Table 8). Assumptions have been made to determine what percentage of the public and private realms would accommodate these spaces to assist in determining a Zoning By-law rate (private parking rate). Based on the vision of the DSP, it has been assumed that the transformation towards a more urbanized form can only be achieved if some of the parking demand south of the CN rail line is fulfilled by the public parking supply.

The proposed directions are based on the following assumptions:

1. For non-residential uses, the public parking supply will accommodate:
  - commercial customers; and,
  - half of the office use requirement.
2. The non-residential private realm (i.e. spaces required through the Zoning By-law requirement) is responsible for:
  - commercial employees; and,
  - the other half of the office use parking demand.
3. For residential uses, the private realm (i.e. established through Zoning By-law requirement) is responsible for supplying parking for residents and the public realm is responsible for supplying visitor parking and related mixed-use commercial parking. However, based on experience with some of the recent developments in Downtown, a small amount of residential visitor parking should be required in the Zoning By-law (i.e. 0.05 spaces per unit) in order to address longer term visitors on-site. For short term residential visitors it is assumed that there is no need to build additional public parking because of temporal difference in demand (i.e. the commercial customer parking and the resident visitor parking do not peak at the same time).

Based on the above assumptions, it is anticipated that there will be a modest theoretical deficit, if modal splits do not change, of approximately 200 parking spaces. However, based on the forecasted modal changes to 2031 (e.g. more cycling, transit users, walking etc.) this deficit is reasonable as the parking demand rates (i.e. those shown in Table 8) should decrease over time. The theoretical deficit should be monitored and adjustments made to the DPMP and the Zoning By-law each time they are reviewed.

#### *Parking for Cultural Heritage Resources*

In order to encourage the retention of cultural heritage resources, the requirements for parking should be eliminated for designated or listed buildings. This will assist in addressing Principle 1 of the DSP (Celebrate What We've Got) including objectives that encourage the reuse of historical buildings and maintaining the distinct heritage character within Downtown.

#### *Payment-in-Lieu of Off-Street Parking*

As a development incentive and source of funds to assist in financing future parking infrastructure, the City should accept payment-in-lieu of meeting Zoning By-law parking

requirements. This will encourage a higher density compact development form as envisioned in the DSP. Payment-in-lieu would facilitate developments which cannot provide parking on their own site at a reasonable cost or at all. It will also encourage the creation of strategically located facilities that can be efficiently shared by multiple users in a cost effective manner and discourage the proliferation of many small parking facilities (see Appendix A for further discussion). An enabling policy is included in the DSP (11.1.4.5.3). A Zoning By-law regulation could be included for additional clarity; however, it is not specifically required by the *Planning Act*.

### *Bicycle Parking*

The provision of adequate, safe, convenient bicycle parking and support facilities are important to support increased cycling as a regular mode of transportation for both commuters (employees) and visitors to commercial, institutional, recreational and residential uses in Downtown. Furthermore, increased cycling will reduce the growth in vehicle trips and future parking needs as well as support more sustainable travel patterns.

The *Cycling Master Plan – Bicycle-Friendly Guelph* was prepared in 2012 and includes the following recommendation:

“Update the Zoning By-Law and the Site Plan Approval Procedures and Guidelines to include provisions for bicycle parking as per the guidelines recommended in this Plan.”

The document also includes excerpts from City of Thunder Bay bicycle parking facilities which are considered to serve as good guidelines for end-of-trip provisions in Guelph. Through BA Group (Appendix A) these guidelines were reviewed and used along with their experience to come up with recommended ratios for Downtown.

Permitting payment-in-lieu of bicycle parking can also be used to provide more flexibility for developers to provide the bicycle spaces—especially where buildings are permitted to build out from lot line to lot line.

Requiring shower and change facilities in the Zoning By-law for employment uses can encourage the use of this alternative travel mode. However, this should be considered as part of the future city-wide comprehensive Zoning By-law update rather than creating a new regulation only for Downtown at this time.

### **4.6.5 Preliminary Recommendations**

Following the analysis of the options the preliminary recommendation(s) are:

#### **Recommendation 23:**

##### *Within existing CBD.1 Zone*

- a. No change to the current regulation that exempts the CBD.1 zone from providing off-street parking spaces is being proposed. It will need to be determined where it may be appropriate to expand the CBD.1 zone parking exemption within the DSP area.

- b. Consider implementing a parking supply rate of 0.05 spaces per residential apartment unit within Downtown for visitor parking.

*Renewal Area South of the CN Rail Line (i.e. generally outside of CBD.1 zone)*

- c. Implement a single parking supply rate for general retail and commercial space (e.g. retail, personal service, real estate uses, restaurant, etc.) at a minimum rate of 1.0 space per hundred squares metres of gross floor area (GFA).
- d. Implement a parking supply rate of 1.5 spaces per hundred square metres of gross floor area (GFA) for office uses, including medical office.
- e. Implement a parking supply rate of 1.0 space per residential unit plus 0.05 visitor spaces per residential apartment unit within Downtown.

*Other Parking Recommendations*

- f. No additional parking will be required for cultural heritage resources designated under the *Ontario Heritage Act*.
- g. Enable a payment-in-lieu of off-street parking permission in accordance with Section 40 of the *Planning Act*.
- h. South of the CN rail line, implement additional on-street parking spaces where feasible and transition on-street parking to service short-term parking demand.

**Rationale:** This recommendation is based on a combination of options 1, 2 and 3, as outlined in section 4.6.3. A consolidated parking supply rate for commercial zones will simplify the Zoning By-law and mitigate development impediments in Downtown created when the use of an existing building changes. A reduced ratio can be justified based on the urban context, the provision of public parking and the use of alternative methods of transportation, such as cycling, walking and public transit, including the close proximity of the Guelph Central Station.

**Recommendation 24:**

- a. Implement long term bicycle parking requirements in Downtown that require a secure and covered supply for employees for non-residential uses (i.e. long term parking).
- b. Implement short term bicycle parking requirements in Downtown.
- c. Enable a payment-in-lieu of bicycle parking permission in accordance with Section 40 of the *Planning Act*.
- d. Implement bicycle parking requirements for high density residential zones. Parking would be required to be provided in a secure weather protected area of the building which would include bicycle racks in a monitored area, a limited access room or garage and bicycle lockers.

Use	Recommended Bicycle Parking Requirements
Office Use	0.17 spaces per 100 square metres (long term) Plus 0.03 spaces per 100 square metres (short term)
Retail Uses	0.085 spaces per 100 square metres (long term) Plus 0.25 spaces per 100 square metres (short term)
All other non-residential Uses	4% for long term users plus 4% for short term users
Residential Apartments	0.68 resident spaces per unit 0.07 visitor spaces per unit

**Table 9: Recommended Bicycle Parking Requirements**

**Rationale:** This recommendation is based on a portion of option 4, as outlined in section 4.6.3. The provision of adequate, safe and convenient bicycle parking and support facilities are important to support increased cycling as a regular mode of transportation for both commuters (employees) and visitors to commercial, institutional, recreational and residential uses in Downtown. The ratios being recommended are based on The Downtown Guelph Parking Supply Requirements Memorandum.

**Recommendation 25:**

- a. Do not permit surface parking in the front or exterior side yard in Mixed Use 1 and Mixed Use 2 areas in the Zoning By-law.
- b. Additional regulations regarding side yard screening should be implemented in the Zoning By-law.
- c. Regulate number and placement of driveways.

**Rationale:** This recommendation is based on option 6, as outlined in section 4.6.3. The DSP includes policy that does not permit parking between the front of a building and the street. This will help create pedestrian-oriented streetscapes.

#### 4.6.6 Conclusion

Changes to vehicle parking requirements in the Zoning By-law and including bicycle parking standards will assist in realizing the vision established in the DSP and ensure that the appropriate amount of off-street parking is provided. Reducing the parking requirements for those lands within the DSP area that are not zoned CBD.1 will help transform the more suburban built form in the Renewal Area south of the CN rail line into the urban form envisioned by DSP policy. Furthermore, the consolidation of similar parking ratio uses will aid in the economic vitality of Downtown and reduce the need for minor variances. The inclusion of bicycle parking standards can further reduce the parking pressure in Downtown.

# Memorandum

**TO:**

**David de Groot**  
Senior Urban Designer  
The City of Guelph

**FROM:**

Ralph Bond

**PROJECT:**

7723.01  
Downtown Guelph Parking

**DATE:**

January 29, 2016

**SUBJECT: PARKING SUPPLY REQUIREMENTS FOR SOUTH DOWNTOWN GUELPH**

This memo has been prepared to review the parking supply requirements for the Downtown Guelph Secondary Plan area.

At present the downtown area north of the tracks predominantly consists of land areas designated CBD.1 whereas the land area south of the tracks predominantly consists of lands designated CBD.2 or other designations.

Table 1 provides a summary of the existing parking supply requirements for various land use or building types in the CBD.1 zone and for zones outside the CBD.1 zone. Essentially, most land uses in the CBD.1 zone, with the exception of apartment buildings (with commercial space) and hotels, are exempt from the need to provide any parking supply. In contrast, land uses that are not in the CBD.1 zone are required to meet the same parking supply requirements that exist for the entire City including the suburbs.

The Downtown Secondary Plan intends to encourage redevelopment in the area south of the tracks and southeast of the Speed River in order to expand the downtown area. Given the large land area involved, the larger building parcels and the probability that most new development will require substantial redevelopment rather than infill type renovation, it is anticipated that most new development will be able to supply substantially more private parking supply than the older historic part of the downtown in the CBD.1 zone.

Many municipalities require parking to be provided in mixed use main street areas at many different rates for different land uses. Unfortunately this often impedes new development or conversion projects because every time the use changes a different parking requirement applies, which may not be achievable on smaller building sites. It also makes it very difficult to determine the appropriate parking supply for larger new development projects where it is not known in advance just how the tenant mix will end up. This in turn leads to leasing challenges. In order to address these practical development impediments it is highly desirable to

minimize the number of land use categories with different parking supply requirements in order to facilitate new development and provide flexibility in leasing space.

**TABLE 1 EXISTING ZONING BYLAW PARKING SUPPLY REQUIREMENTS**

Land Use	Minimum No. of Required Parking Spaces	
	CBD.1 Zone	Outside CBD.1 Zone
Office	No parking required	3.03 per 100 sm (1/33sm)
Medical Office	No parking required	7 per practitioner
Medical Clinic	No parking required	6 per practitioner or 6.45 per 100 sm (1/15.5sm)
Veterinary Service	No parking required	4.0 per 100 sm (1/25sm)
Financial Establishment	No parking required	6.06 per 100 sm (1/16.5sm)
Retail Establishment	No parking required	6.06 per 100 sm (1/16.5sm)
Personal Service Establishment	No parking required	6.06 per 100 sm (1/16.5sm)
Convenience Store	No parking required	6.06 per 100 sm (1/16.5sm)
Hardware Store	No parking required	5.0 per 100 sm (1/20sm)
Liquor Store	No parking required	6.06 per 100 sm (1/16.5sm)
Dry Cleaning Outlet	No parking required	3.03 per 100 sm (1/33sm)
Repair Service	No parking required	3.02 per 100 sm (1/33sm)
Office Supply	No parking required	4.0 per 100 sm (1/25sm)
Print Shop	No parking required	2.0 per 100 sm (1/50sm)
Computer Establishment	No parking required	3.03 per 100 sm (1/33sm)
Tradesperson Shop	No parking required	2.5 per 100 sm (1/40sm)
Factory Sales Outlet	No parking required	3.03 per 100 sm (1/33sm)



Restaurant, Tavern	No parking required	13.33 per 100 sm (1/7.5sm)
Restaurant (Take-out)	No parking required	11.11 per 100 sm (1/9sm)
Hotel	1 per guest room	1 per guest room plus 10.0 per 100sm (1/10sm) for function space
Apartment Building	1.0 per unit for dwelling units with commercial uses No visitor parking required	1.50 per unit up to 20 units 1.25 per unit in excess of 20 units No visitor parking required
Townhouse	1.0 per unit	1 per unit

## Retail - Commercial Parking Demand

Smaller scale retail and commercial uses found in traditional main street and downtown core areas or along intensification corridors exhibit significantly different parking characteristics than larger shopping centres. The retail, personal and business services located in these areas are often less intense in terms of parking and traffic demand than large shopping centres or suburban mixed use centres. The lower intensity is largely explained by the following factors:

- A significant portion of the customers are drawn from adjacent residents and businesses;
- A significant portion of the employees are also drawn from adjacent residential areas;
- A substantial portion of the businesses are independent owner operated that need to generate less business volume to be successful;
- A significant portion of the customers' park on one site and then walk to several others (i.e. shared parking).

The first two factors reduce parking demand because people walk, cycle or are dropped off in a car from adjacent areas rather than drive and park. The third factor reduces parking demand simply due to the lower volume of activity. The fourth factor reduces parking needs because people treat the overall area as one integrated mixed use centre with shared parking between separate properties.

Surveys conducted by BA Group and others at many downtown main street type mixed use areas indicate that overall peak parking demand in these locations is typically 3.0 spaces per hundred square metres of GFA or lower. This overall demand rate includes a wide range of commercial uses, including banks, real estate offices, medical offices and restaurants.

A single parking supply rate of 3.0 spaces per hundred square metres GFA for general retail and commercial space including office space, would significantly mitigate the development impediments described earlier.

Medical offices and financial institutions can generate significantly higher parking demands than general retail and commercial space, especially when they exceed 10% of the floor area in a specific development. A higher rate of 4.85 spaces per hundred square metres GFA (one space per 20.6 square metres) for financial



institutions and medical office uses when they exceed 10% of the total commercial GFA in a development could be required to recognize the higher parking demand they generate. However, this would result in pre-leasing and re-leasing challenges for building owners. On an area wide basis, it is unlikely that the proportion of medical and financial institution space will exceed 10% of the overall commercial floor space. With this in mind, it would be preferable from an administrative and economic development perspective to use the same 3.0 space per hundred square metre rate proposed for retail and general commercial uses.

Restaurants are high parking demand generators during evenings and weekends when they might need as much as 9.0 spaces per hundred square metres (one space per 11.1 square metres); however, the rate is much lower during weekday daytime periods due to lower business volume and substantial walk in traffic from adjacent employees and residents. In traditional downtown settings, there is usually ample parking available to accommodate the higher evening and weekend demand in nearby public and private parking that is vacated by daytime office employees. Therefore, in order to facilitate leasing for different uses, the supply rate for restaurants could also be set at 3.0 spaces per hundred square metres GFA.

## **Residential Use Parking Demand**

Most municipal zoning by-laws require parking to be supplied for high density residential uses (i.e. apartment buildings) at rates well above one space per unit, often varying by unit type and with a separate requirement for visitor parking. In intensification nodes and downtown main street type areas, some municipalities reduce the resident rates to 1.0 space per unit and let the market indicate to the developer how much more parking might be required to sell units. In addition, visitor parking is eliminated or reduced from typical rates of 0.25 spaces per unit, where municipal on or off-street parking is available in the area.

The City of Mississauga reduced its requirements for apartments to 1.0 space per unit with no visitor requirement for the high density City Centre area. They subsequently amended the by-law to require 0.15 spaces per unit in response to a few large projects that did not provide any visitor parking. Initially, most developers supplied parking at rates of approximately 1.35 to 1.5 spaces per unit including visitors. More recently, developers with smaller units are building at 1.0 space per unit for residents. Mississauga strongly encourages grade level commercial space in new residential projects and has recognized the benefits of shared parking by allowing the requirement for commercial parking and residential visitor parking to be shared in a common pool. The by-law requires the non-resident supply to be the greater of the residential visitor requirement (0.15 spaces per unit) or the applicable commercial requirement, excluding restaurants or bars.

Parking requirements for high density residential uses in downtown Guelph should be set at a minimum of 1.0 space per unit for residents. The visitor parking requirement should be set at least at 0.05 spaces per unit to accommodate visitors who stay overnight. The remaining 0.10 could be accommodated by the municipal parking supply in the area.

## **Proposed Municipal Parking Supply**

The City of Guelph Parking Master Plan includes the provision of two new municipal parking garages in the downtown area south of the tracks with approximately 800 spaces including a 550 space facility on the existing Fountain Street parking lot and a 250 space facility on the Neeve Street surface lot near the GO



Station. Approximately 150 on-street parking spaces will also be provided by the City. This plan which was approved in principle by Council in November 2015 demonstrates a commitment by the City to play a significant role in the provision of shared public parking resources in the south downtown area.

With this in mind, the City could set parking supply requirements in the zoning by-law to be lower than anticipated demand to recognize that the new municipal parking they provide will be able to accommodate this demand. Alternatively it could set the supply requirements at the anticipated general demand rate and encourage developers to make payments to the City in lieu of providing parking in order to assist in funding the new municipal parking infrastructure.

City staff and BA Group conducted a built form review to determine the estimated overall parking demand that might be generated by potential new development in the south downtown area as permitted by the proposed secondary plan. The amount of net new parking supply that will be provided by the City was deducted from the estimated demand to determine how much parking would have to be provided on private development sites in order to accommodate the estimated overall demand. This review suggests that a parking supply rate of 1.75 spaces per hundred square metres for all commercial development, including office space, would be required to meet future demand. However, future increases in transit, walking and cycling use over the longer term could reduce this rate down to 1.30 spaces per hundred square metres. This average rate could also be adjusted to require office buildings to provide at least one half of their estimated demand on site which would be 1.5 spaces per hundred square metres and retail uses to provide enough parking to meet average employee demand at 1.0 space per hundred square metres GFA. This could also have the effect of directing more of the short term customer demand to the municipal parking system which would generate more revenue to fund these facilities.

## Potential Parking Supply Rates

Table 2 provides a summary of the proposed parking supply rates for the expanded redevelopment area south of the tracks and southeast of the Speed River based upon the discussion above. It includes 1.5 spaces per hundred square metres GFA for office space and 1.0 spaces per hundred square metres for all other commercial and retail uses. It also includes a proposed rate for hotel space which includes a reduction in the existing requirement from 1.0 space per room to 0.75 spaces per room, based upon our experience for various hotel developments.

Heritage buildings in downtown areas often find it difficult to meet parking supply needs when they are renovated or change land use types because they typically do not have much or any on-site parking of their own. In order to encourage the restoration, renovation and adaptive use of such buildings, some municipalities exempt them from the parking supply requirements set out in the zoning by-law. Such exemptions should be restricted to buildings that have been officially designated under the Heritage Act and should not apply to new development that removes substantial portions of the building and rebuilds the façade with remnants of the original building. The rationale for this exclusion being that the builder could have supplied some on-site parking if they demolish a substantial portion of the building.

The City should monitor future development conditions and adjust their plans for municipal parking supply to reflect demand and/or adjust the parking supply rates.

**TABLE 2 POTENTIAL ZONING BYLAW PARKING SUPPLY REQUIREMENTS FOR DOWNTOWN REDEVELOPMENT AREA**

Land Use	Minimum No. of Required Parking Spaces	
	Proposed Requirement Outside CBD.1 Zone	Existing Requirement Outside CBD.1 Zone
Office Space	1.5 per 100 sm	3.03 per 100 sm (1/33sm)
Retail-Commercial Space	1.0 per 100sm	3.03 to 13.33 depending upon use
Hotel	0.75 per guest room plus 10.0 per 100 sm for hotel function space	1 per guest room plus 10.0 per 100sm (1/10sm) open to public excluding corridors, lobbies or foyers
Apartment Building	1.0 per unit for residents 0.05 per unit for visitors	1.50 per unit up to 20 units 1.25 per unit in excess of 20 units No visitor parking required
Townhouse	1.0 per unit for residents 0.05 per unit for visitors	1 per unit

### Shared Parking Considerations

In traditional downtown urban areas, parking is often shared amongst various uses on different lots, either formally or informally, even those lots with different ownership. This often occurs because most parking facility owners /operators charge a fee for parking and, therefore, are eager to generate parking business in off peak periods. For example, many office buildings in downtown Toronto keep their garages open for evening and weekend use by theatre and sports venue patrons as well as restaurant and retail customers. Municipal public parking facilities are perfect examples of shared parking because they provide a common pool of parking available to a wide variety of land uses, thereby maximizing the efficient use of public parking. As outlined above, the City is proposing to construct two public parking garages in the south downtown that will serve the general area, thereby allowing new development to minimize the need for on-site parking.

In order to capture the important benefits of shared parking, some municipalities provide a schedule in the zoning by-law that specifies parking demand percentages for time of day and day of week use. Given that we have implicitly incorporated some of the shared parking factors by reducing the supply rate for higher than average demand generators such as restaurants, medical and financial uses, the schedule approach is not appropriate for downtown Guelph.

### Payment in Lieu of Providing Parking

As a development incentive and source of funds from the private sector (i.e., public-private partnerships) to assist in financing future parking infrastructure, the City could accept payment in lieu of meeting zoning by-law parking requirements. This will encourage a higher density compact development form as envisioned in the Official Plan and Places to Grow Policy adopted by the Province. This policy would facilitate developments which cannot provide parking on their own site at a reasonable cost or at all. It will also encourage the



creation of strategically located facilities that can be efficiently shared by multiple users in a cost effective manner and discourage the proliferation of many small parking facilities.

It is important that the acceptance of a payment in lieu (PIL) application be at the City's discretion, as they may not be able to practically meet the need for parking for some developments, in which case the development should be required to provide the required amount of parking on site.

It is important to note that the success of the payment in lieu of parking by-law can be substantially compromised if the City approves parking variance requests in order to relieve owners from some or all of the obligation to provide parking according to the zoning by-law which would then relieve them of the need to provide Payment in Lieu (PIL). Variance requests should only be approved where the applicant can clearly demonstrate that the by-law requirement is excessive, not simply to allow an applicant to proceed because they are unable to provide what is deemed to be an appropriate amount of parking. Should the Committee of Adjustment approve a reduction in the by-law amount because it is technically justifiable, the applicant would still have the ability to use the PIL program to reduce the amount of parking required on site. Committee of Adjustment members should be informed regarding the importance of these factors in rendering decisions regarding parking variance applications.

Some municipalities try to charge developers/builders the full cost of the parking space which results in little or no take up of the offer, except for very small infill projects which have no alternative and find it financially palatable. This is because the value of a parking space which the builders do not own or control obviously cannot be worth the same as the cost of building one on their own which they then have full control over. Given these factors, the payment in lieu rate is often set at 50% of the estimated cost of providing a new parking space, although this is often not evident because the value set does not come with an explanation in the municipal fee schedule.

The current cost for above ground garages is probably in the \$35,000 to \$45,000 per space range depending upon the design of the garage.<sup>1</sup> Using \$45,000 per stall, a 50 % cash in lieu rate would be \$22,500, which may exceed the cost providing parking in a surface lot including land costs. If this is the case, it might be necessary for the City to use a lower payment in lieu rate in the short term that approximates the cost of a surface lot in order to allow developers to remain competitive with other suburban alternatives. If the City initially provided surface lot parking rather than a garage, the PIL rate would be set at 50% of the estimated cost of the surface parking space, including land costs. Currently, construction costs in the GTA are escalating well above inflation, so it is important to adjust the value of the cash in lieu amount each year unless the City wishes to leave the number lower as an added development incentive.

A special payment in lieu rate for small developments could be considered in order to assist individual property owners who are not large scale developers and property investors who renovate or add onto their buildings. Some municipalities provide reduced payment in lieu rates for changes of use within an existing building where the zoning bylaw would require more parking. For example, the City of Toronto provides

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<sup>1</sup> The upper cost range reflects the need to build visually appealing structures and potentially incorporate energy saving features such as those typically required for LEED certification.



reduced rates for smaller building or additions, less than 400 sq. metres in floor area and a further reduction for less than 200 sq. metres, as described above.

In order to enact the payment in lieu program, the City could establish a corporate policy for the downtown to indicate where the program would apply and to provide guidance regarding appropriate application and costs. A draft outline of such a policy is provided below:

In the downtown, the City may at its sole discretion consider accepting payment in lieu funds for all or part of the Zoning By-law requirements for parking, having regard for the following:

- the existing municipal public parking supply in the surrounding area can or will be able to accommodate the on-site parking supply deficiency at the time of development;
- the presence of site constraints that prevent the provision of the required number of parking spaces;
- the use of the property is not considered overdevelopment of the site;
- the development or applicant has prepared a formal TDM Plan for the project which is likely to reduce the need for parking.

The payment in lieu amount will be reviewed and set annually based upon current information regarding the anticipated cost of providing shared municipal public parking resources and the desire to provide economic development incentives.

It should be noted that the decision to accept payment in lieu should remain at the discretion of the City and not become an automatic right. This will allow the City to ensure that if it accepts cash in lieu payments, there is a reasonable expectation municipal parking is already available to serve the development or that the City will be able to provide a supply increase in the short term.

## **Bicycle Parking Facilities**

The provision of adequate, safe and convenient bicycle parking and support facilities are important to encourage increased cycling as a regular mode of transportation for both commuters (employees) and visitors to commercial, institutional, recreational and residential uses in the downtown. In contrast the absence of these facilities will deter regular cycling for non-recreational purposes. Increased cycling will reduce the growth in vehicle trips and future parking needs as well as support more sustainable urban travel patterns.

The Guelph Cycling Master Plan (2012) recommended the provision of bicycle parking and end of trip facilities in new developments.

Based upon a review of the recent City of Toronto study and best practice information provided by the Victoria Transport Policy Institute, we suggest the town adopt bicycle parking requirements for the downtown that require a secure and covered supply for approximately 4% of the estimated employee load for all non-residential uses. In the case of office space this would amount to 0.17 spaces per 100 m<sup>2</sup>. For retail and



restaurant and personal service uses, the requirement for employee bicycle parking would be 0.085 per 100 m<sup>2</sup>.

For visitor bicycle parking a similar goal of providing enough space for approximately 4% of the visitors should be considered. In the case of retail/personal service/restaurant uses, this would require 0.25 per 100 m<sup>2</sup>. For office space, the requirement for visitors would be about 8% of the employee demand or 0.014 per 100 m<sup>2</sup>; however, the greatest demand for visitor bicycle parking in downtown core areas of large cities is for courier deliveries, which could increase the rate to 0.03.

Bicycle parking should also be provided for high density residential buildings, townhouses and horizontal multiple dwellings which do not have exclusive use garages and driveways. The City of Toronto recently reviewed its requirements and concluded that the existing rate of 0.75 spaces per unit including 90% for residents and 10% for visitors was sufficient for the city except in the downtown core where it should be increased to 1 space per unit. The parking has to be provided in a secure weather protected area of the building which would include bicycle racks in a monitored area, a limited access room or garage and bicycle lockers. The 0.75 rate would be sufficient for the downtown Guelph. The visitor parking component can be met through external or internal bike racks which do not have to be in a secure area, but should be visible and weather protected. The recommended Bicycle parking requirements are summarized in Table 3.

**TABLE 3 BICYCLE PARKING SUPPLY REQUIREMENTS**

Use	Bicycle Parking Standard
Office Uses	0.17 spaces per 100 m <sup>2</sup> GFA staff plus 0.03 spaces per 100 m <sup>2</sup> GFA visitor
Retail Uses	0.085 spaces per 100 m <sup>2</sup> GFA staff plus 0.25 spaces per 100 m <sup>2</sup> GFA visitor
All other non-residential uses	4% for staff and 4% for visitors
Residential Apartments & Townhomes	0.68 resident spaces per unit 0.07 visitor spaces per unit

Notes: 1. Residential requirement applies to apartments and townhouses that do not have an exclusive garage.

It is also important that shower and change facilities be provided for employee cyclists in order to encourage the use of this alternative travel mode. The Cities of Toronto and Vancouver require washroom, change and shower facilities for each gender. Toronto requires one shower/change facility for each gender in non-residential buildings greater than 20,000 m<sup>2</sup> (215,300 sq. ft.) while Vancouver requires one facility per gender when 4 to 29 employee bicycle spaces are required and one additional facility per gender for every 30 spaces thereafter. Converting the Vancouver shower/change room requirement to square metres suggests that an



office building would have to be 2,353 m<sup>2</sup> GFA (i.e. approximately 25,000 sq. ft.) before shower/change facilities are required. For retail/restaurant/personal service uses, the floor area would have to be 4,705 m<sup>2</sup> (approximately 50,600 sq. ft.). The Vancouver by-law also requires clothing lockers at 0.7 times the number of employee parking spaces provided.

It is recommended the City apply an exemption threshold for renovations and small developments that may find it onerous to comply with the recommended bicycle parking provisions. The exemption limit in Toronto of 20,000 square metres (215,300 sq. ft.) is significantly larger than any potential non-residential development that will likely occur in the downtown. We therefore recommend applying the exemption limit based on the Vancouver by-law of 2,325 square metres (25,000 sq. ft.) for office developments and 4,705 square metres (50,650 sq. ft.) for retail/restaurant/personal service uses. The Vancouver requirements should be applied to downtown Guelph as outlined in Table 4.

**TABLE 4 SHOWER/CHANGE FACILITY REQUIREMENTS**

Required No. of Employee Bike Spaces	Number of Shower Stalls per gender
0-4	0
5-29	1
30-59	2
60-89	3
90-119	4
120-149	5
150-179	6
over 179	7 plus 1 for each additional 30 bike spaces

*Note: Each gender will also require a change and washroom facility, including storage lockers equal to 0.70 times the number of employee parking spaces provided.*

In summary, the City should implement the bicycle parking and shower/change facility requirements outlined in Tables 3 and 4 into the Zoning By-law for the portion of downtown Guelph located south and east of the tracks. Developments that require less than 5 bicycle parking spaces in total should be exempt from the requirements. This would exempt office buildings less than 2,353 square metres GFA and all other commercial space less than 4,705 square metres GFA from providing the shower/change facility requirements. A payment in lieu of providing bicycle parking policy could also be implemented with the funds used to supply bike racks/posts in the street allowance and secure bike parking in City owned surface lots or parking garages.

