

Comprehensive Zoning Bylaw Review

Discussion Paper

October 2019



Putting Guelph's vision
into place.

Executive summary

The City's Official Plan was recently updated through Official Plan amendments 39, 42, and 48. The City's Zoning Bylaw (1995) pre-dates the updated Official Plan and as a result, some aspects of it may not conform to the Official Plan. A comprehensive review of the zoning bylaw is required to bring it into compliance with provincial legislation, ensure that it conforms to the Official Plan, and is reflective of current community and zoning trends.

In January 2019, Council endorsed a process for the comprehensive zoning bylaw review. This process includes five phases to be completed between 2019 and 2021:

- Phase 1 – Project initiation
- Phase 2 – Research and analysis
- Phase 3 – First draft zoning bylaw and Official Plan amendment
- Phase 4 – Final zoning bylaw, and
- Phase 5 – Implementation and appeals

This discussion paper is the key deliverable for Phase 2.

The discussion paper reviews Guelph's Official Plan as well as any relevant local or provincial policies, regulations, or guidelines. Each chapter explores trends in zoning by reviewing relevant zoning bylaws selected through a set of criteria. Based on a review of policies and zoning trends, and in consideration of input gathered through phase one community engagement, each chapter provides a series of options and preliminary recommendations for zoning.

Preliminary recommendations

Based on the Official Plan, provincial policies, regulations or guidelines, where relevant, zoning trends, and comments from phase 1 community engagement, a number of preliminary recommendations are included in each chapter of the discussion paper. Each recommendation aligns with the Official Plan and seeks to create a new zoning bylaw that is simplified and streamlined. The following is a summary of the preliminary recommendations from the discussion paper.

Chapter 3 – Layout, scope, legal matters, existing development approvals, and specific uses

Format and Layout

Preliminary recommendation: It is recommended that the new zoning bylaw include purpose statements for each zone to clearly identify the intent and how each zone connects to the Official Plan. Illustrations should be used for certain terms to assist with explanations. These illustrations will not form part of the zoning bylaw but will be there for reference purposes only. Additionally, each allowed use should be defined so that it is clear what each use means. A user's guide should be prepared as a companion to the zoning bylaw to explain to readers how to use the zoning bylaw.

Definitions and general rules

Preliminary recommendation: Most definitions are recommended to be updated to reflect direction from the Official Plan and/or to reflect trends found in other comparable municipal zoning bylaws. Some definitions are recommended to be deleted as they are no longer necessary. Additionally it is recommended that most general rules, those found within section four of the existing zoning bylaw (not including rules for parking and driveways – see the [Guelph Parking Standards Review Discussion Paper](#) for recommendations) be updated to reflect direction from the Official Plan and/or to reflect trends found in other comparable municipal zoning bylaws. Some general rules are recommended to be deleted as they are no longer necessary or do not conform to the Official Plan.

Accessory Dwellings

Preliminary recommendation: To comply with recent amendments to provincial legislation, that is the Planning Act, it is recommended that an accessory dwelling be permitted in any zone that permits a single detached dwelling, semi-detached dwelling, and townhouse dwelling. It is further recommended that the accessory dwelling be permitted both in the same building as a single/semi-detached/townhouse dwelling and within a separate building on the same lot. Additionally it is recommended that there be rules for accessory dwellings for maximum lot size, setbacks and direct access from the street for accessory dwellings in separate buildings, and a minimum of one parking space.

Special needs housing

Preliminary recommendations

Long term care facility: A new use, long term care facility, which will also include independent living units (units where there may be some personal support services), be included in a new zoning bylaw. This use is proposed to replace the existing 'home for the aged' and 'nursing home' uses in the existing zoning bylaw. This updated terminology is reflective of zoning trends and language used in the provincial legislation. It is recommended that a long term care facility be permitted in any medium and high density zone that permits residential uses. This is similar to the existing zones that permit 'home for the aged' and 'nursing home'.

Retirement residential facility: it is recommended that the existing use be retained and permitted in any medium and high density zone that permits residential uses.

Hospice: A new use, hospice, be included in a new zoning bylaw as both part of a long term care facility and as a separate use. This is recommended as the services provided by a hospice are sometimes offered within a long term care facility as part of a continuum of care. In some cases hospice services are provided through a separate facility, such as the Hospice of Wellington in Guelph, at a much smaller scale, for example ten residents.

Group homes

Preliminary recommendation: The zoning bylaw definition of group home should be updated to align with the Official Plan definition of group home. It is further recommended that in addition to low density residential areas, where group homes are already allowed, group homes be allowed in medium density and high density zones that permit residential uses. Additionally, it is recommended that the existing minimum distance separation rules be removed. A group home is only permitted within the entirety of a building. A new rule is recommended to be included that establishes a maximum size, based on a maximum number of residents. Small group homes will be allowed within low density residential areas with larger ones allowed elsewhere.

Lodging houses

Preliminary recommendation: The existing zoning bylaw uses 'dwelling unit' and 'lodging unit' to distinguish between a single detached dwelling, for example, and a lodging house. It is recommended that the definitions of 'dwelling unit' and 'lodging unit' be updated based on zoning trends to clarify how lodging houses are a different use of land than dwelling units. The existing zoning bylaw also permits lodging houses through two uses, 'lodging house type 1' and 'lodging house type 2' where the first is allowed in low density residential areas and the second only permitted in medium or high density residential areas through an amendment to the zoning bylaw. It is recommended that this approach to allowing lodging houses be retained. Further it is recommended that the existing minimum distance separation rules be removed and a rule be included that requires a lodging house to occupy the entire building.

Prohibited uses

Preliminary recommendation: That the existing zoning bylaw approach of listing specific uses that are prohibited anywhere in the city as part of general rules be retained. This approach provides clarity that these uses are not permitted anywhere in the city. It assists with the interpretation and implementation of the zoning bylaw should requests be brought forward to permit these uses that they do not meet the intent of the zoning bylaw.

Complementary uses

Option 1: Complementary uses should be listed within each zone. This approach requires that complementary be defined to ensure that the uses listed are not the primary use of the property. This is important as certain uses are only permitted as complementary uses, rather than primary uses, in certain land uses as per the Official Plan.

Option 2: Complementary uses should be restricted through rules to ensure that they are complementary. This option allows for each use to have separate rules providing for each use to be treated differently within each zone. In some cases a complementary use that may be allowed within a commercial area may be allowed

different than the same complementary use within an employment area. This approach allows for this consideration.

Accessory uses

Option 1: Accessory uses should be listed within each zone. This approach requires that accessory be defined to ensure that uses listed are not the primary use of a property. This is important as the Official Plan provides for what uses are allowed as primary uses and provides some direction as to what uses are allowed as accessory.

Option 2: Accessory uses should be restricted through rules to ensure that they are accessory. This is the current approach in the existing zoning bylaw. This option also requires that accessory be defined. Rules, such as maximum gross floor area, could be applied differently within each zone allowing for zone specific context to accessory uses across the zoning bylaw.

Specialized zones

Preliminary recommendation: in consideration of zoning trends, it is recommended that the concept of specialized zones be retained. It is also recommended that the specialized zones be re-named 'site specific zones'. This title change is a more accurate description of these types of rules which typically reflect site specific or area specific considerations. All existing specialized zones will be reviewed as part of the preparation of the first draft zoning bylaw. Each existing specialized zone will be evaluated together with the Official Plan and draft new zones to determine whether it should be retained, deleted or modified. The key determining factor will be whether or not the specialized zone conforms to the Official Plan.

Minor variances

Option 1: All buildings built and uses established through minor variances become legal non-conforming unless the new zoning that applies to the property has changed in a way that a minor variance is not longer needed, meaning that what has been built or how the property is used now complies with the new zoning bylaw. This option ensures compliance with the Official Plan and aligns well with having one complete new zoning bylaw.

Option 2: All minor variances approved under the existing zoning bylaw are recognized in the new zoning bylaw through a general rule. This approach ensures that once a minor variance is approved a property owner does not need to apply for the same variance again, should it be necessary to. This approach may 'carry forward' variances where the Official Plan intent is not met. This would more likely be the case for variances that were approved prior to the most recent Official Plan being in effect. This approach would ensure that once an approval has been obtained for a property it remains and that the use or building approved through the variance remains legal. An unintended consequence with this is that for situations where the building or use do not conform to the Official Plan, this means that the future vision for that property may take that much longer to achieve.

Transition provisions for development applications

Preliminary recommendation: At the time of a decision by Council on a new zoning bylaw, there will certainly be development applications that have already been considered or are in the process of being considered against the existing zoning bylaw. It is recommended that building permits and site plans that are in progress, which are applications that have already been received and have been determined by the city to be complete applications, be able to obtain final approvals provided that they meet all of the rules under the existing zoning bylaw, that is provided that they did not need a zoning bylaw amendment or minor variance. It is further recommended that these applications be permitted to obtain final approvals for a prescribed period of time, generally this time limit is based on the average time that it takes to obtain final approval.

The use of legal non-conforming versus legalizing an existing use

Preliminary recommendation: Where the Official Plan has changed the land use of a property the existing use may no longer be allowed. The Official Plan outlines criteria for how to consider whether an existing use should be recognized in a new zoning bylaw or whether an existing use should become legal non-conforming (see section 3.2.2 of the discussion paper). Should concerns be raised about the legal non-conforming status of a property, the Official Plan criteria will be used to determine whether the use will be legalized in a new zoning bylaw or whether the use will become legal non-conforming.

No zoning bylaw amendments for two years

Preliminary recommendation: It is recommended that generally no amendments be permitted to the new zoning bylaw for a period of two years following Council's approval. This option allows staff, Council, the community, and developers' time to work within the new rules. Given the comprehensive zoning bylaw review process endorsed, there are many opportunities for feedback at various stages throughout the process providing opportunities to work with staff on the preparation of a new zoning bylaw that provides the most appropriate set of rules for Guelph. This option does not preclude Council from considering site specific exemptions to this zoning bylaw amendment moratorium.

Chapter 4 – Residential

Zone structure and uses

It is recommended that a series of separate zones be incorporated into a new zoning bylaw that each implement the low density residential, medium density residential, and high density residential land uses of the Official Plan. Specific zone structure and use recommendations are as follows for each of the residential land use designations.

Preliminary recommendation for low density residential lands: It is recommended that four zones be used to apply to land designated low density residential in the Official Plan. One zone will permit smaller lot frontages than the other. Both zones will permit single detached, duplex, and semi-detached dwellings.

Accessory dwellings will also be permitted. The third zone will permit on-street townhouse dwellings and accessory dwellings. The fourth zone will permit small scale apartments and cluster townhouse dwellings. For all dwelling types, a rule is recommended to be included to require a front door facing the street.

This option reduces the number of residential zones that are within the existing zoning bylaw and provides choice in the types of dwellings that are permitted. A mix of dwelling types within neighbourhoods will be achieved through the application of each of the four zones.

Preliminary recommendation for medium density residential lands: It is recommended that three zones be used to apply to lands designated medium density residential in the Official Plan. Each zone will permit different types of townhouse dwellings, such as cluster townhouses, on-street townhouses, and back-to-back and stacked townhouses. Two of the zones will also permit apartments. This option provides choice in the types of dwellings that are permitted, that is more than one dwelling type is permitted in most of the zones, while ensuring that there is a mixture of dwelling types within neighbourhoods, to be achieved through the application of the zones. This recommendation provides for newer types of townhouses, such as back-to-back and stacked townhouses, in a new zone removing the need for a zoning bylaw amendment.

Preliminary recommendation for high density residential lands – It is recommended that one zone be used to permit apartments to a maximum building height of ten storeys on properties designated high density residential in the Official Plan. This zone will also permit convenience commercial uses within a building that has residential units. Each high density residential property will be assessed to determine if there is adequate servicing capacity to accommodate the maximum permitted building height of ten stories. Where there are servicing constraints, a holding provision will be used to restrict development on the property until servicing capacity is available. This recommended high density residential zone provides a clear connection to the High Density Residential Official Plan land use designation. Together with the proposed holding provision and recommended built form rules, including transition in building height to adjacent lower density residential areas, this zone will ensure that high density properties are identified in a zoning bylaw with appropriate rules in place.

Preliminary Recommendation for non-residential uses in residential areas – It is recommended that the existing convenience commercial (C.1) zone and the existing educational/spiritual/other services (I.1) zone be retained and continue to apply to existing C.1 and I.1 zoned properties that are designated low density or medium density residential in the Official Plan. Additionally it is recommended that the uses currently permitted within these zones be updated to conform to the Official Plan.

Rules

Preliminary recommendation for townhouse rules – A series of rules are proposed to be retained and added to provide direction on the built form of

townhouses. New rules for townhouses include a maximum length for a block of townhouses, a minimum unit width that depends on the location of a garage, and the ability to include a green roof as a portion of the required landscaped area.

Preliminary recommendation for mid-rise building rules – A series of rules are proposed to be retained and added to provide direction on the built form mid-rise buildings. New rules include a maximum building length, minimum stepback, which is the distance that certain storeys of a building must be setback from storeys below, for certain storeys of a building, restricting the location of surface parking, and requiring that 50% of the landscaped open area be soft landscaping. A green roof can be included to count as a portion of the required landscaped open area.

Preliminary recommendation for tall building rules - A series of rules are proposed to be retained and added to provide direction on the built form high-rise buildings. These rules cover the same topics as the rules proposed for mid-rise buildings and also include an angular plane and a minimum tower separation.

Chapter 5 – Commercial and mixed use

Zone structure and uses

It is recommended that a series of separate zones be incorporated into a new zoning bylaw that each implement the five commercial and mixed-use Official Plan land uses.

Preliminary recommendation for commercial mixed-use centres: It is recommended that one new zone be created that permits a broad range of commercial and service commercial uses. Vehicle type uses, including gas stations, carwashes, and drive-through facilities are recommended to be permitted. Minimum and maximum commercial floor area rules are also recommended to align with a proposed amendment to the Official Plan, as a result of the recommendations from the commercial policy review. This option reduces the number of zones and creates consistency within the City's commercial mixed-use centres.

Preliminary recommendation for mixed use corridors: It is recommended that one residential zone, one institutional zone, and one commercial zone be created for the City's mixed-use corridors. These zones would apply to lands that are currently zoned residential, institutional, and commercial respectively. The uses permitted in these zones would be similar to the uses permitted in the residential, institutional, and commercial zones in other areas of the City but would provide for the ability to have residential uses on properties zoned commercial provided that commercial uses are also there. Vehicle type uses including gas stations, car washes, and drive through facilities are recommended to be permitted on commercially zoned properties. Minimum commercial floor area rules are also recommended for commercially zoned properties to align with a proposed amendment to the Official Plan, as a result of the recommendations from the commercial policy review. Although this option results in the creation of three zones for the City's mixed use corridors, it provide a clear connection to the Official Plan

and a clear indication of the primary intent of the lands, that is whether it is primarily for residential, institutional, or commercial purposes.

Preliminary Recommendation for neighbourhood commercial centres: It is recommended that two zones be created which differ on the minimum and maximum commercial floor area that is permitted to align with recommendations from a proposed amendment to the Official Plan, as a result of recommendations from the commercial policy review. A range of commercial and service commercial uses are recommended to be permitted. Residential uses within a mixed-use building are also recommended to be permitted. Drive-throughs are recommended to be permitted only in larger neighbourhood commercial centres, which are those with a maximum allowable commercial floor area of 10,000 square meters. This option ensures that the two different sizes of neighbourhood commercial centre are recognized in zoning and aligns with the different sizes contemplated in the Official Plan. This option aligns with the existing and proposed maximum commercial floor area Official Plan policies which provide for two sizes of neighbourhood commercial areas.

Preliminary recommendation for service commercial lands: It is recommended that the two existing service commercial zones be collapsed into one new service commercial zone with rules requiring uses to be located within buildings when adjacent to residential areas. Generally, the service commercial zone will continue to allow a similar range of uses to the existing service commercial zones. Some uses are proposed to be collapsed into broader categories of uses, such as the vehicle type uses. This option reduces the number of zones and provides flexibility in the service commercial uses allowed and provides a way to ensure that there is compatibility between service commercial areas and adjacent residential areas.

Preliminary recommendation for mixed office/commercial lands: It is recommended that the existing office residential zone (OR) and the existing commercial residential (CR) zone be collapsed into one new zone. The range of uses allowed within the Mixed Office/Commercial Official Plan land use designation allows for small scale office and commercial uses in these areas. Because these uses are allowed in all mixed office/commercial designated areas it is no longer necessary to have one zone that allows only office uses and one zone that allows only commercial uses. In addition to office and commercial uses, the recommended zone would allow a full range of residential uses. This type of zone reduces the number of zones in a new zoning bylaw and provides a clear connection to the Official Plan land use.

Rules

To ensure conformity with the Official Plan, implement the preliminary directions from the draft commercial built form standards, and reflect new trends in zoning it is recommended that a new zoning bylaw include rules for the following:

- Minimum and maximum commercial gross floor area
- Maximum building heights

- Densities for residential uses
- Building heights to be lower when adjacent to low/medium density residential areas, to be measured through an angular plane (stepbacks) from the property line or building face
- Green roofs may contribute towards a portion of the minimum landscaped area
- Rules for the location of surface parking
- Minimum building heights
- Minimum first storey heights
- Minimum amount of transparent windows or active entrances for the first storey of buildings
- Maximum building lengths
- Location of drive-through facilities when on a lot adjacent to residential, institutional or park zoned properties and the location of stacking lanes, and
- Location of gas stations when adjacent to residential, institutional or park zoned properties.

Chapter 6 – Employment

Zone structure and uses

Preliminary recommendation - It is recommended that four zones be created to implement each of the four employment land use designations, which are Industrial, Business Park, Institutional/Research Park, and Mixed Business. This option provides a clear link between the employment zones and the Official Plan employment land uses. It also reduces the overall number of zones from the current five to four. This option also creates a specific zone for the Institutional/Research Park land use designation, which are currently zoned a specialized industrial zone and the Mixed Business land use designation which are currently zoned industrial. The permitted uses are recommended to be modified to align with the uses that are permitted in the Official Plan. Certain uses that are currently permitted are recommended to be deleted as they are not permitted by the Official Plan, for example commercial school and veterinary service.

Rules

Preliminary recommendation – Certain uses are only permitted within the employment areas if they are complementary uses. It is recommended that complementary uses only be permitted within a multi-unit/multi-tenant building and that this building contain a primary permitted use, which is a use that isn't required to be a complementary use. This type of rule will ensure that the intent of the City's employment lands, which is to have a supply of lands for industrial and/or office uses, is maintained while still providing the opportunity for complementary uses to occur in these areas. Rules about the location of uses are recommended requiring certain uses to locate within a building to ensure that higher employment densities are achieved. These types of rules will also help to implement Hanlon Creek Business Park Official Plan policies. Additional rules for the location of parking and minimum first storey building heights are recommended.

Chapter 7 – Natural heritage system, floodplain, open space, and parks

Zone structure and uses

Preliminary recommendation for natural heritage system lands: It is recommended that one zone be created that would apply to the entirety of the city's natural heritage system. This zone would permit conservation uses and legally existing uses, consistent with the uses permitted in the Official Plan. It is recommended that conservation use be defined to include the preservation, maintenance, sustainable utilization, restoration, and/or enhancement of the natural environment. Conservation may also include accessory low impact scientific and educational activities and passive recreation activities that have no negative impact on the conservation use. The additional uses that may be permitted in specific natural heritage system features or their buffers, subject to conditions, would be permitted through site specific zoning amendments.

This approach provides a clear connection between the Official Plan natural heritage system policies and reduces the number of overall zones. It also ensures that uses that are permitted subject to conditions be considered, where proposed, through applications where the studies that are required to be submitted, according to the Official Plan, to be requested.

Preliminary recommendation for floodplain lands: Within the floodway portions of the floodplain areas, which is the rivers and immediately adjacent lands, it is recommended that the zone recommended for the natural heritage system apply to the floodway. An overlay is also recommended to prohibit certain uses that are not permitted within any portion of the floodplain. This is consistent with the Official Plan floodway policies as the recommended natural heritage system zone permits the same uses that are permitted in the floodways, which are existing uses and natural heritage conservation.

Within the flood fringe portion of the floodplain areas, which are lands that are farther out from the rivers in areas where it has been determined certain types of development may occur, it is recommended that a zone that implements their Official Plan land use apply. Generally these lands have a land use that allows for development. Additionally, to align with Provincial direction, the Grand River Conservation Authority's policies and the Official Plan it is recommended that an overlay be applied to flood fringe lands to prohibit certain uses that are not permitted within any portion of the floodplain and to require that a permit be obtained from the Grand River Conservation Authority prior to any development.

A separate overlay is recommended for the special policy area floodplain to permit additional uses, restrict uses and provide rules about development as outlined in the Official Plan.

Preliminary recommendation for open space and parks lands: It is recommended that three zones apply to existing municipal parks and community centres based on the hierarchy of park land within the Official Plan. One zone is proposed for neighbourhood parks, including urban squares, which will generally

permit parks, trails, and conservation uses. A second zone is recommended for community parks that will permit everything that a neighbourhood park permits and will also permit community centres. The third zone proposed would apply to regional parks and will permit everything that a community park permits and will also permit private recreation facilities.

Additionally, an open space zone is recommended that would apply to the city's open space areas that are not parks. Typically these are lands that are part of the city's trail system but are not adjacent or within the natural heritage system or parks. A golf course zone is also proposed that would apply to the existing golf courses within the city. Golf courses are part of the city's open space system but are not part of the city's park land. This option ensures that park land is clearly identified as separate from other privately owned and/or operated recreational uses.

This approach provides a clear link between the zoning bylaw and the Official Plan land uses.

Preliminary recommendation for stormwater management facilities: It is recommended that one zone be created to apply to existing and proposed stormwater management facilities. This option identifies the location of existing stormwater management facilities and recognizes them as a unique use that tends to locate within natural heritage or open space areas. This option would clarify that stormwater management facilities are a separate use of land from parks and the natural heritage system while still recognizing that they are designated in the Official Plan as part of either the natural heritage system or open space system.

Rules

Preliminary recommendation for structures in floodplain areas: The Official Plan does not permit buildings or structures in the floodway portion of the floodplain areas. This Official Plan policy is consistent with provincial policies and Grand River Conservation Authority rules. A review of other zoning bylaws show that despite certain uses being permitted within floodway areas, for example recreation uses, generally structures associated with those uses are not permitted outright. Based on this, it is recommended that structures that meet the Ontario Building Code definition of structure, with the exception of structures that are used for flood control measures, continue to not be permitted within the floodway portions of the city's floodplain areas.

Chapter 8 – Major institutional

Zone structure and uses

Preliminary recommendation: It is recommended that the two existing major institutional zones, I.2 and I.3 be retained. One zone would continue to apply to and permit the University of Guelph along with some complementary uses. A second zone would apply to all other properties designated Major Institutional in the Official Plan, lands such as the Guelph General Hospital, Conestoga College, and St. Joseph's Health Centre. This zone would permit a range of institutional uses, such

as hospitals, medical clinics, post-secondary schools, and social service establishments.

This option continues to recognize the University of Guelph as a separate and distinct use within the city. The University of Guelph provides unique post-secondary programming with its degrees in agriculture and veterinary medicine. Although this option would continue to retain two zones for major institutional uses, it continues to permit the full range of major institutional uses contemplated by the Official Plan while continuing to recognize the uniqueness of the types of post-secondary education offered by the University of Guelph

Chapter 9 – Major utility

Zone structure and uses

Preliminary recommendation: To implement the Major Utility Official Plan land use it is recommended that a new zone be created that would permit major utility uses. Generally, the properties are currently zoned either industrial or park. These existing zones don't reflect the existing use of the properties and don't reflect the permitted uses in the major utility Official Plan land use designation. A new major utility zone would provide a connection between the zoning and the Official Plan providing a clear intent of the existing and future use of these properties. Additionally, to conform with the uses allowed in the Major Utility Official Plan land use designation, it is recommended that a new major utility zone permit electrical transformer stations, municipal works yards, waste management facilities, and water and wastewater treatment facilities.

Chapter 10 – Guelph Innovation District and Clair-Maltby Secondary Plan areas and reserve lands

Guelph Innovation District Secondary Plan zoning

Option 1 for block plan lands: It is recommended that the block plan lands, with the exception of lands that are part of the natural heritage system or floodplain, be zoned urban reserve. This type of zone will only permit uses that currently exist. This approach will require that, prior to the development of any lands, a zoning bylaw amendment occurs, which can include the submission of required studies, together with other applications required by the GID block plan policies. Given that additional planning work is required, it would be premature for zones that implement the GID land uses to be applied to block plan areas through a new zoning bylaw as part of the comprehensive zoning bylaw review. Additionally it is recommended that for the natural heritage system or floodplain lands the same zones recommended to implement these land uses city-wide apply to the GID lands. This ensures that there is clarity between what zones implement each land use, provides consistency across the city within the same land uses, and reduces the overall number of zones.

Option 2 for block plan lands: A zone would be created that would apply to all lands within the block plan areas of the GID Secondary Plan. This zone would permit existing uses and conservation uses to reflect the existing land uses for this

area in the Secondary Plan. This approach will require that, prior to the development of any lands, a zoning bylaw amendment occurs, which can include submission of required studies such as an environmental impact study, as part of required block plan applications. It also ensures that the intent of the natural heritage system lands is maintained through zoning by permitting conservation uses.

Preliminary Recommendation for other lands: For lands that are designated in the GID Secondary Plans as Significant Natural Areas and Natural Areas, Open Space and Park, Major Utility, Industrial, Service Commercial, and Commercial Mixed-use Centre, it is recommended that the same zones recommended to implement these land uses city-wide apply to the GID lands. This ensures that there is clarity between what zones implement each land use, provides consistency across the city within the same land uses, and reduces the overall number of zones.

There are two land use designations that are outside of block plan areas that are unique to the GID. These are Employment Mixed-use 2 and Glenhome Estate Residential. It is recommended that one zone be created for the Employment Mixed-use 2 land use designation and that it permit the uses identified in the GID. Additionally it is recommended that a site specific residential zone apply to lands designated Glenhome Estate Residential and that it only permit single detached dwellings, accessory dwelling units, and home businesses in accordance with the GID secondary plan policies. This site specific zone is recommended to include specific servicing requirements to align with the GID secondary plan policies. Having a zone that is specific to this land use provides clarity between the zoning bylaw and the land use.

Clair-Maltby Secondary Plan zoning

Option 1: All lands within the Clair-Maltby Secondary Plan area, with the exception of lands within the natural heritage system, and all lands designated Reserve Lands are recommended to be zoned an urban reserve zone. This type of zone will only permit uses that currently exist. This approach will require that, prior to the development of any lands, a zoning bylaw amendment occurs, which can include submission of required studies such as an environmental impact study, together with a plan of subdivision so that appropriate zoning is applied to specific lots or blocks as they are created. For other lands designated Reserve Lands, such as the rolling hills community, additional land use planning work is required to determine appropriate land uses prior to zones other than urban reserve being applied to these lands.

Additionally it is recommended that for the natural heritage system lands the same zones recommended to implement these land uses city-wide apply to the Clair-Maltby Secondary Plan lands. Depending on the timing of a decision on a new zoning bylaw, the boundaries of a natural heritage system zone would be based on the limits of the significant natural areas land use in the Official Plan or on the limits of the same as refined through the Clair-Maltby Secondary Plan if it is approved prior to a decision on a new zoning bylaw. This ensures that there is clarity between

what zones implement each land use, provides consistency across the city within the same land uses, and reduces the overall number of zones.

Option 2: This option retains the current zoning for all lands within the Clair-Maltby Secondary Plan with the exception of the natural heritage system lands, and all lands designated Reserve Lands. This options means that not all lands in Guelph would be pert of a new zoning bylaw. Because of this, the ability to not amend a new zoning bylaw for a period of two years, as allowed by the Planning Act, would not be an option. The two year no zoning bylaw amendment rule only applies to new zoning bylaws that apply to all land within a municipality. This means that once a new zoning bylaw is approved, there could be amendments to it right after it is in effect providing no time to work within the new set of rules to test them out.

Additionally, most of the lands within the Clair-Maltby area and lands designated Reserve Lands are still zoned within the Township of Puslinch zoning bylaw. The Township of Puslinch zoning bylaw that applies to these properties does not conform to Guelph's Official Plan or the recent amendments to the Planning Act, such as rules for accessory dwellings.

For lands within the Clair-Maltby Secondary Plan area that are within the natural heritage system, it is recommended that the lands be zoned the same as in option one.

Option 3: A zone would be created that would apply to all lands within the Clair-Maltby Secondary Plan area. This zone would permit existing uses and conservation uses to reflect the existing land uses for this area in the Official Plan. This approach will require that, prior to the development of any lands, a zoning bylaw amendment occurs, which can include submission of required studies such as an environmental impact study, together with a plan of subdivision so that appropriate zoning is applied to specific lots or blocks as they are created. It also ensures that the intent of the natural heritage system lands is maintained through zoning by permitting conservation uses. For other lands designated Reserve Lands, such as the rolling hills community, additional land use planning work is required to determine appropriate land uses prior to zones other than urban reserve being applied to these lands.

Chapter 11 – Downtown Secondary Plan area

Downtown Secondary Plan zoning

Preliminary recommendation for institutional or office lands: There are five properties designated Institutional or Office that were not zoned as part of the downtown zoning bylaw amendment. These include the Basilica of Our Lady Immaculate (Basilica), Central Public School, the Guelph Youth Music Centre, 75 Farquhar Street/70 Fountain Street, and 128-130 Macdonnell Street. It is recommended that the Basilica and Central Public School be zoned the same institutional zone as places of worship and schools sites city-wide. These sites are an important part of the City's institutional land base. Continuing to recognize and permit them in a new zoning bylaw will help to ensure that they are retained.

Additionally it is recommended that the Guelph Youth Music Centre be zoned D.3. This zone will continue to permit the range of retail, service, and office uses that exist on this property and is consistent with the Institutional/Office land use designation. Portions of this property are also within a floodplain. This portion of the property is proposed to be zoned the same as the rest of the city's floodplain areas.

Finally, it is recommended that the two properties that were originally included in the downtown zoning bylaw amendment where a decision was deferred, 75 Farquhar Street/70 Fountain Street, and 128-130 Macdonnell Street, be zoned D.3-2. This was the zone that was recommended through the downtown zoning bylaw amendment. This proposed zoning is consistent with the Downtown Secondary Plan.

Preliminary recommendation for residential 1 lands: It is recommended that the preliminary recommendation for the low density residential lands, as described in Chapter 4, also apply to lands designated Residential 1. This is similar to the existing zoning for these properties and will reduce the number of zones within a new zoning bylaw. Properties that are currently zoned for and have existing small-scale employment uses are recommended to be zoned residential with a site specific provision to recognize the existing employment use. This option is consistent with the policies of the DSP.

Additionally, it is recommended that properties that are currently zoned to permit neighbourhood scale commercial or institutional uses, which are currently zoned commercial residential (CR) or educational, spiritual and other services zone (I.1), continue to be zoned to permit neighbourhood scale commercial or institutional uses. An updated convenience commercial (C.1) zone or educational, spiritual and other services zone (I.1) is recommended to apply to these properties. This will reduce the number of zones within a new zoning bylaw and will ensure that these neighbourhood commercial and institutional uses are retained.

Preliminary recommendation for residential 2 lands: It is recommended that a medium density residential zone that is proposed city-wide also apply to the properties designated Residential 2. There are approximately 15 properties that are designated Residential 2. These properties are either already developed, are under development, or have special policies within the DSP that apply which would require site specific considerations. For these reasons a new zone to implement this land use is not recommended. A series of site specific provisions or other appropriate zoning rules are recommended to permit the heights and densities that are permitted for these lands in accordance with the DSP. This option reduces the number of zones within a new zoning bylaw, permits the range of residential uses contemplated within the land use designation, and recognizes the differences between this land use designation and the medium density residential Official plan land use, which is height and density.

Preliminary recommendation for parks and open space lands: It is recommended that the same zones that are recommended to implement the Parks and Open Space land use across the City be used within the downtown. This will reduce the overall number of zones in a new zoning bylaw and will align with the

Parks and Open Space policies in the DSP. See Chapter 7 for detailed recommendations on zoning for the Parks and Open Space land use designation.

Preliminary recommendation for future park policy area c lands: To align with the policies in the DSP, it is recommended that an area specific commercial zone apply to these lands that will permit existing commercial uses and open space and parks uses. A rule is also recommended that will ensure that there are no major expansions to existing buildings permitted.

Preliminary recommendation for significant natural area lands: It is recommended that the same zones that are recommended to implement the natural heritage system across the city be used within the downtown. This will reduce the overall number of zones in a new zoning bylaw and provide consistency with the way that the significant natural areas of the City are zoned.

Rules

Preliminary recommendation for licensed establishments: It is recommended that the existing maximum gross floor area of 230 square meters be retained. The maximum size of licensed establishments was determined to be appropriate through the 2003 Downtown Bar Zoning Study as it represented the largest restaurant at that time. This is still true today. It is also recommended that the existing rules that prohibit interconnections between licensed establishments be retained. This rule ensures that adjacent licensed establishments are operating as individual units maintaining the intent of the maximum gross floor area rules.

It is also recommended that the maximum occupancy be deleted. Typically zoning bylaws have rules for the maximum gross floor area or maximum occupancy but not both. Some zoning bylaws don't have any rules for the size of the licensed establishment. Typically zoning bylaws have rules for the size of uses by establishing a maximum gross floor area. This is a recommended approach for other uses and zones in a new zoning bylaw for Guelph. For these reasons it is recommended that the maximum occupancy rule be deleted and the maximum gross floor area be retained.

Additionally it is recommended that the existing rule that restricts licensed establishments to only the first storey of a building be modified to allow for these uses on any storey of a building as long as there are no residential uses located on that same storey or any storey below it. Modifying this rule provides flexibility for the location of uses while still ensuring that licensed establishments are not located directly adjacent to residential uses.

Finally, it is recommended that the existing tavern use be replaced with a nightclub use and that no reference to the time that liquor is served be included within the definition. This is consistent with zoning trends. Additionally, the preliminary recommended rules for licensed establishments are sufficient to ensure that licensed establishments are not the predominant use within downtown. Referencing the time that liquor is served is redundant.

Preliminary recommendation for building materials: It is recommended that the existing rule regarding building materials for buildings within the downtown be retained. The DSP includes a policy stating that all buildings downtown should be finished with high quality, enduring materials such as stone, brick and glass. Retaining the existing zoning rule is consistent with the DSP.

Chapter 12 – Cultural heritage

Preliminary recommendation for cultural heritage landscapes: It is recommended that there be no specific rules for cultural heritage resources or landscapes as part of a new zoning bylaw at this time. It is recommended that rules related to cultural heritage landscapes (CHLs) be considered once individual studies have been completed. The draft Cultural Heritage Action Plan (CHAP) identifies a list of candidate CHLs to be studied and conserved as appropriate. A zoning bylaw amendment could occur after the individual studies have been completed to implement area specific recommendations if needed. This approach allows additional work outlined in the CHAP to occur. It also ensures that zoning, which is only one tool that can be used for cultural heritage conservation, is assessed and evaluated for all identified CHLs as they are studied further.

Preliminary recommendation for the Brooklyn and College Hill Heritage Conservation District: It is recommended that an area specific rule be included in a new zoning bylaw that establishes a maximum building height of nine metres and three storeys for the entire heritage conservation district. This ensures that the recommendations on building height from the Brooklyn and College Hill Heritage Conservation District plan are implemented in a new zoning bylaw.

Preliminary recommendation for protected view areas of the Basilica of Our Lady Immaculate: It is recommended that the existing rule for the five protected view areas of the Basilica be retained. Retaining this rule ensures conformity with the Official Plan and Downtown Secondary Plan. It is further recommended that the existing elevations within the protected view areas be verified for technical accuracy to ensure that the intent of the rule, which is to provide for and protect identified views of the Basilica from specific vantage points, is maintained.

Chapter 13 – Other existing zones – urban reserve and aggregate extraction

Preliminary recommendation for the urban reserve zone: It is recommended that an urban reserve zone be retained and that it apply to lands where additional planning work is required, such as the lands designated Reserve Lands in the Clair-Maltby Secondary Plan area and the block plan areas of the Guelph Innovation District Secondary Plan area. Additionally, it is recommended that an urban reserve zone apply to lands where servicing is not yet available. An urban reserve zone is contemplated by the Official Plan which provides for its use for the above-motivated reasons. All lands that are currently zoned urban reserve will be reviewed to determine if the lands should remain zoned urban reserve or whether a zone that aligns with the Official Plan land use designations is now appropriate.

Preliminary recommendation for the aggregate extraction zone: As there is no aggregate extraction Official Plan land use designation, it is recommended that the aggregate extraction zone be deleted.

Next steps

In November, staff will hold a series of workshops to discuss the options and preliminary recommendations outlined in this discussion paper as well as the recommendations from the [Guelph Parking Standards Review Discussion Paper](#). Each workshop will focus on one specific zoning topic, such as zoning for residential areas or parking standards and driveway rules. The content discussed at these in-person workshops will also be available for online discussion through the City's [online engagement platform](#).

The preliminary recommendations from this discussion paper and the Guelph Parking Standards Review Discussion Paper, together with comments received through community engagement will be considered as part of the preparation of a first draft new zoning bylaw.

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Chapter 1

Introduction



Comprehensive
Zoning Bylaw Review

Discussion Paper
October 2019

CITY OF
Guelph
Making a Difference

1.0 Introduction

1.1 What is a zoning bylaw?

A zoning bylaw is a series of rules for properties that tell us:

- What the property can be used for
- How big the property can be
- Where buildings can be placed on the property
- How tall, what size, and how many buildings can be built, and
- How many parking spaces are needed, and where the parking spaces can be located.

Zoning bylaws are used to implement the vision for our City from Guelph's Official Plan. They provide a way for the City to manage land use and future development, and prevent conflicting land uses from being built or developed near each other. Guelph's zoning bylaw is a living document, meaning, it can and should be changed as the community's needs change. Changes can be made to zoning bylaws through:

- A comprehensive City-led review (like this one)
- Periodic housekeeping amendments and individual City-led amendments for specific land use categories, areas, or topics
- A zoning bylaw amendment application from a property owner to permanently change the rules on their property, or
- An application to the Committee of Adjustment to seek a minor temporary change to allow, for example, a building addition to be built closer to the property line than the zoning bylaw allows.

1.2 Why and how is Guelph reviewing its zoning bylaw?

The City's Official Plan was recently updated through Official Plan amendments 39, 42, and 48. The March 2018 consolidation is the full updated Official Plan. The City's Zoning Bylaw (1995) pre-dates the updated Official Plan and as a result, some aspects of it may not conform to the Official Plan. A comprehensive review of the zoning bylaw is required to bring it into compliance with provincial legislation, ensure that it conforms to the Official Plan, and is reflective of current community and zoning trends.

In January 2019, Council endorsed a process for the comprehensive zoning bylaw review. This process includes five phases to be completed between 2019 and 2021:

- Phase 1 – Project initiation
- Phase 2 – Research and analysis
- Phase 3 – First draft zoning bylaw and Official Plan amendment
- Phase 4 – Final zoning bylaw, and
- Phase 5 – Implementation and appeals

This discussion paper is the key deliverable for Phase 2.

1.3 What does Guelph's comprehensive zoning Bylaw review include?

The comprehensive zoning bylaw review is a complete look at Guelph's existing zoning bylaw. The main purpose of the comprehensive zoning bylaw review is to create a new zoning bylaw that aligns with the City's Official Plan. Additionally, a new zoning bylaw for Guelph should be simplified, streamlined with fewer zones, broader categories of uses, and built form oriented. A new zoning bylaw should put rules in place so that the community and developers know what to expect as neighbourhoods grow and change. Below is a summary of what is in the scope of the comprehensive zoning bylaw review and what is not.

In scope

- Engagement with the community to determine what works well with the existing zoning bylaw and what should be improved
- A discussion paper that includes a review of the Official Plan, the existing zoning bylaw, zoning trends, and options to consider in the development of a new zoning bylaw
- Additional community engagement on the options and recommendations outlined in the discussion paper, and eventually, the draft zoning bylaw and Official Plan amendment
- Preparation of a new zoning bylaw and Official Plan amendment, should it be determined through the process that an amendment is necessary, and
- Presentation of the new zoning bylaw and Official Plan amendment for Council decision.

Out of scope

- Exploration of matters that are not appropriately or legally allowed to be resolved through zoning
- Requests to change land use or zoning on specific properties that are more appropriately dealt with through private development applications, and
- A comprehensive review of downtown ("D") zones.

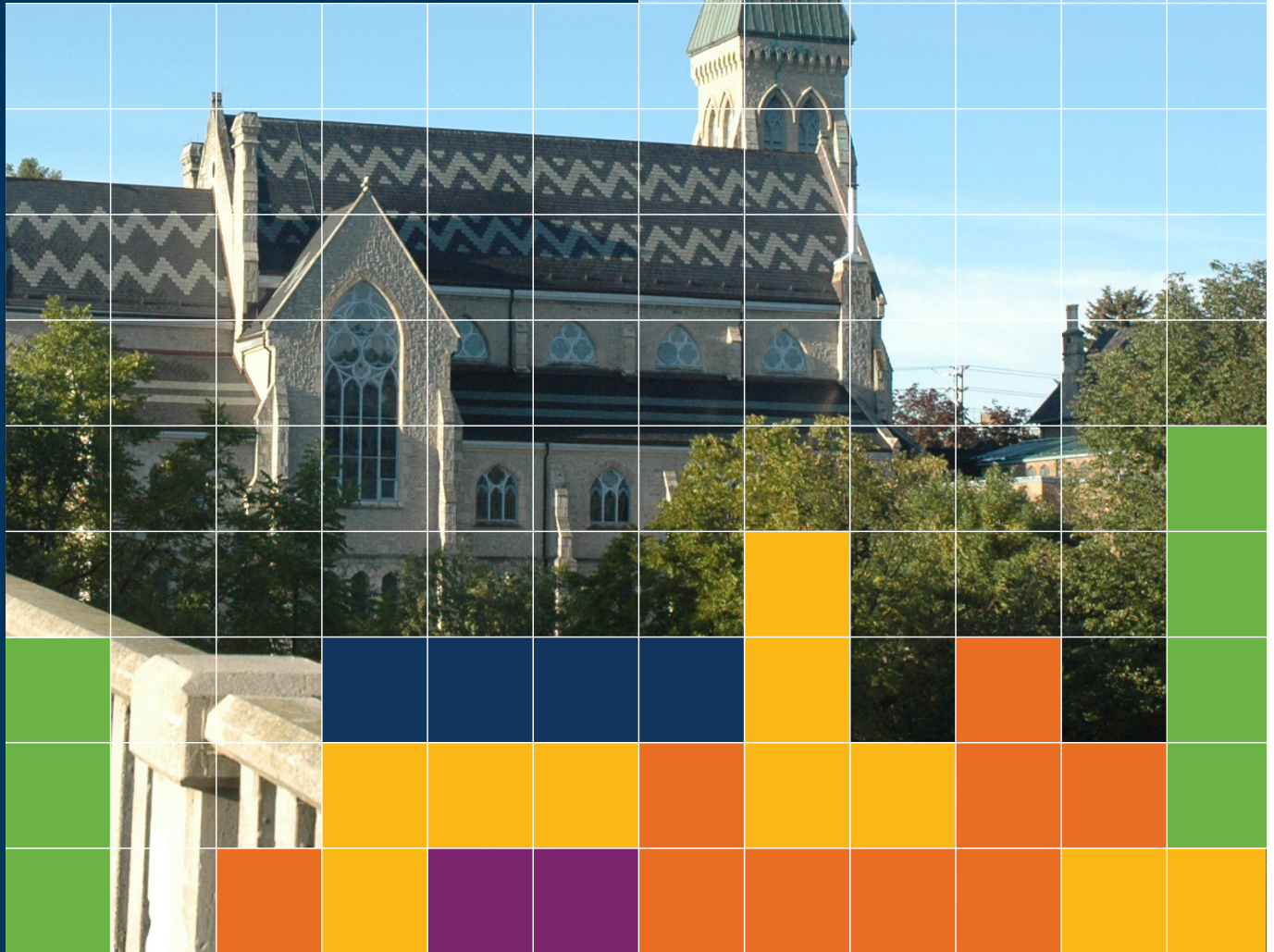
1.4 How to read the discussion paper

The discussion paper is organized into chapters by topic. Each chapter examines relevant provincial legislation and policies including the Planning Act, Provincial Policy Statement (2014) (PPS), and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019). A draft update to the PPS was recently released by the Province. Because the updated PPS was not in effect at the time of writing of this discussion paper, the in-effect PPS from 2014 was used.

The discussion paper reviews Guelph's Official Plan as well as any relevant local or provincial policies, regulations, or guidelines. Each chapter explores trends in zoning by reviewing relevant zoning bylaws selected through a set of criteria. Based on a review of policies and zoning trends, and in consideration of input gathered through phase one community engagement, each chapter provides a series of options and preliminary recommendations for zoning related to that topic. The discussion paper concludes with next steps for community engagement.

Chapter 2

Phase One Community Engagement



2.0 Community engagement in phase one

2.1 What we did

In February 2019, City staff hosted three community conversations in locations around Guelph to inform residents about zoning bylaws and their importance. These community conversations were also used to provide an overview of the comprehensive zoning bylaw review and gain input into what topics should be explored as a new zoning bylaw is developed. 29 members of the community attended one of the community conversations. Staff also gathered input through the City's [online engagement platform](#) and met individually with any community members, stakeholders and members of Council who requested meetings.

2.2 What we heard

We heard a lot! We heard that in general, zoning needs to be easier to understand. We heard that the City needs to be more flexible in the types of residential uses it permits and needs to change the rules for accessory dwellings. We learned that there are new manufacturing uses, such as vertical farming, that are happening in the city and that Guelph's existing zoning rules make it challenging for these new uses to set up. We heard that some residents would like a new zoning bylaw to allow simple structures to be permitted nearer to our rivers. Most of all, we heard that some the Guelph community is interested in learning more about zoning and more about how the City can put new rules in place to achieve our community's vision. Each chapter of the Discussion Paper contains a summary of what we heard through our community conversations about topics outlined in that chapter. Appendix A is a summary of all the comments that we received and staff's preliminary responses.

Chapter 3

Zoning Bylaw Layout,
Scope, Legal Matters,
Existing Development
Approvals, and Specific
Uses



3.0 Zoning Bylaw Layout, Scope, Legal Matters, Existing Development Approvals, and Specific Uses

3.1 Introduction

This chapter provides an overview of the technical and legal matters that are considered within a zoning bylaw and those that are considered when a city is replacing its existing zoning bylaw with an entire new zoning bylaw. This chapter also explores how a new zoning bylaw should look and what a new zoning bylaw is required to do to comply with required provincial legislation (the Planning Act). This chapter considers approvals that were given under the existing zoning bylaw (zoning bylaw amendments and minor variances) and provides recommendations on how these should be considered in a new zoning bylaw. Finally, this chapter provides an overview and assessment of definitions and general provisions from the existing zoning bylaw. Options and recommendations for a new zoning bylaw related to these topics are explored.

In this chapter we are seeking your thoughts on:

- How the new zoning bylaw can be user-friendly, clear, and concise
- Proposed rules for accessory dwelling units
- Proposed rules for group homes
- Proposed rules for lodging houses
- How prohibited, complementary, and accessory uses should be dealt with
- Whether or not development applications currently in progress should be allowed to transition into having to abide by new zoning rules
- How existing approved minor variances should be dealt with in a new zoning bylaw
- The concept of legal non-conforming, and
- Whether the City should consider not permitting amendments to the new zoning bylaw for a period of two years.

Specific questions related to these topics can be found in section 3.6 as well as instructions for how to share your comments.

3.2 Current land use planning policies and zoning bylaw rules

3.2.1 Provincial legislation and policies

Planning Act

Zoning Bylaws

Sections 34 and 35 of the Planning Act outline what matters can be dealt with in zoning bylaws. A zoning bylaw may:

- Describe how land, buildings and structures can be used
- Prohibit certain types of buildings and structures on land with natural hazards, sensitive ground water or surface water features, lands within a source water

protection plan, lands within a significant natural area or significant archaeological resource, and contaminated lands

- Provide rules regarding the type of construction, the height, bulk, location, size, floor area, spacing, character and use of buildings and structures. These rules may include minimum and maximum heights and densities of buildings
- Provide rules for lots including minimum frontage, depth and areas and the amount of each lot that can be covered by buildings
- Provide rules for the placement and minimum elevation of doors, windows and other openings in buildings
- Require specific amounts of parking and loading, and
- Require that municipal services be available before land can be used in certain ways.

A zoning bylaw may also include holding provisions (section 36 of the Planning Act). Holding provisions can prohibit specific uses and/or buildings until certain conditions are satisfied. Guelph's Official Plan sets out what specific items a holding provision can be used for.

Additional residential units

Through a recent amendment to the Planning Act (known as Bill 108 which received royal assent in June 2019) zoning bylaws are required to permit additional residential units (commonly referred to as accessory apartments or accessory dwellings) residential units on lots where a detached, semi-detached or row house (Guelph refers to row houses as townhouses) are permitted. These additional residential units may locate in the same building as the detached, semi-detached or row house dwelling and may also locate in a separate building on the same lot. Up to two additional residential units may locate on each of these lots for a total of three residential units. In September 2019 a rule was passed under the Planning Act which establish a parking rate of no more than 1 space for each additional unit provided. This rule also requires that parking spaces be permitted to be located in tandem (that is one parking space located directly behind the other).

Legal non-conforming

The Planning Act outlines what legal non-conforming is. Legal non-conforming generally is a necessary by-product of a new zoning bylaw. To achieve the vision for Guelph as outlined in the Official Plan, certain uses must cease to exist over time. While this may appear to be a cause for concern, property owners and business owners should consider:

- That the existing use of the property can continue for as long as the property owners wish
- The property can be sold and the new owner can continue to use the property in the same way (as long as the use is continuously used for that purpose)
- The new rules only apply when changes are made to the property
- Finances (e.g. mortgages, loans) can still be obtained for legal non-conforming properties, and
- Legal non-conforming uses and buildings can be enlarged or expanded through the Committee of Adjustment.

Unrelated persons

The Planning Act makes it clear that a zoning bylaw is not permitted to include rules that would distinguish between persons who are related and persons who are unrelated. This means that when uses of land are defined within a zoning bylaw they must be defined based solely on how the land and/or buildings are used not on what types of persons would use the space. Furthermore, a zoning bylaw cannot provide rules for who may occupy a lot or building, or a unit within a building.

Two year moratorium

The Planning Act allows Council to not permit amendments to a new zoning bylaw for a period of two years. The ability to not permit amendments for two years is only available if a new zoning bylaw replaces an existing zoning bylaw in its entirety. Council may waive this requirement entirely, for specific zones, or for specific types of applications when it considers a new zoning bylaw. Should Council enact a two year moratorium, they may waive the moratorium on a case-by-case basis after a new zoning bylaw is passed.

Provincial Policy Statement (2014)

The Planning Act requires that all planning decisions be consistent with the Provincial Policy Statement (PPS). The PPS acknowledges that zoning bylaws are one important tool that should be used for implementation of the PPS. It requires that municipalities keep their zoning bylaws up-to-date with their Official Plans and the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

While A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) does not provide specific direction to zoning bylaws, it references that a zoning bylaw is an important implementation tool to achieve the policies and density targets of the Growth Plan.

3.2.2 Guelph Official Plan

A zoning bylaw is one tool that is used by the City to implement its Official Plan. In addition to what the Planning Act allows a zoning bylaw to be used for, the Official Plan includes specific policies enabling the City's zoning bylaw to:

- Not permit the full range of uses, densities, or heights in all locations
- Protect existing or newly identified natural features
- Protect cultural heritage resources, and
- Recognize existing legal uses of land that are not in conformity with the Official Plan in certain circumstances.

Legal non-conforming

The Official Plan acknowledges that in the long run it is the intent that legal non-conforming uses should cease to exist. In certain circumstances it may be appropriate to recognize existing legal uses that do not conform to the Official Plan.

The Official Plan provides the following guidance to determine whether a particular existing use may be recognized in a new zoning bylaw:

- The zoning bylaw may only recognize the existing use in its current form
- The existing use is not a danger to surrounding uses and persons (current or future) due to being hazardous or by the traffic generated
- The existing use does not pollute the air or water
- Extensions or enlargements are only permitted through a zoning bylaw amendment, and
- Any extensions or enlargements are subject to site plan control.

Uses permitted in all official plan land uses

The Official Plan permits certain uses within all land use designations (with the exception of the natural heritage system) and allows the zoning bylaw to restrict them. Uses permitted within all land uses include:

- Public and private infrastructure (the Official Plan outlines conditions for these uses)
- Urban agriculture (not including livestock-based agriculture), and
- Municipal parks and recreation facilities.

Uses permitted in all land uses that permit residential

The Official Plan permits the following residential uses within all land uses that permit residential uses:

- Special needs housing, including group homes
- Lodging houses
- Accessory apartments (within low density residential designations only)
- Coach houses
- Garden suites, and
- Home occupations.

Special needs housing

The Official Plan defines special needs housing as any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of special needs housing may include, but are not limited to, housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for seniors (rest homes, palliative care, and nursing homes).

The Official Plan requires that the zoning bylaw specifically define the types of special needs housing and establish rules such as minimum distance separation between facilities, minimum standards for occupancy, and site development. Group homes are only permitted in areas where there are adequate residential amenities and services. Where a group home is located within a residential area it must also be of a size and character which is similar to or compatible with the existing area.

Lodging houses

Lodging houses are defined in the Official Plan as “means any place, including but not limited to a dwelling unit, that is used to provide 5 or more lodging units for hire or gain directly or indirectly to persons”. Lodging houses are only permitted in areas where there are adequate residential amenities and services. Where a lodging house is located within a residential area it must also be of a size and character which is similar to or compatible with the existing area.

Accessory apartments and coach houses

Accessory apartments are defined within the Official Plan as “a dwelling unit located within and subordinate to an existing single detached dwelling or semi-detached dwelling”. The Official Plan permits accessory apartments within low density residential areas of the City. The zoning bylaw is required to provide specific rules for accessory apartments.

Coach houses are defined within the Official Plan as “a one unit detached residence containing a bathroom and kitchen facilities that is located on the same lot, but is subordinate to an existing residential dwelling and is designed to be a permeant unit”. The Official Plan permits a coach house in areas of the City that also permit detached, semi-detached, and townhouse dwellings. An amendment to the zoning bylaw is required to permit a coach house so that criteria can be used to demonstrate the appropriateness of the site for the use.

As outlined in section 3.2.1, the recent amendments to the Planning Act have changed the way municipalities permit accessory apartments. The City’s policies regarding coach houses are no longer relevant.

Garden suites

The Planning Act defines a garden suite as “a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable”. Ancillary means a use that is associated with the principle use. The Planning Act allows garden suites to be permitted as a temporary use only. The Official Plan permits a garden suite in areas of the City that also permit detached, semi-detached, and townhouse dwellings. An amendment to the zoning bylaw is required to permit a garden suite so that criteria can be used to demonstrate the appropriateness of the site for the use.

Home occupations

Home occupations are permitted within any area of the City that permits residential uses. A home occupation may be permitted as an ancillary activity within a dwelling unit and must be subordinate to the residential use. The Official Plan only permits a home occupation where:

- The home occupation is operated by the persons residing in the dwelling unit in which it is operated

- It is compatible with adjacent residential properties and preserves the amenity of the overall residential neighbourhood
- It does not change the character or external appearance of the dwelling and property, and
- No aspect of the home occupation is visible from outside the property.

The zoning bylaw is required to provide specific rules for home occupations.

Prohibited uses, complementary uses, and accessory uses

The Official Plan identifies prohibited, complementary, and accessory uses within each land use designation. It provides the ability for the zoning bylaw to not permit certain uses within the City or within specific land uses or areas of the City.

Holding Zones

In accordance with the Planning Act, the Official Plan includes policies that outline what holding zones can be used for in the City's zoning bylaw. Where a holding zone is in place the permitted uses within the zone are generally restricted to existing uses, agricultural uses, or open spaces. A holding zone may only be removed once the conditions within the zone have been satisfied. A Council decision is required to remove a holding zone. A holding zone may be used:

- Where municipal services, such as sanitary sewers, stormwater management facilities, water supply, parks, schools, community services and facilities and community infrastructure are not sufficient to accommodate any additional growth in a particular area of the City until improvements are made
- Where studies are required prior to development
- To protect natural features or cultural heritage resources prior to development;
- To ensure that potential natural hazards, development constraints or environmental remediation/mitigation measures are addressed prior to development
- To ensure logical and orderly use of land where a development is to be phased, and
- To ensure that development that is contingent upon other matters occurs in the right order (e.g. lot consolidation, funding agreements).

3.2.3 Lodging house case law

Through the courts the City's interpretation of what it considered to be a lodging house was challenged. The decision on this case (Kritz v. City of Guelph in 2016) identified key characteristics that must be taken into consideration to determine if a building is being used as a dwelling unit (single housekeeping unit) or a lodging house as per the Ontario Building Code. The characteristics that establish that the building is being used as a dwelling unit include:

- All tenants know each other in advance of signing the lease and deciding together who gets which room with no influence from the owner of the building;
- There are no exterior locks on any bedroom doors
- Tenants enter into a group lease and pay rent as a group and pay utilities in the tenants name separate from their rent

- That neither the owner nor any of their relatives live in the house;
- The tenants have access to the entire house
- The tenants provide all furniture for the house and are responsible for the cleaning of the house, and
- There have not been any renovations to increase the number of bedrooms in the house.

Not all of the characteristics mentioned above need to be present for it to be determined that a building is being used as a dwelling unit rather than a lodging house. This case ruled that not all instances of shared accommodations are lodging houses.

3.2.4 Guelph's Zoning Bylaw

This section provides an overview of the current layout of the zoning bylaw and an overview of Sections 2 (Interpretation and Administration), Section 3 (Definitions), Section 4 (General Provisions), and Section 14 (Repeal of Bylaws). A summary of the existing specialized zones is also provided.

Zoning bylaw layout

Guelph's existing zoning bylaw has fourteen sections and two schedules.

- Section 1 explains the title of the zoning bylaw
- Section 2 provides rules on the interpretation and administration of the zoning bylaw
- Section 3 defines terms used throughout the zoning bylaw
- Section 4 describes general rules that may apply to more than one zone. General rules cover matters such as accessory buildings and structures parking; home occupations; outdoor storage; and accessory apartments
- Sections 5 through 13 set out the permitted uses and rules for specific land uses (e.g. residential, industrial, commercial)
- Section 14 repeals all previous zoning bylaws
- Schedule A is a series of maps that delineate the location of all zones. They show the zoning of each property in the city. The maps also have overlays (or hatching) that delineates lands that are near provincially significant wetlands; lands that are within the city's special policy floodplain area; lands that are considered a locally significant wetland, woodlot, or natural corridor (linkage); and lands that are within the flood fringe of the Speed or Eramosa rivers. Within Schedule A there are specific maps that identify protected view areas to the Basilica of Our Lady, where the rules for exterior building materials apply, where the older built up area is, and what specific building heights are applicable in different parts of the downtown, and
- Schedule B explains the permitted uses and rules for specialized zones. Specialized zones apply to specific properties throughout the City of Guelph.

Guelph's existing zoning bylaw makes use of tables to streamline and consolidate rules throughout. Additionally, the downtown zones (which were added through an amendment that came into effect in 2019), introduced tables for permitted uses providing the ability for readers to compare uses across all of the downtown zones.

The downtown zoning bylaw amendment also introduced a series of built form standards, including active frontage requirements moving towards a form based zoning bylaw. A form based zoning bylaw is less about the uses within buildings or on land and is more about the scale, intensity of development and the interrelationships between buildings and to the public realm.

Overview of existing zoning bylaw sections

Section 2 - interpretation and administration

As is standard in most zoning bylaws, Guelph's zoning bylaw contains provisions on where the zoning bylaw applies, when it was in effect, what forms part of the bylaw, and what is for information purposes only. Section 2 of the zoning bylaw also contains rules on:

- What uses and buildings are required to conform to the bylaw
- How technical revisions can be made
- The repeal of former zoning bylaws
- What is included on Schedule A (the zoning maps)
- Uses, lots, buildings, and structures that existed prior to the existing zoning bylaw being in effect
- Land taken for road widening or park dedication
- How to convert imperial measurements to metric and rules for rounding
- Lands next to Provincial highways
- Holdings zones – what they are and where they apply
- What is a zoning bylaw offence and what the penalties are, and
- Clarifies that illustrations don't form part of the zoning bylaw and that they are there for information purposes only.

Section 3- Definitions

Section 3 of the zoning bylaw includes all of the definitions for terms that are defined within the bylaw. These include definitions for some of the uses allowed or not allowed and definitions for terms that are used within rules (e.g. building, basement, building height, driveway). A full list of existing definitions is in Appendix B.

Section 4 - General provisions

Section 4 of the zoning bylaw includes rules for uses, buildings, or other matters that may be permitted in more than one zone. Section 4 includes many rules including:

- Uses allowed and not allowed in all zones
- Accessory buildings and structures
- Swimming pools and hot tubs
- Buildings and structures that are not allowed to be within a yard adjacent to a street
- Municipal services
- Parking (number required, location, and width of driveways)
- Accessory apartment rules

- Home occupations
- Accessory and occasional uses
- Specific uses including lodging houses, group homes, emergency shelters, day care centres, and bed and breakfast establishments, and
- Food vehicles.

Additional residential units

Guelph's existing zoning bylaw includes rules for additional residential units, which it refers to as accessory apartments. Accessory apartments are only permitted within a single detached or semi-detached dwelling to a maximum of one per lot. Accessory apartments are restricted in size (a maximum of 45% of the total floor area of the building and shall also not exceed 80 square meters; a maximum of two bedrooms is permitted). Other rules include minimum parking requirements, preserving the external appearance of the building façade, and must have an interior connection between the accessory apartment and the other dwelling unit.

There are no specific rules in the zoning bylaw for coach houses or garden suites. These uses are only permitted through a zoning bylaw amendment (coach house) or temporary use bylaw (garden suite).

Special needs housing

Currently the zoning bylaw permits special needs housing through the following uses:

- homes for the aged
- nursing homes
- retirement residential facility
- emergency shelter, and
- group home.

Table 1 summarizes the zones that these uses are permitted in.

Table 1: Existing zones that permit special needs housing

Permitted use	Zones
Emergency Shelter	Downtown One (D.1)
Group Home	Residential Single Detached (R.1A) Residential Single Detached (R.1B) Residential Single Detached (R.1C) Residential Single Detached (R.1D) Residential Semi-Detached/Duplex (R.2) Convenience Commercial (C.1) Neighbourhood Shopping Centre (NC) Downtown One (D.1) Downtown Two (D.2) Service Commercial (SC.1) Highway Commercial (SC.2) Office Residential (OR) Commercial Residential (CR)

Permitted use	Zones
	Educational, Spiritual, and Other Services (I.1) University of Guelph and Guelph Correctional Centre (I.2) Health and Social Services (I.3)
Home for the Aged	Residential General Apartment Zone (R4.A) Residential Central Business District Apartment (R.4C) Residential Infill Apartment (R.4D) Downtown One (D.1) Downtown Two (D.2)
Nursing Home	Residential Central Business District Apartment (R.4C) Residential Infill Apartment (R.4D) Downtown One (D.1) Downtown Two (D.2)
Retirement Residential Facility	Residential General Apartment Zone (R4.A) Residential Central Business District Apartment (R.4C) Residential Infill Apartment (R.4D)

In addition to the rules within each of the zones, there are additional rules specific for emergency shelters and group homes. Emergency shelters, group homes are required to be a minimum distance of 100 metres from any other emergency shelter, group home and lodging houses (Type 1 only – see description below). Additionally a group home is only permitted to occupy the entirety of a single detached dwelling or semi-detached dwelling. There are maximum occupancies for emergency shelters and minimum gross floor areas for group homes.

Lodging houses

Lodging houses are currently permitted through two types, Lodging House Type 1 and Lodging House Type 2. They are defined as:

Lodging House Type 1 means any place, including but not limited to a dwelling unit that is used to provide 5 or more lodging units for hire or gain directly or indirectly to persons.

Lodging House Type 2 means the whole of a townhouse building or apartment building where one or more dwelling units are each used to provide 5 or more lodging units for hire or gain directly or indirectly to persons.

Lodging House Type 1's are permitted in the low density residential zones, the convenience and neighbourhood commercial zones, the downtown zones that permit residential uses, service commercial zones, office residential and commercial residential zones, and all of the institutional zones. Lodging House Type 2's are only permitted through a zoning bylaw amendment.

In addition to the rules within each of the zones that permit a lodging house type 1, there are specific rules for lodging houses. Lodging houses (Type 1 only) are required to be a minimum distance of 100 metres from other emergency shelters, group homes and lodging houses (type 1 only). Additionally a lodging house is only permitted to occupy the entirety of a single detached dwelling or semi-detached dwelling.

Prohibited uses, complementary uses, and accessory uses

The zoning bylaw lists out uses that are not allowed within the city (e.g. vehicle salvage yard, incinerator). Complementary uses (uses that are allowed together with other uses but not allowed on their own) are controlled through rules within each zone, such as being required to locate within a mall. Accessory uses (uses that are allowed only if they are in addition to another use and are secondary to that use) are generally permitted anywhere provided that the accessory use does not exceed 25 percent of building.

Specialized zones

Specialized zones apply to specific properties throughout the city. Specialized zones generally work with an underlying zone (e.g. R.1B) to add, delete, or change uses or rules. There are currently 646 specialized zones in Guelph's zoning bylaw. Table 2 summarizes the number of specialized zones by underlying base zoning category.

Table 2: Specialized Zones by Underlying Base Zone

Underlying base zone	Number of specialized zones
Residential Single Detached (R.1A)	5
Residential Single Detached (R.1B)	47
Residential Single Detached (R.1C)	29
Residential Single Detached (R.1D)	30
Residential Semi-Detached/Duplex (R.2)	28
Residential Cluster Townhouse (R.3A)	61
Residential On-Street Townhouse (R.3B)	23
Residential General Apartment (R.4A)	52
Residential High Density Apartment (R.4B)	23
Residential Central Business District Apartment (R.4C)	1
Residential Infill (R.4D)	9
Retirement Residential (RR)	2
Convenience Commercial (C.1)	24
Neighbourhood Shopping Centre (NC)	11
Community Shopping Centre (CC)	26
Regional Shopping Centre (RC)	1
Downtown 1 (D.1)	27
Downtown 2 (D.2)	12
Downtown 3 (D.3)	5
Downtown 3a (D.3a)	1
Service Commercial (SC.1)	49

Underlying base zone	Number of specialized zones
Highway Commercial (SC.2)	17
Office Residential (OR)	56
Commercial Residential (CR)	14
Industrial (B.1)	3
Industrial (B.2)	9
Industrial (B.3)	12
Industrial (B.4)	20
Corporate Business Park (B.5)	7
Educational, Spiritual, and Other Services (I.1)	16
University of Guelph and Guelph Correctional Centre (I.2)	5
Health and Social Services (I.3)	2
Conservation Land (P.1)	1
Neighbourhood Park (P.2)	3
Community Park (P.3)	2
Regional Park (P.4)	1
Commercial Recreation (P.5)	6
Urban Reserve (UR)	5
Floodway (FL)	1

Holding zones

Generally the holding zones are used to ensure that there is adequate infrastructure in place (e.g. sewers, road). In some instances they require additional studies to be completed before the site can be developed (e.g. a record of site condition for contamination, a master plan). There are currently 15 holding zones that apply to specific sites throughout the city.

Section 14 – Repeal of bylaws

This section repeals all zoning bylaws that existed prior to the 1995 zoning bylaw.

3.2.5 Approvals granted under the existing zoning bylaw

Zoning bylaw amendments

There have been 414 amendments to the zoning bylaw since it was approved in 1995. Since 2011 the City has been tracking the types of amendments that have been approved. A summary of the amendments by type between 2011 and June 2019 are within Table 3.

Table 3: Approved zoning bylaw amendments 2011- June 2019

Purpose of Amendment	Number of Amendments
Removal of holding zones	18
Addition of specialized provisions	81
Change of base zone	10
Technical, administrative, and city-initiated amendments	10

Minor variances

The minor variances that have been approved over the last five years were reviewed. A total of 425 minor variance applications were received between 2014 and 2018. Table 4 shows the number of minor variance applications for the top six approved minor variances.

Table 4: Approved minor variance applications 2014-2018.

Purpose of Application	Number of Applications	Total (%)
Side yard setback	63	14.82
Size of accessory apartments	40	9.41
Parking Spaces	36	8.47
Driveway width	25	5.88
Front yard setback	30	7.06
Permitted use	28	6.59

The most frequent request has been to reduce the side yard setback (how far a building needs to be from the edge of a property) rules, particularly in residential zones. 50 applications were approved to reduce the side yard setbacks in various residential zones, with reductions to the side yard setback in the R.1B zone comprising 72%. The most common side yard setback approved for R.1B zoned lots was 1.2 metres (the zoning bylaw requires 1.5 metres).

Another common request has been to increase the maximum permitted size of accessory apartments in residential zones. The most common increase in the size of accessory apartments was to permit an accessory apartment of 90 to 100 square metres (the zoning bylaw permits a maximum of 80 square metres).

36 variances were approved since 2014 to reduce the number of required parking spaces and 25 variances were approved to increase the maximum permitted driveway width. A total of 27 applications were received for residential driveway widths and 22 of these were approved, most of which were for R.2 zoned lots. Generally the variance approved was to increase the maximum driveway width from 5 metres to 6 metres.

30 variances were approved since 2014 to reduce the front yard setback with over 50 percent for lots zoned R.1B. While some of the front yard setback reductions were to permit buildings to be closer to the street, the majority were for porch encroachments.

28 variances were approved since 2014 to add additional uses to specific lots. The majority of these uses are already permitted elsewhere in the zoning bylaw. Additionally, two new uses were added to specific lots through variances (micro distillery and hydroponic growing facility). Review of Municipal Zoning Trends

3.3 Review of municipal zoning trends

3.3.1 Methodology

When examining zoning trends for this chapter, we were looking to understand how other zoning bylaws:

- Are laid out
- Define specific terms
- What types of rules they include as general rules
- What rules they have for additional residential units (accessory apartment/accessory dwelling units)
- What rules they have for special needs housing
- What rules they have for group homes
- What rules they have for lodging houses
- How they deal with uses that are not allowed, complementary uses, and accessory uses
- Whether they have specialized zones and holding zones
- How they have considered development applications that are in process at the time that a decision is made on a new zoning bylaw
- How they have considered minor variances that were approved under their existing zoning bylaws;
- How they have considered the Planning Act two year moratorium, and
- Considered legal non-conforming uses.

To answer these questions municipalities that met the following criteria were examined:

- The municipality must be an Ontario municipality either with a new zoning bylaw that was approved between 2013 and 2019 or one with a new zoning bylaw in progress that has proceeded to a statutory public meeting between 2016 and 2019, and
- Although not required, priority was placed on municipalities that were on Guelph's municipal comparison list which also met the above criteria
- A zoning bylaw that is older than 2013 but has incorporated an amendment since 2013 that comprehensively deals with a specific relevant topic.

To answer some of the questions above, some zoning bylaws that are older than 2013 were also looked at if there was a comprehensive amendment to their zoning bylaw that dealt with the topic of interest.

As this chapter covers numerous specific topics, zoning bylaws that were reviewed for specific topics only are noted with an asterisk (*). The zoning bylaws that met this criteria and were reviewed were:

- Town of Oakville
- City of St. Catharines
- City of Waterloo
- City of Kitchener
- City of Kingston*

- City of Ottawa*
- City of Welland*, and
- City of Cambridge*.

Additionally, the City of Hamilton released a discussion paper in March 2019 titled “Residential Care Facilities, Group Homes Human Rights and the Zoning By-Laws within the Urban Area Discussion Paper”. This discussion paper was reviewed to understand Hamilton’s proposed approach to regulating group homes.

3.3.2 Summary of zoning trends

Zoning bylaw layout

The zoning bylaws of the municipalities reviewed generally follow a similar format providing administrative rules (the “how to” of the bylaw, how to know when its in effect, how to know what zone applies to a property, how to charge an offence, how to know what forms part of the bylaw and what doesn’t), definitions, general rules, and rules for parking up front. The general rules are followed by specific zones (e.g. residential, commercial, industrial, parks, natural areas) with site specific zones, holding zones, temporary use zones at the end. All zoning bylaws reviewed incorporated zoning maps at the end of the zoning bylaw.

Many new zoning bylaws are incorporating illustrations into their zoning bylaws to help readers understand certain definitions or rules. An example of a zoning bylaw illustration is the City of Kitchener’s bicycle parking stall diagram shown in Figure 1.

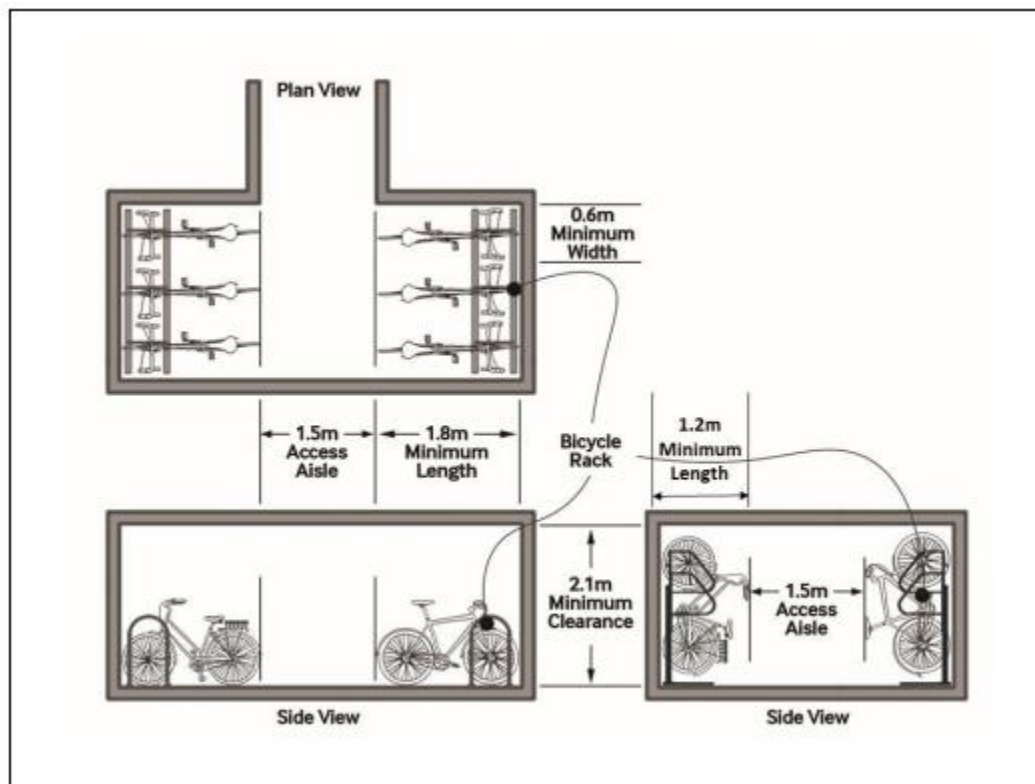


Figure 1: City of Kitchener Zoning Bylaw bicycle parking stall diagram

Several zoning bylaws reviewed are also using tables for permitted uses to make the bylaws easier to read by consolidating information. Tables also make it easier to compare allowable uses across all zones within one section (commercial for example) so that if you were interested in building a townhouse or opening a store you could quickly see where these uses would be permitted. Figure 2 is an example from the Town of Oakville's zoning bylaw that shows the uses that are allowed across their residential zones.

Table 6.2.1: Permitted Uses in the Residential Low Zones and the Residential Uptown Core Zone (2017-025)						
		RL1, RL2, RL3, RL4, RL5, RL6	RL7, RL8, RL9	RL10	RL11	RUC
<i>Accessory dwelling</i>	(1)	✓	✓	✓	✓	✓
<i>Bed and breakfast establishment</i>	(1)	✓	✓	✓	✓	✓
<i>Conservation use</i>		✓	✓	✓	✓	✓
<i>Day care</i>	(1)	✓	✓	✓	✓	✓
<i>Detached dwelling</i>		✓	✓	✓		✓
<i>Duplex dwelling</i>				✓		
<i>Emergency service facility</i>		✓	✓	✓	✓	✓
<i>Emergency shelter</i>						
<i>Home occupation</i>		✓	✓	✓	✓	✓
<i>Linked dwelling</i>					✓	
<i>Lodging house</i>	(1)(2)	✓			✓	✓
<i>Park, public</i>		✓	✓	✓	✓	✓
<i>Place of worship</i>						
<i>Private home day care</i>	(1)	✓	✓	✓	✓	✓
<i>Private school</i>						
<i>Semi-detached dwelling</i>			✓			✓
<i>Short-term accommodation</i>	(4)	✓	✓	✓	✓	✓
<i>Stormwater management facility</i>		✓	✓	✓	✓	✓
<i>Townhouse dwelling</i>						✓

Figure 2: Town of Oakville Zoning Bylaw Residential Permitted Uses Table Extract

New zoning bylaws are also incorporating built form rules in many zones (such as residential, mixed use, and downtown zones). Rules include minimum first storey building heights, active frontage requirements, building stepbacks/angular plane, and tower separation.

In addition to a new zoning bylaw, the Town of Oakville also produced a [user's guide](#) to explain how to read their zoning bylaw, what different terminology means, and how to check the zoning of properties.

Definitions

The definitions from the zoning bylaws noted above as well as definitions from the zoning bylaw comparisons noted in all of the other chapters of this discussion paper were reviewed and compared to Guelph's existing zoning bylaw. Depending on the term, there are either consistencies or variations in how municipalities define terms. Zoning Bylaws generally define common zoning terms such as building, lot, yard, building height, parking space, and the various uses permitted.

General provisions

All zoning bylaws reviewed incorporated general provisions. The general provisions from the zoning bylaws noted above were reviewed and compared to Guelph's existing zoning bylaw. Common general provisions include rules for:

- Accessory buildings
- Portions of buildings or structures that are permitted to encroach into a required setback or project above a permitted building height
- Outdoor patios
- Home occupations
- Occasional uses
- Accessory uses, and
- Prohibited uses.

Additional residential units (accessory dwelling units)

Given the recent approval of amendments to the Planning Act through Bill 108 (June 2019) regarding additional residential units, no zoning bylaws have rules that comply. However, the approach to defining and permitting additional units within a single detached, semi-detached, and townhouse dwelling and also on a lot containing the same is within the zoning bylaws reviewed. The zoning bylaws for Welland, Cambridge, Oakville, and Ottawa were reviewed specifically for this topic. It is acknowledged that future amendments to these bylaws will be required to comply with the amended Planning Act.

Within the zoning bylaws of these municipalities, all define either an accessory dwelling unit or secondary dwelling unit. These definitions all require the additional dwelling unit to be accessory to the main dwelling unit. Welland, Cambridge, and Oakville's definitions are generic so that the additional residential unit could be located either within another dwelling unit or in a separate building on a lot that has another dwelling unit. Ottawa has two separate terms. A secondary dwelling unit is a second unit in the same building as another dwelling unit and a coach house is a dwelling unit located in a separate building on the same lot. Both approaches achieve the same intent.

All of the above mentioned zoning bylaws have rules for additional residential units that:

- Permit only one additional residential unit per lot (these rules will have to be changed to comply with the amended Planning Act)
- Permit them where a single detached, semi-detached, and townhouse dwelling is permitted (with the exception of Oakville who only permits them within single detached and semi-detached dwellings), and
- Require a minimum amount of parking (with the exception of Ottawa where no parking is required for accessory/secondary dwelling units).

Some of the zoning bylaws reviewed also have rules for additional residential units requiring them to connect to sewer and water services, limiting their size (as a percentage of the floor area of the building or a total amount of floor area),

requiring a separate entrance; ensuring that the additional residential unit in a separate building cannot be severed from the other dwelling located on the same lot, and requiring that there are no changes to the streetscape character.

Special needs housing (not including group homes)

The zoning bylaws of Burlington, Kitchener, Milton, Oakville, and St. Catharines, were reviewed regarding special needs housing. There are generally four categories of special needs housing within the zoning bylaws reviewed – long term care (some municipalities have a separate use for hospice), retirement residences, group homes, and emergency shelters. Group homes are discussed in the section following. None of the zoning bylaws reviewed use the terms “homes for the aged” or “nursing home” (Guelph’s current approach to special needs housing).

In all zoning bylaws reviewed, long term care facilities (in the Kitchener zoning bylaw this use is referred to as a residential care facility) are residences where support or health services are provided on a temporary or permanent basis in a supervised setting. Some of the zoning bylaws reference relevant provincial legislation within their definitions. Both Kitchener and Oakville also incorporate assisted/independent living facilities (an apartment where personal support services are provided) as part of either a long term care facility or continuum of care community. Kitchener and Oakville include a hospice as a separate type of care facility with a specific definition that includes palliative care. Kitchener includes a maximum of 10 patients within their definition.

Burlington, Milton, and Oakville define retirement residences which includes references to central kitchen and dining facilities. Milton and Burlington include the provision of housekeeping and medical services within their definition whereas Oakville includes different dwelling types (assisted living units or dwelling units). Kitchener and St. Catharines do not list retirement residences as a separate use.

Burlington and Oakville define an emergency shelter (St. Catharines permits an emergency shelter as a social service facility). All definitions reference temporary accommodation and associated support services. Kitchener and Milton do not define or permit an emergency shelter.

With the exception of emergency shelters, special needs housing is generally permitted in medium and high density residential zones, mixed use zones, and institutional zones of the zoning bylaws reviewed. Emergency shelters are permitted in mixed use zones, neighbourhood commercial zones, and institutional zones within Oakville and only as a site specific use in St. Catharines.

Group homes

In March 2019 the City of Hamilton released a discussion paper titled “[Residential Care Facilities, Group Homes Human Rights and the Zoning Bylaws within the Urban Area](#)”. Hamilton’s discussion paper reviewed zoning bylaw rules (including minimum distance separation and capacity) for residential care facilities (including group homes), outlined Ontario Human Rights Commission (OHRC) concerns regarding

these topics, and proposed options for defining and regulating residential care facilities in Hamilton's new zoning bylaw.

This discussion paper outlined that over the past several years the Ontario Human Rights Commission (OHRC) has become aware of and involved in the review of many zoning bylaws specifically focusing on definitions and rules for group homes. The OHRC has commented specifically on other zoning bylaws definitions of group homes and zoning rules that use minimum distance separations. The OHRC is concerned with zoning bylaws that either directly or can be perceived to marginalize or target a protected group under the Ontario Human Rights Code.¹

Between 2011 and 2014, a group referred to as "The Dream Team" lodged complaints with the OHRC over zoning definitions and minimum distance separation rules within the zoning bylaws of Toronto, Smith's Falls, Sarnia, and Kitchener. Their intent was to demonstrate discrimination issues across Ontario. The Dream Team asked the Ontario Human Rights Tribunal to strike down long-standing zoning bylaws that limit the location of housing for people with disabilities in these municipalities. All municipalities have removed minimum distance separation rules and other zoning restrictions for the general class of group homes as part of settlements or in advance of settlements.²

Through this discussion paper, Hamilton staff are recommending that their definition of residential care facility be updated to remove any references to reasons for the group home (i.e. residential require supervision because of social, emotional, mental or physical handicaps or personal distress). Hamilton is also recommending that minimum distance separation rules be deleted and are proposing to introduce minimum and maximum capacity (i.e. number of residents) ranges for low density, medium density, and high density zones.³

The zoning bylaws of Waterloo, Kitchener, and Cambridge were reviewed regarding group homes. All of these municipalities define group homes with Waterloo and Kitchener having two types of group homes based on the number of residents. Additionally Kitchener's zoning bylaw includes a separate use called "correctional group home". Cambridge has no specific rules for group homes. Waterloo includes separate lot area, setback, building height, and parking requirements. Kitchener has maintained a minimum distance separation for correctional group homes only.

¹ City of Hamilton, Residential Care Facilities, Group Homes Human Rights and the Zoning bylaws within the Urban Area, 2019, pp. 1.

² Ibid, pp. 6, 20-21.

³ Ibid, pp. ii-iii

Lodging houses

The zoning bylaws of Oakville, Waterloo, Kitchener, and Cambridge were reviewed regarding lodging houses. All of these municipalities define a lodging house and lodging unit.

Table 5: Oakville, Waterloo, Kitchener, and Cambridge Lodging House Definitions

Municipality	Term
Oakville	<p>Lodging House – means a building or structure or any portion thereof in which persons are harbored, received or lodged for rent or hire with or without meals.</p> <p>Lodging Unit – means a room provided for rent or hire, which is used or designed to be used as a sleeping accommodation and may contain bathroom facilities</p>
Waterloo	<p>Lodging House – means a building or part thereof used for residential occupancy where a proprietor offers lodging rooms to five or more persons with or without meals, in return for remuneration or the provision of a service, or both</p> <p>Lodging Room – means a bedroom within a lodging unit which is exclusively used by the resident or residents of the bedroom, and is not normally accessible to persons other than the resident or residents of the bedroom</p> <p>Lodging Unit – means a living accommodation which does not include the exclusive use of a kitchen or bathroom</p>
Kitchener	<p>Lodging House – means a dwelling unit where five or more persons, not including a resident owner of the property, may rent a lodging unit and where the kitchen and other areas of the dwelling unit are shared amongst the persons occupying the dwelling unit.</p> <p>Lodging Unit – means a room or set of rooms located in a lodging house or other dwelling designed or intended to be used for sleeping and living accommodation which:</p> <ul style="list-style-type: none"> • is designed for the exclusive use of the resident or residents of the unit; • is not normally accessible to persons other than the residents or residents of the unit; and

Municipality	Term
	<ul style="list-style-type: none"> • does not have a bathroom and kitchen for the exclusive use of the residents or residents of the unit
Cambridge	<p>Boarding, lodging or rooming house – means a building in which lodging is provided for more than three persons in return for remuneration or for the provision of services or for both, and in which the lodging rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants</p> <p>Lodging room – means a room provided for rent or hire which is used or designed to be used for temporary sleeping accommodation</p>

Cambridge has no specific rules for lodging houses. Waterloo includes rules requiring the lodging house to occupy the whole of a building, and has separate lot area, setback, building height, and parking requirements. Kitchener and Oakville only permit one lodging house per lot and Oakville establishes a maximum number of 3 lodging units in a building. Similar to group homes, Kitchener is the only zoning bylaw that has maintained a minimum distance separation for lodging houses.

Prohibited uses, complementary uses, and accessory uses

Prohibited uses

The zoning bylaws of St. Catharines, Oakville, Welland, Cambridge and Waterloo were reviewed to determine approaches for prohibited, complementary and accessory uses. Other than St. Catharines who does not mention prohibited uses within their zoning bylaw, all other zoning bylaws have general provisions that list specific uses that are prohibited within the municipality.

Complementary uses

St. Catharines and Welland do not use complementary uses. Waterloo lists specific complementary uses within each zone. Oakville and Cambridge use rules to control for complementary uses (e.g. certain uses are only permitted if they are located in a building with another use). This approach is similar to Guelph's current approach of permitting certain uses within a mall only.

Accessory uses

All municipalities define accessory use. Oakville and Welland include a general provision that states that any permitted use may include an accessory use. Welland includes general provisions for the location, height and lot coverage of accessory uses. Additionally, certain accessory uses have additional rules (e.g. home occupations, accessory dwelling units). Waterloo and St. Catharines list accessory

uses within each zone category whereas Cambridge includes a list of accessory uses within the definition of each use.

Specialized zones

All zoning bylaws reviewed have specialized zoning. It is commonplace in zoning bylaws to have rules that apply to one or a small group of properties. This provides for the site specific or area specific context for uses or rules. Generally, municipalities are moving away from referring to these types of provisions as “special”. Welland, Waterloo, and Kitchener all use site specific provisions and Cambridge refers to them as exceptions. St. Catharines and Oakville are the only zoning bylaws reviewed that continue to refer to these types of provisions as specialized.

Holding zones

All zoning bylaws reviewed have incorporated holding zones within their zoning bylaws.

Transition provisions for in-progress development applications

The zoning bylaws of Oakville, Kitchener, Cambridge, and Vaughan (draft zoning bylaw) were reviewed to see how they have dealt with development applications that were in progress but not yet approved. All zoning bylaws reviewed have transition provisions for in progress development applications. The types of development applications that are transitioned vary. All municipalities reviewed have transition provisions for building permits. Oakville, Cambridge and Vaughan provide transition provisions for minor variances and site plans. Kitchener’s zoning bylaw is the only one that provides transition provisions for subdivisions and condominiums. Oakville and Vaughan’s bylaws are the only two that provide transition provisions for consent applications. All zoning bylaws reviewed contain “lapsing provisions” for in progress development application transitions. For Oakville, transition provisions are valid for two years for minor variances and site plan, and three years for consents. For Kitchener and Cambridge transition provisions are valid for three years after the effective date of the zoning bylaw whereas Vaughn is proposing five years.

Minor variances approved under previous zoning bylaws

The zoning bylaws of Oakville, Kitchener, Cambridge, St. Catharines, and Vaughan (draft zoning bylaw) were reviewed to determine whether or not their zoning bylaws recognized approvals that were given under former zoning bylaws (i.e. zoning bylaw amendments and minor variances). Oakville and Kitchener have not proposed to recognize minor variances. Both of these municipalities intend to have existing minor variances become legal non-conforming. Approved minor variances and extensions/enlargements of legal non-conforming uses granted under Waterloo’s previous zoning bylaw and Cambridge’s existing zoning bylaw are recognized (or proposed to be recognized in Cambridge’s case) under the new bylaw. St. Catharines zoning bylaw does not mention existing approvals and Vaughan’s draft zoning bylaw is not proposing to recognize existing approvals.

Two year moratorium on zoning bylaw amendments

As mentioned in Section 3.2.1, the Planning Act allows municipalities to not consider amendments to a new zoning bylaw for two years once Council has approved a complete new zoning bylaw for Guelph. In preparing new comprehensive zoning bylaws, Waterloo has retained the ability to use the two year moratorium on zoning bylaw amendments and has applied it to all zones except their Future Determination zone (this zone is comparable to Guelph's Urban Reserve zone). Kitchener's previous zoning bylaw was not repealed and replaced in its entirety, therefore the two year moratorium was not applicable. Cambridge and Vaughan have not yet taken a position as their bylaws have not been considered by their respective Council's for approval. Both Cambridge and Vaughan will be including recommendations on the two year moratorium when staff recommends approval of a new zoning bylaw.

Existing uses and legal non-conforming

The zoning bylaws of Oakville, Waterloo, Kitchener, St. Catharines, and Cambridge were reviewed to understand how they have dealt with existing uses that do not conform to their respective Official Plans. All bylaws reviewed recognize some types of existing uses or rules. All by-laws reviewed with the exception of Kitchener recognize existing lot area and lot frontage. Waterloo, St. Catharines, and Kitchener's bylaws recognize parking for existing buildings. St. Catharines and Cambridge recognize many existing uses through site-specific provisions in addition to other rules listed. Kitchener recognizes existing uses in specific zones in addition to the other rules.

3.4 Phase 1 community engagement – what we heard

As part of phase 1 community engagement we heard the following:

- The format and readability of the existing zoning bylaw needs to be improved
- A new zoning bylaw should align better with the Official Plan reducing the need for zoning bylaw amendments
- There should be a balance between what becomes a rules and what becomes a guideline for the built form of buildings
- Rules for home occupations should be more flexible
- Rules for accessory apartments should be more permissive
- Zoning bylaw amendments that have been approved should be carried forward into a new zoning bylaw, and
- The inability to apply for and have a zoning bylaw amendment considered within the two years after a new zoning bylaw is approved is concerning.

Appendix A contains a summary of all comments from the phase 1 community engagement, including staff responses.

3.5 Analysis, options, and recommendations

This section outlines options and preliminary recommendations for the topics explored within this chapter. For some topics options have been proposed and an option has not been recommended at this time. The Official Plan, comments from

the phase 1 community engagement, and zoning trends were considered in the development of the options and recommendations put forward in this chapter.

3.5.1 Zoning bylaw layout

Preliminary recommendation - A new zoning bylaw for Guelph should be streamlined and simplified. A new zoning bylaw should have zones that implement the Official Plan providing certainty to the Guelph community what can be built on each property within the city. A new zoning bylaw should provide flexibility in the way buildings can be used, and should be built form oriented. In consideration of these guiding principles, the comments provided through phase 1 community engagement, and other municipal zoning bylaws reviewed staff recommends that a new zoning bylaw include the following:

- A logical structure and flow to the zoning bylaw that includes a separate section for parking and driveway rules, a separate section for downtown zones, and puts site-specific rules, holding provisions, and all zoning maps at the end of the zoning bylaw
- Purpose statements for each zone to clearly indicate the intent of each zone and how each zone connects to the relevant Official Plan land use designation;
- The use of tables (in a format that meets Accessibility for Ontarians with Disabilities Act requirements), for allowable uses and rules
- Illustrations for specific defined terms and rules to assist in better understanding the intent of terms and rules
- An index of defined terms within the definitions section to make it easier to find defined terms, and
- Definitions for all permitted uses providing clarity in what the use includes and what it doesn't.

There should be a user's guide as a companion to the zoning bylaw that explains to readers how to use and interpret the new zoning bylaw.

3.5.2 Definitions

Appendix B contains a detailed overview of all the existing zoning bylaw definitions, zoning comparisons from other cities and options and recommendations for each.

Preliminary recommendation - Generally, most definitions are recommended to be updated to reflect direction in the Official Plan and/or trends found from zoning comparisons. Some definitions are recommended to be deleted as they are no longer necessary.

3.5.3 General provisions

Staff have reviewed all existing general provisions in the existing zoning bylaw and have considered comparisons from other municipalities.

Preliminary recommendation - Generally, most general provisions are recommended to be updated to reflect direction in the Official Plan and/or trends

found from zoning comparisons. Some general provisions are recommended to be deleted as they are no longer necessary or do not conform to the Official Plan.

3.5.4 Additional residential units (accessory dwelling units)

Preliminary recommendation - To comply with recent amendments to the Planning Act, the new zoning bylaw will include an accessory dwelling unit as a permitted use in all zones that permit a single detached, semi-detached, and townhouse dwelling. Additionally, an accessory dwelling unit will be permitted in both the building that has the single detached, semi-detached, or townhouse dwelling (e.g. basement suite) and will also be permitted in a separate detached building on a lot. The maximum number of residential units permitted where an accessory dwelling unit is permitted will be three units. Staff also recommends that a series of rules for accessory dwelling units including:

- For all accessory dwelling units, there be a maximum floor area between 40 and 45 percent of the total residential floor area provided and a minimum parking space of not more than one parking space per accessory dwelling unit be provided and that parking in tandem be permitted (this maximum parking rate is to comply with Planning Act rules)
- For accessory dwelling units located in a separate detached building, there be direct access from the street to the building, and
- For accessory dwelling units located in a separate detached building, there be a maximum floor area and setbacks from rear and side property lines.

3.5.5 Special needs housing (not including group homes)

To align with the Official Plan and reflect zoning trends, the following are staff's preliminary recommendations for uses to be included in a new zoning bylaw to implement the special needs housing policies of the Official Plan.

Preliminary recommendations

Long term care facility – It is recommended that a new use called "long term care facility" be introduced. Long term care facility is the common term used by the Province and in other zoning bylaws reviewed. This use is proposed to replace the existing zoning bylaw uses of 'home for the aged', and "nursing home". It is recommended that a long term care facility include an assisted living facility (which are independent living units that may include personal support services) to provide for the full continuum of care. A long term care facility should continue to be permitted in any medium and high density zone that permits residential uses.

Retirement residential facility – Retain retirement residential facility as a use and update the definition to reflect zoning trends (this will include permitting an assisted living facility as part of a retirement residential facility). It is recommended that this be permitted in medium and high density zones that permits residential uses.

Hospice – It is recommended that a new use called "hospice" be included in a new zoning bylaw as both part of a long term care facility and as a separate use. This is

recommended as the services provided by a hospice are sometimes offered within a long term care facility as part of a continuum of care. In some cases hospice services are provided through a separate facility (such as the Hospice of Wellington in Guelph) at a much smaller scale (e.g. 10 residents).

Emergency shelter – It is recommended that the emergency shelter be retained and that the definition be updated to reflect zoning trends. It is recommended that this use continue to be permitted within the D.1 (downtown) zone.

3.5.6 Group homes

To align with the Official Plan and reflect zoning trends the following are options for regulating group homes in a new zoning bylaw:

Option 1 (preliminary recommendation): The zoning bylaw definition of group home should be updated to align with the Official Plan definition of group home. It is further recommended that in addition to low density residential areas, where group homes are already permitted, that group homes be permitted in medium density and high density zones that permit residential uses. Additionally, it is recommended that the existing minimum distance separation rules be removed. A group home is recommended to only be permitted within the entirety of a building. A new rule is recommended to be included that establishes a maximum size (based on a maximum number of residents). Smaller group homes will be permitted within low density residential areas with larger ones permitted in higher density residential areas and mixed use areas. This option is consistent with the Official Plan direction and provincial policies to encourage supportive housing types throughout the City.

The planning validity of using minimum distance separation rules in a new zoning bylaw is questionable. There are some significant risks in retaining minimum distance separation rules for group homes within a new zoning bylaw. As outlined in Section 3.3.2, many municipalities have removed minimum distance separation rules as they apply to group homes from their zoning bylaws in light of the Ontario Human Rights Commission comments and challenges brought forward to the Ontario Human Rights Tribunal. In these cases it was determined that there was no planning justification for minimum distance separation rules for group homes.

Option 2: Option 2 is the same as Option 1 but retains the existing minimum distance separation rules for a sub set of group homes – correctional group homes. A correctional group home would provide housing and rehabilitation for persons on probation or parole or any other form of executive, judicial or administrative release from a penal institution. There are currently no correctional group homes within the City. Because of this, separating out a correctional group home may not be necessary. Additionally retaining a minimum distance separation of any kind poses some risks (see discussion in Option 1).

3.5.7Lodging houses

To align with the Official Plan, reflect zoning trends, and in consideration of relevant case law, the following are options for regulating lodging houses in a new zoning bylaw:

Option 1 (preliminary recommendation): The existing zoning bylaw uses 'dwelling unit' and 'lodging unit' to distinguish between a single detached dwelling (for example) and a lodging house. It is recommended that the definitions of 'dwelling unit' and 'lodging unit' be updated based on zoning trends to clarify how lodging houses are a different use of land than dwelling units. The existing zoning bylaw also permits lodging houses through two uses, 'lodging house type 1' and 'lodging house type 2' where the first is permitted in low density residential areas and the second only permitted in medium or high density residential areas through an amendment to the zoning bylaw. It is recommended that this approach to permitting lodging houses be retained. Further it is recommended that the existing minimum distance separation rules be removed, and that a rule be included in a new zoning bylaw that requires that a lodging house occupy the entire building. This approach is recommended in consideration of the case law outlined in Section 3.2.3 and zoning trends outlined in Section 3.3.2.

With respect to minimum distance separations, the Ontario Human Rights Commission has started to provide comments on zoning bylaws similar to their comments on group homes, regarding the appropriateness of minimum distance separation rules for lodging houses. Justifying the planning merits of minimum distance separation rules has become increasingly challenging in light of Ontario Human Rights Commissions comments.

Option 2: Option 2 is the same as option 1 but retains the existing zoning bylaw rule for minimum distance separations. As a result of the *Kritz v. City of Guelph* lodging house case, many dwellings that may have been considered to be lodging houses do not meet the characteristics set out in this legal decision resulting in fewer lodging houses in the City. In recent years the City has also seen an increase in purpose built rental apartments and accessory dwellings which has provided a much needed supply of rental housing units. Given this, it may not be necessary to continue to regulate the distance between lodging houses if there are fewer of them.

3.5.8Prohibited uses, complementary uses, accessory uses

To align with the Official Plan and reflect zoning trends, the following are options for prohibiting uses and permitting complementary and accessory uses in a new zoning bylaw:

Prohibited uses

Option 1 (preliminary recommendation): It is recommended that the exiting approach to prohibited uses (that is having a list of specific uses that are not permitted anywhere in the city listed within the general rules section) be retained. Having a general rule clarifies that the intent of the zoning bylaw is not to permit

these uses anywhere in the City. It assists with the interpretation and implementation of the zoning bylaw should requests be brought forward to permit these uses, that they do not meet the intent of the zoning bylaw. For recommendations on what uses should be not permitted anywhere in the city, please see Chapters 4 through 9.

Option 2: That a general rule be included that states that unless a use is specifically permitted all other uses are prohibited. Although this is simpler and more holistic way to ensure that uses not considered appropriate for the City are prohibited, it may be too broad of an approach. Often as zoning bylaws age there are new uses that surface that were not considered or did not exist at the time of the writing of the zoning bylaw. This type of general provision may be problematic in considering these types of requests.

Complementary uses

Option 1 (preliminary recommendation): Complementary uses should be listed as complementary uses within each zone. This approach requires that complementary be defined to ensure that the uses listed are not the primary use of a property. This is important as certain uses are only permitted as complementary uses (rather than primary uses) in certain land uses (as per the Official Plan). This approach clearly identifies which uses are complementary and aligns with the Official Plan which identifies primary permitted uses and complementary permitted uses.

Option 2: List complementary uses together with other permitted uses. Use rules to ensure that they are complementary. This approach allows for each complementary use to have different rules depending on the zone that they are in. However, this may cause confusion as readers may not know to read the rules and may assume that all listed uses are permitted no matter what.

Accessory uses

Option 1: Accessory uses should be listed within each zone. This approach requires that accessory be defined to ensure that uses listed are not the primary use of a property. This is important as the Official Plan provides for what uses are permitted as primary uses and provides some direction as to what uses are permitted as accessory. However, as the Official Plan doesn't specifically list what uses should be accessory, having a specific list in each zone may cause some accessory uses to be missed resulting in the need to have an accessory use added through a minor variance or zoning bylaw amendment process. This may cause unnecessary process.

Option 2: Accessory uses should be restricted through rules to ensure that they are accessory. This is the current approach in the existing zoning bylaw. This option also requires that accessory be defined. Rules (such as maximum gross floor area) could be applied differently within each zone allowing for zone specific context to accessory uses across the zoning bylaw.

3.5.9 Specialized zones

Preliminary recommendation - In consideration of zoning trends, it is recommended that the concept of specialized zones be retained. It is also recommended that specialized zones be re-named 'site specific zones'. This title change is a more accurate description of these types of rules which typically reflect site specific or area specific considerations. All existing specialized zones will be reviewed as part of the preparation of the first draft zoning bylaw. Each existing specialized zone will be evaluated together with the Official Plan and draft new zones to determine whether it should be retained, deleted, or modified. The key determining factor will be whether or not the specialized zone conforms to the Official Plan.

3.5.10 Transition provisions for in-progress development applications

Option 1 (preliminary recommendation): At the time of a decision by Council on a new zoning bylaw, there will certainly be development applications that have already been considered or are in the process of being considered against the existing zoning bylaw. It is recommended that building permits and site plans that are in progress (applications that have already been received and have been determined by the City to be complete applications) be able to obtain final approvals provided that they meet all of the rules under the existing zoning bylaw (that is provided that they did not need a zoning bylaw amendment or minor variance). It is further recommended that these applications be permitted to obtain final approvals for a prescribed period of time (generally this time limit is based on the average time that it takes to obtain final approval). This approach is recommended as shifting the set of rules that apply to a property part way through a design and development process can be challenging to adapt to. It can cause unnecessary delays in process and unnecessary costs (e.g. plans having to be redrawn to abide by new rules).

Option 2: All in-progress building permit, site plan, subdivision, condominium, consent, and minor variance applications to continue to be considered under the existing zoning bylaw for a defined period of time. Based on the zoning bylaws reviewed, only one municipality included subdivision and condominium applications that were in progress to continue to be considered against exiting zoning bylaw rules.

Option 3: Do not include any provisions that would allow in-progress development applications to continue to be processed under the existing zoning bylaw. Although this is an option, it is not one that any other zoning bylaw reviewed has proceeded with. Not allowing certain types of development applications that are in progress to continue to be considered under the rules that they applied under may cause processing delays and may cause applications to be modified, in some cases significantly.

3.5.11 General official plan conformity

The primary purpose of the comprehensive zoning bylaw review is to create a new zoning bylaw that conforms to the Official Plan. As such, the zoning of each

property will be reviewed against the land use designations and policies of the Official Plan to determine whether the existing zoning of the property needs to be changed in order to conform to the Official Plan.

Minor variances

When a new zoning bylaw is passed by Council the existing zoning bylaw is repealed. Once a former zoning bylaw no longer exists, any approvals granted under it (such as minor variances) also no longer exist. The following are options for considering minor variances to the existing zoning bylaw within a new zoning bylaw:

Option 1: All buildings built and uses established through minor variances will become legal non-conforming unless the new zoning that applies to the property has changed in a way that the variance previously needed is no longer necessary (e.g. the use is now permitted in the zone or the setback rule has been changed and the building would now comply). This option ensures compliance with the Official Plan and aligns well with having one complete new zoning bylaw.

Option 2: All minor variances approved under the existing zoning bylaw are recognized in the new zoning bylaw through a general rule. This approach ensures that once a minor variance is approved a property owner does not need to apply for the same variance again (should it be necessary to). This approach may “carry forward” variances that are no longer required (as zoning rules have been updated) or it may “carry forward” variances where the Official Plan intent is not met. This would more likely be the case for variances that were approved prior to the most recent Official Plan being in effect. This approach would ensure that once an approval has been obtained for a property it remains and that the use or building approved through the variance remains legal. An unintended consequence with this is that for situations where the building or use do not conform to the Official Plan, this means that the future vision for that property may take much longer to achieve.

Legal non-conforming

Preliminary recommendation – Where the Official Plan has changed the land use of a property the existing use may no longer be permitted. The Official Plan outlines criteria for how to consider whether an existing use should be recognized in a new zoning bylaw or whether an existing use should become legal non-conforming (see section 3.2.2). Should concerns be raised about the legal non-conforming status of a property, the Official Plan criteria will be used to determine whether the use will be legalized in a new zoning bylaw or whether the use will become legal non-conforming.

3.5.12 Two year moratorium on zoning bylaw amendments

At this time the comprehensive zoning bylaw review will deliver one complete new zoning bylaw at one time. Because of this, the provision of the Planning Act which does not allow for amendments to the zoning bylaw for two years from the effective date of the new zoning bylaw would be applicable. As outlined in section XX the Planning Act allows Council to pass a motion to waive this provision.

Option 1 (preliminary recommendation): It is recommended that generally no amendments be permitted to the new zoning bylaw for a period of two years following Council's approval. This option allows staff, Council, the community and developers' time to work within the new rules. The comprehensive zoning bylaw review process endorsed by Council provides many opportunities for feedback at various stages throughout the process providing opportunities to work with staff on the preparation of a new zoning bylaw that provides the most appropriate set of rules for Guelph. This option does not preclude Council from considering site specific exemptions to this zoning bylaw amendment moratorium.

Option 2: When a final zoning bylaw is tabled for a decision of Council, specific matters could be considered exempt from the "no zoning bylaw amendment for two years" rule (e.g. specific zones and/or specific geographies). The only opportunity to have no amendments to a zoning bylaw for a period of time is when there is approval of one complete new zoning bylaw. Staff sees merit in having one set of new rules in place for two years as a test to see how things are working.

3.6 Questions for You

1. Staff has included some recommended approaches for making a new zoning bylaw user-friendly, clear, and concise. What are your thoughts on these recommendations? Are there other things that you feel would help to achieve these objectives? What are they?
2. To comply with Provincial laws, we are required to update our rules for accessory dwelling units. What are your thoughts on the proposed rules for accessory dwelling units?
3. Do you agree or disagree with the preliminary recommendation for how group homes should be dealt with in a new zoning bylaw? Why?
4. Do you agree or disagree with the preliminary recommendation for how lodging houses should be dealt with in a new zoning bylaw? Why?
5. Staff have provided preliminary recommendations on the way that they think best simplifies what uses are not allowed within the city? Do you agree with this recommendation? Are there other ways that would provide clarity on what uses are not considered appropriate for Guelph?
6. Staff have provided preliminary recommendations for a simple way to permit complementary uses. Do you agree with this recommendation? Are there other ways to permit complementary uses that should be considered? If so, what are they?
7. Staff have proposed two options for permitting accessory uses? What are your thoughts on these two options? What other options should be considered?
8. Do you agree that in progress development applications should be transitioned into having to abide by new zoning rules?

9. Once a new zoning bylaw is approved by Council, all minor variances granted under the exiting zoning bylaw will no longer exist. Staff have proposed two options to deal with existing approved minor variances. What are your thoughts on these options? What other options should be considered?
10. What questions do you have about legal non-conforming?
11. Staff have included a preliminary recommendation that suggests that there should be a period of two years after the approval of a new zoning bylaw where zoning bylaw amendments should not be permitted? What are your thoughts on this?
12. What other comments do you have about the topics discussed in this chapter?

You can share your comments with us in person at an upcoming workshop in November 2019. For a full listing of workshop events and information about how to register please visit our [website](#). As of November you can also share your comments online through our [online engagement platform](#) or via [email](#).

Chapter 4

Residential



Comprehensive
Zoning Bylaw Review

Discussion Paper
October 2019

CITY OF
Guelph
Making a Difference

4.0 Residential

4.1 Introduction

This chapter provides an overview of the planning policy framework (provincial and local) for the city's residential areas. The existing residential zones (and zones that implement the non-residential uses that are permitted in residential areas) are compared to the residential land use policies to understand where changes are required to conform to these policies within a new zoning bylaw. Zoning bylaws in other municipalities are reviewed to understand emerging trends. Options and recommendations for a new zoning bylaw are explored.

In this chapter we are seeking your thoughts on:

- The number and type of residential zones that should be in a new zoning bylaw
- In consideration of the residential land uses in the Official Plan, the types of residential uses that should be permitted in each zone;
- In consideration of the Official Plan policies for non-residential uses within residential areas, the types of commercial and institutional uses that should be permitted in residential areas
- Proposed rules for different types of townhouses
- Proposed rules for apartments up to six storeys tall, and
- Proposed rules for apartments between six and ten storeys tall

Specific questions related to these topics can be found in section 4.6 as well as instructions for how to share your comments.

Other residential uses, such as accessory dwelling units, garden suites, special needs housing, including housing for seniors and group homes, lodging houses, and home occupations are permitted not only in residential areas but also in some other areas that permit residential uses like commercial/mixed use areas and institutional areas). These additional uses are discussed in Chapter 3.

4.2 Current land use planning policies, other Guelph standards and studies, and zoning bylaw rules

4.2.1 Provincial policies

Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) requires that there be an appropriate range and mix of housing types and densities to meet the needs of current and future residents. It suggests that this be achieved by providing space for all forms of housing, including special needs housing, and all forms of residential intensification, including accessory apartments.

The PPS promotes residential densities that make efficient use of land, resources, infrastructure and public services, and that support sustainable transportation and transit. The PPS also encourages developing standards for residential intensification

that assist with minimizing the cost of housing and facilitating compact forms of housing.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) requires that official plans and zoning bylaws support the achievement of minimum intensification and density targets and identify a diverse range and mix of housing options, including accessory apartments and affordable housing, to meet the current and future needs of residents. The Growth Plan also includes a specific policy requiring municipalities to use available tools to ensure that a mix of unit sizes are accommodated in multi-unit residential developments.

4.2.2 Guelph Official Plan

There are four residential land use designations within Guelph's Official Plan. Approximately 34,500 properties are designated, either in whole or in part, one of these designations. The approximate number of properties designated each of the residential land uses is within the list below in brackets.

- Low Density Residential (29,133 properties)
- Low Density Greenfield Residential (3,716 properties)
- Medium Density Residential (1,501 properties), and
- High Density Residential (158 properties).

Low Density Residential land use designation

The Low Density Residential land use designation applies to built-up areas of the city that are predominantly low-density in character. The permitted residential uses include detached, semi-detached, and duplex dwellings, and multiple unit residential buildings, including townhouses and apartments. Generally, buildings are limited to a height of three storeys and a density of 15 to 35 units per hectare.

Low Density Greenfield Residential land use designation

The Low Density Greenfield Residential land use designation applies to the greenfield area of the city. The city's greenfield area includes lands that were not developed in 2006, a date that was established by the province as part of the original provincial growth plan. The permitted residential uses are the same as within the Low Density Residential land use designation. Buildings are limited to six storeys in height and a density of 20 to 60 units per hectare.

Low density residential and greenfield residential built form policies

The Official Plan contains policies about the built form of low density residential buildings. Built form policies speak to the relationship of buildings to their surroundings and their relationship to streets. Specific policies that may provide direction for a new zoning bylaw include:

- New buildings within older established areas of the city should be designed to complement the existing visual character and architectural/building material elements

- Residential buildings should be sited with a consistent setback to provide a human scale to streets. Buildings should feature a prominent entrance and front porches, and
- Garages should be limited in width so that they do not dominate the streetscape; generally garages should not exceed half the width of a house and should also not project ahead of the front wall of the house.

Medium Density Residential land use designation

The Medium Density Residential land use designation permits multiple unit residential buildings, including townhouses and apartments. Generally, buildings range between two and six storeys and a density of 35 to 100 units per hectare.

Medium density built form policies

The Official Plan contains policies about the built form of medium density buildings, regardless of their use. These policies apply to buildings between four and six storeys in height. Specific policies that may provide direction for a new zoning bylaw include:

- Buildings should frame the street they are fronting
- Servicing and car parking should be located underground or at the rear/side of the building and should be screened
- Pedestrian access should be provided through a principal entrance that is accessed from the public realm
- Building entrances should be provided at regular intervals where buildings are greater than 30 meters in length and front a public street, and
- Buildings taller than four storeys should have a maximum building length.

High Density Residential land use designation

The High Density Residential land use designation permits multiple unit residential buildings in the form of apartments. Generally, buildings range between three and ten storeys and a density of 100 to 150 units per hectare.

High density built form policies

The Official Plan contains policies about the built form of high density buildings. These policies apply to buildings greater than six storeys in height regardless of its use. Specific policies that may provide direction for a new zoning bylaw include:

- Car parking should be located primarily underground with limited visitor surface parking. Structured parking above-grade may be permitted where appropriate
- The size of each floor of the tower portion (the portion of the building that is five storeys and taller) of a building may be limited, and
- The tower portion of the building shall be carefully placed to ensure adequate spacing between towers to allow for solar access and privacy.

Non-residential uses in residential land use designations

Specific small-scale non-residential uses are permitted within residential areas to serve the neighbourhood's needs. Permitted uses are:

- Schools
- Places of worship
- Child care centres
- Municipal open space, parks, trails, recreation facilities, and
- Convenience commercial uses like a convenience store (to a maximum of 400m²).

4.2.3 Guelph's Affordable Housing Strategy

In July 2017 Council approved the Affordable Housing Strategy. The Strategy includes the following directions for a new zoning bylaw:

- Reduce parking requirements for multiple residential properties and mixed-use development that include affordable residential units
- Permit accessory apartments in townhouses
- Permit single detached and semi-detached dwellings in the same zones, and
- Update zoning for properties designated Medium Density Residential and High Density Residential to align with the Official Plan.

4.2.4 Guelph's Urban Design Manual and Mid-rise and Townhouse Built Form Standards

Urban Design Manual

In November 2017 Council approved the City's Urban Design Manual. The Urban Design Manual elaborates and expands on the design vision outlined in the Official Plan for the physical evolution and development of the City. For residential buildings the Urban Design Manual establishes general urban design objectives and principles for specific areas of Guelph and provides the following directions that are relevant for residential buildings:

- A minimum building height of two storeys should be required for uses fronting arterial or collector roads or identified main streets
- Buildings four storeys or taller should be restricted to a maximum building length of 60 meters along streets
- Built form rules including stepbacks, angular planes and building setbacks should be used to appropriately shape building massing
- Maximum floorplate sizes of the tower portion of high-rise buildings should be limited
- A minimum tower separation between tower portions of buildings should be required
- Height transition rules between high-rise and mid-rise buildings should be required
- The width of garages should be limited. Front facing garages should be limited to no wider than half the width of the house
- Garages should not project beyond the main front wall of the building
- There should be a maximum number of townhouse units permitted in each townhouse block
- There should be rules for laneway housing
- Lots narrower than nine meters should be serviced by rear lanes

- Minimum and maximum front yard setbacks should be six meters or match the context of the existing street, and
- Front doors should be required facing the street.

Mid-rise and Townhouse Built Form Standards

In April 2018 Council approved the Mid-rise and Townhouse Built Form Standards to guide the design of new townhouse and mid-rise buildings across the city. The built form standards include standards for the following:

- Minimum front yard setbacks which vary depending on whether there is a garage or not
- Minimum side yard setbacks which vary depending on the dwelling type;
- Minimum rear yard setbacks
- Minimum setbacks for floors above the fourth storey of mid-rise buildings;
- Maximum building lengths and maximum number of units in a row (on-street townhouses)
- Minimum distance between buildings (townhouses only)
- Angular plane for mid-rise buildings to transition building height from lower forms of housing types
- Minimum townhouse unit width which varies depending on the location of the garage
- Minimum common amenity area requirements and sizes;
- Minimum landscaped area requirements (including a minimum amount that is required to be soft landscaping and a minimum amount that can be located on a roof), and
- Minimum landscape strip requirements for surface parking of mid-rise buildings.

4.2.5 Non-residential land use studies – faith-based institutions

In January 2018, a report was considered by Council regarding faith-based institutions, or places of worship. The report examined whether the city had adequate land to accommodate places of worship, and concluded that there is an adequate supply of land that permits places of worship based on Official Plan land use permissions and existing zoning.

4.2.6 Guelph's Zoning Bylaw

There are currently eleven residential zones. They are:

- Residential Single Detached – R.1A
- Residential Single Detached – R.1B
- Residential Single Detached – R.1C
- Residential Single Detached – R.1D
- Residential Semi-Detached/Duplex – R.2
- Cluster Townhouse Zone – R.3A
- On-Street Townhouse – R.3;
- General Apartment – R.4A
- High Density Apartment – R.4B
- Central Business District Apartment – R.4C, and
- Infill Apartment – R.4D.

Additionally, the Convenience Commercial Zone (C.1) and the Educational, Spiritual and Other Services Zone (I.1) generally apply to specific properties within the Guelph's residential areas to permit a limited range of commercial and institutional uses. These zones are used to implement an Official Plan policy for residential lands to provide for specific commercial and institutional uses within primarily residential neighbourhoods.

Permitted Uses

Each zone permits a range of residential and non-residential uses that are suitable for the intent of each zone. Tables 6 and 7 summarize the permitted uses in the existing residential zones. The residential zones are listed with the zoning abbreviations used in the existing zoning bylaw, for example R.1A.

Table 6: Residential permitted uses within existing residential zones

Permitted Uses	R.1A	R.1B	R.1C	R.1D	R.2	R.3A	R.3B	R.4A	R.4B	R.4D
Accessory apartment	Y	Y	Y	Y	Y	N	N	N	N	N
Apartment building	N	N	N	N	N	N	N	Y	Y	Y
Duplex	N	N	N	N	Y	N	N	N	N	N
Group home	Y	Y	Y	Y	Y	N	N	N	N	N
Home for the aged	N	N	N	N	N	N	N	Y	N	Y
Lodging house type 1	Y	Y	Y	Y	N	N	N	N	N	N
Maisonette dwelling	N	N	N	N	N	Y	N	Y	N	Y
Nursing home	N	N	N	N	N	N	N	Y	N	Y
Retirement residential facility	N	N	N	N	N	N	N	Y	N	Y
Semi-detached dwelling	N	N	N	N	Y	N	N	N	N	N
Single detached dwelling	Y	Y	Y	Y	N	N	N	N	N	N
Townhouse, cluster	N	N	N	N	N	Y	N	N	N	N
Townhouse, stacked	N	N	N	N	N	Y	N	N	N	N
Townhouse, on-street	N	N	N	N	N	N	Y	N	N	N

Table 7: Non-residential permitted uses within existing residential zones

Permitted Uses	R.1A	R.1B	R.1C	R.1D	R.2	R.3A	R.3B	R.4A	R.4B	R.4D
Bed and breakfast	Y	Y	Y	Y	Y	N	N	N	N	N
Day care centre	Y	Y	Y	Y	N	N	N	N	N	N
Home occupation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Certain non-residential uses are permitted within the C.1 and I.1 zones. The following table summarizes the uses permitted within these zones. The non-residential zones are listed with the zoning abbreviations used in the existing zoning bylaw, for example C1.

Table 8: Permitted uses within existing C.1 and I.1 zones

Permitted Uses	C.1	I.1
Art gallery	N	Y
Artisan studio	Y	N
Convenience store	Y	N
Day care centre	Y	Y
Dwelling units (with permitted commercial uses in the same building)	Y	N
Food vehicle	Y	Y
Group home	Y	Y
Library	N	Y
Museum	N	Y
Outdoor sportsfield facilities	N	Y
Personal service establishment	Y	N
Religious establishment	N	Y
Restaurant, take-out	Y	N
School	N	Y

Rules

Table 9 summarizes the existing zoning rules by topic for each of the residential zones and the C.1 and I.1 zones. The zones are listed with the zoning abbreviations used in the existing zoning bylaw, for example C1.

Table 9: Rules for existing residential and C.1 and I.1 zones

Rules	R.1A	R.1B	R.1C	R.1D	R.2	R.3A	R.3B	R.4A	R.4B	R.4D	C.1	I.1
Minimum lot area	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Minimum lot area per dwelling	N	N	N	N	N	Y	Y	N	N	N	N/A	N/A
Floor space index	N	N	N	N	N	N	N	Y	Y	Y	N	N
Maximum density	N	N	N	N	N	Y	N	Y	Y	Y	N	N
Maximum number of dwelling units in a row	N	N	N	N	N	Y	Y	N	N	N	N/A	N/A
Minimum lot frontage	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Maximum lot coverage	N	N	N	N	Y	N	N	N	N	N	N	N
Maximum building coverage	N	N	N	N	N	Y	Y	N	N	N	N	N
Maximum gross floor area	N	N	N	N	N	N	N	N	N	N	Y	N
Minimum distance between buildings	N	N	N	N	N	Y	N	Y	Y	Y	N	N
Minimum ground floor area	N	N	N	N	Y	N	N	N	N	N	N	N
Minimum setbacks from lot lines	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Maximum setbacks from lot lines	N	N	N	N	N	N	N	N	N	N	N	Y
Minimum common amenity area	N/A	N/A	N/A	N/A	N/A	Y	N	Y	Y	Y	N/A	N/A
Minimum private amenity area	N/A	N/A	N/A	N/A	N/A	Y	N	N	N	N	N/A	N/A
Maximum building height	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Buffer strips	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y
Planting area	N	N	N	N	N	N	N	N	N	N	Y	N
Minimum landscaped open space	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N

Rules for the older built-up area of Guelph

Within the existing zoning bylaw, Map 66 delineates the older built-up area of Guelph.



Figure 3: Zoning bylaw map 66- older built-up area of Guelph

Within this area, the minimum lot frontage, minimum yards adjacent to streets, and minimum side yards are modified for specific residential zones. These rules consider existing lot sizes and proximity of existing buildings to the street. The rules allow for new lots to be similar in size and new buildings to locate a similar distance from the street as neighbouring buildings providing for a consistent streetscape presence.

Specialized zones

There are 307 specialized zones within the residential zones. The majority of the specialized residential zones are within the R.3A (61 total), R.4A (52 total), and R.1B (47 total) zones. As outlined in Chapter 3, each of the specialized zones will be reviewed to determine whether it should be retained, amended, or deleted.

4.3 Review of municipal zoning trends

4.3.1 Methodology

When examining zoning trends in this chapter, we were looking to understand how other municipalities structured their residential zones, what types of uses they permit in them, and the types of rules that they have for townhouses and mid and high rise apartments. We were also looking to understand how other municipalities permitted non-residential uses in their residential areas. To answer these questions, municipalities that met the following criteria were examined:

- The municipality must be an Ontario municipality either with a new zoning bylaw that was approved between 2013 and 2019 or one with a new zoning bylaw in progress that has proceeded to a statutory public meeting between 2016 and 2019. A municipality with a zoning bylaw that is older than 2013 but where an amendment that dealt comprehensively with residential zones could also be considered
- Although not required, priority was placed on municipalities that were on Guelph's municipal comparison list which also met the above criteria, and
- The municipality must have a comparable residential land use framework. A comparable residential land use framework is based on a review of their Official Plan land use categories and range of permitted uses to determine whether there are similarities.

The zoning bylaws that met this criteria and were reviewed were:

- The City of Burlington
- The Town of Milton
- The Town of Oakville
- The City of Ottawa (types of residential zones and permitted uses only), and
- The City of St. Catharines.

As noted in section 4.2.2, Guelph's Official Plan permits specific non-residential uses within the residential areas. Using the criteria outlined above, the zoning bylaws for the City of Burlington, Town of Milton, City of St. Catharines, and City of Kitchener, were reviewed for zoning approaches for non-residential uses within residential areas.

Amenity area rules were raised as an issue through phase 1 community engagement (see section 4.4). In addition to the zoning bylaws that met the criteria above, other zoning bylaws, either approved or in draft, which contain or are proposed to contain amenity area rules were also reviewed. The zoning bylaws reviewed for amenity area rules were the cities of Waterloo, Ottawa, Cambridge, Vaughan, and Kingston. Additionally, in 2018 the City of Brampton released a zoning bylaw background study on amenity areas. The recommendations from this background study were also reviewed.

4.3.2 Summary of zoning trends

Types of residential zones

Zoning bylaws use multiple zones to apply low, medium and high density residential Official Plan land use designations. Municipalities have more than one low density and medium density residential zone, and generally only one high density residential zone. The low density residential zones differ based on the maximum lot frontage and lot area permitted.

The City of Burlington has a total of 15 residential zones. They have five residential zones that permit only one use each. This is similar to Guelph's existing zoning bylaw. Burlington has five medium density residential zones where different dwelling types are permitted. Burlington's five high density residential zones all generally permit the same uses. Burlington's 14 residential zones differ in the maximum density and building heights that they permit. Generally the higher the number of zone the greater the number of units that are permitted.

The Town of Milton has a total of four residential zones. They have one low density residential zones that permits detached, duplex, and semi-detached dwellings. Two zones are used for medium density residential with one zone permitting everything that is permitted in their low density residential zone plus townhouses and triplexes. Their second medium density residential zone only permits townhouses, apartments, and four-plexes. Milton has one high density residential zone that only permits apartments.

The Town of Oakville has a total of 16 residential zones. They have 11 low density residential zones, six of which only permit single detached dwellings. These six zones have different lot frontages and lot areas for the single detached dwellings. Three other zones permit single detached and semi-detached dwellings and again have different lot frontages and lot areas. One zone permits single detached and duplex dwellings, and the final zone permits only linked dwellings. Oakville has four medium density residential zones, three of which permit different types of townhouses and one that permits only apartments. Their one high density zone permits only apartments.

The City of Ottawa has six residential zones with 145 residential subzones. These subzones use the rules from the six residential zones and add more permitted uses, more density and more building height. Their 145 subzones act like different residential zones.

The City of St. Catharines has four residential zones. They have two low density residential zones which apply to different areas of the City. One zone is for their suburban areas and permits detached, semi-detached and townhouse dwellings, and apartments up to five units. St. Catharines' second low density residential zone applies to what they refer to as the "traditional" areas of the city. This zone permits all of the same dwelling types as the suburban residential zone as well as apartments with two to four units. St. Catharines' medium density residential zone permits all dwelling types whereas their high density residential zone permits townhouses and apartment buildings with 3 or more units. The density and height of apartment buildings is greater in the high density apartment zone.

Types of zones used to permit non-residential uses in residential areas

Burlington, Kitchener, Milton and St. Catharines all permit specific commercial and/or institutional uses within their residential areas. Most of the zoning bylaws for these municipalities have a separate commercial zone that applies to specific properties in residential areas to permit commercial uses in these areas implementing their non-residential use Official Plan policies. St. Catharines and Milton also have a separate institutional zone that they use to permit the institutional uses (e.g. schools, places of worship) that are contemplated through their non-residential Official Plan policies.

Residential permitted uses

Generally all of the zoning bylaws reviewed permit a broad range of dwelling types across their residential zones. The following types of dwellings are permitted within the zoning bylaws reviewed:

- Apartments;
- Duplex dwelling;
- Multiple attached dwelling (Milton only);
- Semi-detached dwelling;
- Single detached dwelling;
- Townhouse dwelling. A few zoning bylaws also list different types of townhouse dwellings including back-to-back townhouses, street townhouses, and stacked townhouses.

Given the emerging trend to define and permit different types of townhouse dwellings, the City of Vaughn's first draft zoning bylaw was also reviewed specifically for townhouses as Vaughn's first draft zoning bylaw is proposing to permit certain types of townhouses that Guelph's bylaw currently permits through specialized zones. Vaughn's draft zoning bylaw includes stacked back-to-back townhouses and podium townhouses in addition to townhouse dwellings listed above.

Most of the zoning bylaws reviewed also permitted accessory apartments and special needs housing types including senior's housing, group homes, and emergency shelters. A review of the zoning trends for special needs housing is within chapter 3.

Non-residential permitted uses

Table 10 summarizes Burlington, Milton, St. Catharines, and Kitchener's permitted uses within the commercial zones that apply within residential areas.

Table 10: Permitted uses in Burlington, Milton, St. Catharines, and Kitchener's convenience commercial zones

Permitted Use	Burlington	Milton	St. Catharines	Kitchener
Artisan's establishment	N	Y	N	Y
Animal care establishment	N	N	Y	N
Brew pub	N	N	N	Y
Catering service establishment	N	N	N	Y
Computer, electronic, data processing, or server establishment	N	N	N	Y
Community institution	Y	N	N	N
Craftsperson shop	N	N	N	Y
Cultural facility	N	N	Y	N
Day care	N	Y	Y	Y
Drive-through facility	N	Y	N	N
Dry cleaning depot	N	Y	N	N
Financial establishment	Y	Y	N	Y
Fitness centre	N	N	N	Y
Funeral home	Y	N	N	N
Gas station	Y	N	Y	Y
Health clinic	N	Y	N	Y
Office	Y	Y	Y	Y
Personal services	N	Y	N	Y
Place of worship	N	N	Y	N
Propane retail outlet	Y	N	N	Y
Recreation facility, indoor	N	N	Y	N
Research and development establishment	N	N	N	Y
Restaurant	N	Y	Y	Y
Restaurant, take out	Y	Y	N	N
Retail, convenience	Y	Y	N	Y
Retail	Y	Y	Y	N
Service commercial facility	Y	N	Y	N
School, adult education	N	Y	N	N

Permitted Use	Burlington	Milton	St. Catharines	Kitchener
School, commercial (skill)	N	Y	N	N
Veterinary clinic	Y	Y	N	N

The majority of the zoning bylaws reviewed permitted day cares, financial establishments, otherwise known as banks, gas stations, offices, restaurants, convenience retail, and retail uses within their convenience commercial zones.

Table 11 summarizes Milton and St. Catharines permitted uses within the institutional zones that apply within residential areas.

Table 11: Permitted uses in Milton and St. Catharines' neighbourhood institutional zones

Permitted Use	Milton	St. Catharines
Cultural facility	N	Y
Day care	Y	Y
Emergency service facility	N	Y
Library	Y	N
Place of assembly	N	Y
Place of worship	Y	Y
Recreation facility, indoor	N	Y
School, adult education	Y	N
School, elementary	Y	Y
School, secondary	N	Y
Social service facility	N	Y

Both of the zoning bylaws reviewed permitted day cares, places of worship, and elementary schools.

Rules for dwellings

All zoning bylaws reviewed have standard rules regarding lot width (frontage), building setbacks from lot lines, and maximum building heights for most dwelling types. All zoning bylaws, except for Milton's, have rules for lot area. Instead of lot area, Milton uses lot width and lot depth. Most zoning bylaws have rules for the density of a lot (the amount of building or number of units you can build on a lot) when townhouse dwellings and apartment dwellings are permitted.

Most of the zoning bylaws reviewed have different rules for different dwelling types. Burlington has specific rules for different types of townhouse dwellings including on-street, stacked, and back-to-back townhouses. Milton and Oakville also have rules for back-to-back townhouses. A comparison of the rules for mid-rise apartments and townhouses are within tables 12 and 13. These rules are highlighted here as they are either new or updated rules that are recommended to be included in a new

zoning bylaw based on the review of other zoning bylaws and/or based on direction provided in Guelph's Mid-rise and Townhouse Built Form Standards.

Table 12: Rules for mid-rise apartments from other zoning bylaws

	Burlington	Milton	Oakville	St. Catharines
Maximum density	35 to 50 units/hectare	N/A	N/A	25 to 99 units/hectare
Maximum building height	N/A	4 storeys and 16.5 meters	12-15 meters	16 to 20 meters
Angular plane	N/A	N/A	N/A	N/A

Table 13: Rules for townhouses from other zoning bylaws

	Burlington	Milton	Oakville	St. Catharines
Townhouse Minimum density	25 units/hectare	N/A	N/A	N/A
Maximum density	⁽¹⁾	N/A	N/A	N/A
Maximum building height	2 storeys	12.5m	12m	10-11 meters
Maximum number of units in a row	16 units	8 units	N/A	4 to 6
Maximum building width	55 meters	N/A	N/A	N/A

⁽¹⁾For stacked and back-to-back townhouses is 50 units per hectare. For all other forms of townhouses is 40 units per hectare.

Rules for tall buildings

Waterloo's zoning bylaw and Vaughan's draft zoning bylaw were reviewed for rules specific to tall buildings. Guelph's downtown zones were also considered as they incorporate recently approved direction for tall buildings within the city. Table 14 provides a summary of rules specific to tall buildings.

Table 14: Rules for tall buildings from other zoning bylaws

	Guelph Downtown Zones	Waterloo	Vaughan
Minimum building height	N/A	4.5 meters for the first storey 10.5 meters for the podium	N/A
Angular plane	45° measured 10.5 meters above the average elevation of the grade at the property line	N/A	45° from any rear lot line abutting a residential zone
Maximum floorplate size	1,200 square meters for 7 th and 8 th storeys 1,000 square metres for storeys above 8 ⁽¹⁾	1,000 square meters	N/A
Minimum tower separation	12 meters for 12 storeys or less 25 meters for above 12 storeys	22 meters for a tower on the same lot 11 meters setback from interior lot line	N/A
Minimum stepback	3 meters for portions of buildings above the 4 th storey	N/A	N/A
Maximum building length	N/A	40 meters	N/A

⁽¹⁾Additionally a maximum length to width ration of 1.5:1 is required

Rules for common and private amenity areas

Of the zoning bylaws reviewed, St. Catharines, Milton, and Oakville's zoning bylaws did not contain rules for amenity areas. The zoning bylaws of Waterloo, Burlington and Ottawa, the draft zoning bylaws of Cambridge, Vaughan, and Kingston do contain or are proposed to contain rules for amenity areas. Brampton recently published a background study on amenity areas. The recommendations from this study along with the zoning rules from the above-mentioned municipalities are summarized in Table 15.

Table 15: Rules for common amenity areas from other zoning bylaws

Common amenity area rule by dwelling type	Waterloo (square meters/bedroom)	Burlington (square meters/bedroom)	Ottawa (square meters/unit)	Cambridge (square meters/unit)	Vaughan (square meters/unit)	Kingston (square meters/unit)	Brampton (square meters/unit)
Apartment	3	25	6	15	8 or 5	18.5	6 to 10
Townhouse	N/A	25 or 15	N/A	N/A	10 or 8	18.5	6 to 10
Townhouse, Back-to-Back	N/A	25	N/A	N/A	Same as townhouse	Same as townhouse	Same as townhouse
Townhouse, Cluster	N/A	Same as townhouse	N/A	N/A	Same as townhouse	Same as townhouse	Same as townhouse
Townhouse, Stacked	N/A	Same as townhouse	N/A	15	Same as townhouse	Same as townhouse	Same as townhouse

Only Burlington's zoning bylaw contains rules specifically for private amenity area. Burlington requires 5.5 square meters/unit for back-to-back townhouses, 10 square meters/unit for above ground level stacked townhouse units, and 20 square meters/unit for all other townhouse types.

Rules for non-residential uses in residential areas

All zoning bylaws reviewed had rules about lot area, building setbacks from lot lines, lot width or frontage, building height, gross floor area, outdoor storage, and buffer strips. Tables 16 and 17 summarize the rules for the convenience commercial and neighbourhood institutional zones from other zoning bylaws.

Table 16: Rules for non-residential uses in Burlington, Kitchener, Milton, and St. Catharines convenience commercial zones

Rule	Burlington	Milton	St. Catharines	Kitchener
Minimum lot area	0.05 hectare	850 square meters	N/A	N/A
Minimum lot frontage	15 meters	40 meters	N/A	15 meters
Minimum front/exterior side yard setback	6 meters	1 meters	3 meters	3 meters
Minimum interior side yard setback	N/A	6 meters	N/A	1.5
Minimum rear yard setback	3 meters	6 meters	N/A	7.5 meters
Maximum building height	3 storeys and 12 meters	11 meters	14 meters	11 meters
Maximum gross floor area	300 square meters	930 square meters	930 square meters	300 square meters

Table 17: Rules for non-residential Uses in Milton and St. Catharines neighbourhood institutional zones

Rule	Milton	St. Catharines
Minimum lot area	1 hectare	N/A
Minimum lot frontage	50 meters	20 meters
Minimum front/exterior side yard setback	3 meters	6 meters
Minimum interior side yard setback	6 meters ⁽¹⁾	N/A
Minimum rear yard setback	7.5 meters ⁽²⁾	N/A
Maximum building height	12.5 meters	14 meters

⁽¹⁾An additional 3 meters setback is required where a neighbourhood institutional zone abuts a residential zone.

⁽²⁾An additional 6 meters setback is required where a neighbourhood institutional zone abuts a residential zone.

4.4 Phase 1 community engagement – what we heard

As part of phase 1 community engagement we heard the following about residential zones:

- Only one use being allowed in each residential zone
- A minimum of three units should be permitted on all low density residential lots
- Existing semi-detached dwellings in the older neighbourhoods should be recognized
- Concerns that the minimum lot size in the R.1B zone is being varied
- Townhouses should be permitted in more zones, on smaller lots, and at higher densities and heights
- The minimum distance between townhouses rule should be removed
- Setbacks from buildings to streets are too large for low density lots
- There should be rules for outdoor storage within residential areas
- The common and private amenity space requirements are too high, and
- There should be more amenity areas and greenspace provided with developments.

Appendix A contains a summary of all comments from the phase 1 community engagement, including staff responses.

4.5 Analysis, options, and recommendations

This section outlines options and preliminary recommendations for in a new zoning bylaw about:

- The types of residential zones and uses that should be allowed
- The types of commercial and institutional zones and uses that should be allowed in residential areas, and
- They types of rules for townhouses, mid-rise and tall apartments.

The Official Plan, Guelph's Urban Design Manual, comments from the phase 1 community engagement, and zoning trends were considered in the development of the options and recommendations put forward in this chapter.

4.5.1 Zone structure

Providing a clear connection between the residential zones and the Official Plan residential land uses is important. It helps users of the zoning bylaw understand why certain uses are permitted and why the rules about the location of buildings and the height of buildings are the way they are. It is the Official Plan that broadly determines what is permitted in residential areas and how big and tall buildings are allowed to be. The following are options and preliminary recommendations for the number and types of zones that will help make this connection that will also reduce the overall number of residential zones making a new zoning bylaw simpler.

Low density residential lands

Option 1 (preliminary recommendation): It is recommended that four low density residential zones be created as follows:

- Zone 1 – Allows single detached dwellings and duplex dwellings with a minimum lot frontage of 15 meters and semi-detached dwellings with a minimum lot frontage of 7.5 meters. Buildings would be allowed to be up to three storeys tall. Accessory apartments are proposed to be allowed in the same building as the single detached and semi-detached dwelling as well as within a separate building on the same lot.
- Zone 2 – Allows single detached dwellings with a minimum lot frontage of 9 meters and semi-detached dwellings with a minimum lot frontage of 7.5 meters. Buildings would be allowed to be up to three storeys tall. Accessory apartments are proposed to be permitted in the same building as the single detached and semi-detached dwelling as well as within a separate building on the same lot.
- Zone 3 – Allows on-street townhouse dwellings with a minimum lot frontage of 6 meters. On-street townhouses would be allowed to be built to a density between 15 and 35 units per hectare and up to three storeys tall. Accessory apartments are proposed to be permitted in the same building as the on-street townhouse dwelling as well as within a separate building on the same lot.
- Zone 4 – Allows small scale apartments and cluster townhouse dwellings to a density between 15 and 35 units per hectare and up to three storeys tall.

This option reduces the number of residential zones from what is in the existing zoning bylaw and provides choice in the types of dwellings that are permitted. A mix of dwelling types within neighbourhoods will be achieved through the application of each of the four zones.

Option 2: This option would create two low density residential as follows:

- Zone 1 – Allows single detached and duplex dwellings with a minimum lot frontage of 15 meters. Buildings would be allowed to be up to three storeys tall. Accessory apartments are proposed to be permitted in the same building as the single detached dwelling as well as within a separate building on the same lot.
- Zone 2 – Allows single detached dwellings with a minimum lot frontage of 9 meters and semi-detached dwellings with a minimum lot frontage of 7.5 meters. Buildings would be allowed to be up to three storeys tall. Accessory apartments are proposed to be permitted in the same building as the single detached and semi-detached dwelling as well as within a separate building on the same lot.

Two of the preliminary recommended medium density zones would be used to allow on-street townhouse dwellings, cluster townhouse dwellings, and small scale apartments within the low density residential areas. A site specific provision will apply together with the medium density zone to permit a density between 15 and 25 units per hectare and a maximum building height of 3 storeys. This is necessary to conform to the density and height policies of the Low Density Residential Official Plan land use designation.

This option proposes fewer low density zones than option one but does not provide as clear of a connection between the Official Plan land use and zones as it uses one zone to apply to both low density and medium density residential lands.

Option 3: This option is the same as Option 2 but allows on-street townhouse dwellings as a permitted use in proposed zone two. One of the preliminary recommended medium density zones would be used to allow cluster townhouse dwellings and small scale apartments within low density residential areas. A site specific provision will apply together with the medium density zone to permit a density between 15 and 25 units per hectare and a maximum building height of 3 storeys. This is necessary to conform to the density and height policies of the Low Density Residential Official Plan land use designation.

This option proposes the least number of zones for low density residential areas, a total of three. As with option two, it does not provide as clear of a connection between the Official Plan land use and zones as only one set of zones is proposed to allow cluster townhouses and apartments at both a low density and medium density.

Medium density residential lands

Preliminary recommendation: It is recommended that three medium density residential zones be created as follows:

- Zone 1 – Allows cluster townhouse dwellings to a maximum building height of three storeys and apartments to a maximum building height of four storeys
- Zone 2 – Allows on-street townhouse dwellings to a maximum building height of three storeys.
- Zone 3 – Allows back-to-back townhouse dwellings and stacked townhouse dwellings to a maximum building height of four storeys, and apartments to a maximum building height of six storeys.

This option provides choice in the types of dwellings that are allowed by allowing more than one dwelling type in the zones. At the same time it ensures that there is a mix of dwelling types within neighbourhoods through the application of the zones. This recommendation provides for newer types of townhouses, such as back-to-back and stacked townhouses, to be allowed in one zone removing the need for zoning bylaw amendments.

High density residential lands

Preliminary recommendation: It is recommended that one zone be created to allow apartments to a maximum building height of ten storeys. This zone will also allow convenience commercial uses within a building that has a residential use. Each property that this zone is applied to will be assessed to determine if there is adequate servicing capacity to allow for a building of ten storeys. Where there are servicing constraints, a holding provision will be used to restrict development on the property until servicing capacity is available. This recommended high density zone provides a clear connection to the High Density Residential Official Plan land use designation. Together with the proposed holding provision and recommended built form rules, such as transition in building height to adjacent lower density residential areas, this zone will ensure that high density properties are identified in a zoning bylaw with appropriate rules in place.

Non-residential uses in residential areas

Option 1 (preliminary recommendation): It is recommended that the existing convenience commercial (C.1) zone and the existing educational/spiritual/other services (I.1) zone be retained and continue to apply to existing C.1 and I.1 zoned properties that are designated low or medium density residential in the Official Plan. The recommendation provides a clear connection to the Official Plan policies for non-residential uses in residential areas. It also ensures that there are commercial and institutional uses within the city's residential areas providing opportunities for walkable neighbourhoods.

Option 2: This option would create one zone that would permit all of the recommended non-residential uses. This option reduces the number of zones, provides a clear link to the Official Plan policy, and also achieves flexibility in permitted uses. Combining all permitted non-residential uses into one zone may not protect both convenience commercial and neighbourhood institutional sites. There is a risk that providing flexibility between commercial and institutional uses that there will be less certainty in both commercial and institutional site being within residential areas. It is important to have a balance of both to ensure walkability.

Option 3: This option would allow non-residential uses within the residential zones. This option reduces the number of zones but does not provide as clear a link to the Official Plan. Additionally, this approach does not ensure that there will continue to be appropriate land zoned only for convenience commercial and neighbourhood institutional uses. Neighbourhood commercial and neighbourhood institutional properties may instead develop for residential uses.

4.5.2 Uses

Residential permitted uses

To ensure conformity with the Official Plan, provide for a streamlined and user-friendly zoning bylaw, and reflect new trends in zoning it is recommended that a new zoning bylaw permit the following dwelling types within the zones for each of the following residential Official Plan land uses. The Official Plan land uses referred to in the following tables are:

- Low Density Residential (LDR)
- Medium Density Residential (MDR), and
- High Density Residential (HDR)

Table 18: Recommended Permitted Residential Uses

Residential permitted uses	LDR	MDR	HDR
Accessory dwelling unit	Y	Y	N
Apartment dwelling	Y	Y	Y
Back-to-back townhouse dwelling(new use)	N	Y	N
Cluster townhouse dwelling	Y	Y	N
Convenience store	N	N	Y
Duplex dwelling	Y	N	N

Residential permitted uses	LDR	MDR	HDR
Group home	Y	Y	Y
Hospice	Y	Y	Y
Lodging house type 1	Y	N	N
Long term care facility	N	Y	Y
Podium dwelling (new use)	N	Y	Y
On-street townhouse dwelling	Y	Y	N
Rear access on-street townhouse dwelling (new use)	Y	Y	N
Retirement residential facility	N	Y	Y
Single detached dwelling	Y	N	N
Semi-detached dwelling	Y	N	N
Stacked Townhouse dwelling	N	Y	N
Stacked back-to-back townhouse dwelling (new use)	N	Y	N

Non-residential permitted uses

To ensure conformity with the Official Plan and reflect new trends in zoning it is recommended that the following uses be permitted in a convenience commercial (CC) and a neighbourhood institutional (NI) zone.

Table 19: Recommended non-residential uses

Non-residential uses	CC	NI
Artisan studio	Y	N
Convenience store	Y	N
Day care centre	Y	Y
Food vehicle	Y	Y
Live/work	Y	N
Mixed use building	Y	N
Personal service establishment	Y	N
Community centre	N	Y
Place of worship	N	Y
School	N	Y
Take-out restaurant	Y	N

Deleted uses

It is recommended that dwelling unit, multiple attached dwelling, and maisonette be deleted as permitted uses as they are no longer considered current uses of land based on a review of other zoning bylaws. A dwelling unit as a use of land, which is currently defined and permitted within the existing zoning bylaw as a dwelling within a building containing a commercial use, will be replaced with "mixed use building" as a use.

4.5.3 Rules

To ensure conformity with the Official Plan, reflect the city's zoning recommendations within its Urban Design Manual and built form standards, and

reflect new trends in zoning it is recommended that a new zoning bylaw include the following rules for townhouses, mid-rise buildings, and tall buildings. Additional rules for other dwelling types and for non-residential uses are anticipated and will be included in the first draft zoning bylaw. It is recommended that the following be included as rules in a new zoning bylaw:

Preliminary recommendation: That a principal entrance be provided for single, semi-detached, and on-street dwellings that faces the front or exterior side lot line. This is recommended to align with direction from the city's Urban Design Manual. It will provide for "eyes on the street" and will create a pedestrian friendly streetscape.

Preliminary recommendation: That the existing older built-up area map in the existing zoning bylaw be retained and that the separate set of existing rules be retained. These existing rules consider existing lots sizes and proximity of existing buildings to the street. These rules also allow for new lots to be similar in size and new buildings to locate a similar distance from the street as neighbouring buildings. The retention of these rules will allow the character of Guelph's older built-up area to be maintained.

Townhouses

Preliminary recommendation: Table 20 is a summary of the preliminary recommendations for rules for townhouses. An assessment of existing rules is provided where each rule is recommended to be retained, modified, or deleted. New rules are also proposed. New rules or modifications of existing rules are recommended generally to align with Guelph's Mid-rise and Townhouse Built Form Standards or zoning trends. Additional rules for the location and width of driveways will also be required. The options and recommendations for these rules are contained within the Guelph Parking Standards Review Discussion Paper prepared by IBI Consulting Ltd.

Table 20: Summary of preliminary recommended rules for townhouses

Existing or proposed rule	Preliminary recommendation
Minimum lot area	Delete minimum lot area rule and rely on the minimum lot area per dwelling unit.
Minimum lot area per dwelling unit	Retain the existing minimum lot areas per dwelling rule
Maximum number of dwelling units in a row	Modify the maximum number of dwelling units in a row rule from 12 to 8 units when adjacent to a street (existing amended).
Maximum Length of townhouse block	Add a new rule limiting the length of stacked and back-to-back townhouse blocks to 48 meters.
Minimum lot frontage	Modify the minimum lot frontage from 18 meters to 30 meters for cluster,

Existing or proposed rule	Preliminary recommendation
	stacked, and back-to-back townhouses. This will allow for enough lot frontage to build a private road and provide for a functional rear yard. Retain the existing lot frontage of 8 meters for on-street townhouses.
Minimum front yard setback	Retain the existing front yard setbacks. Add a rule that allows for a 5 meter front yard setback where a rear yard garage is provided.
Minimum exterior side yard setback	Retain existing exterior side yard setback.
Minimum interior side yard setback	Retain existing interior side yard setbacks.
Minimum rear yard setback	Retain existing rear yard setback.
Minimum unit width	Add a rule for minimum unit width as follows: <ul style="list-style-type: none"> • Minimum 6 meters with an integrated garage • Minimum 5.5 meters with a detached garage in the rear yard • Minimum 7 meters with an integrated garage for back-to back townhouses.
Maximum building coverage	Retain existing maximum building coverage rule.
Maximum building height	Retain existing maximum building height rule.
Minimum distance between buildings	Add a rule that requires a minimum distance of 9 meters between buildings where the rear of one townhouse block is adjacent to the side yard of another townhouse block. Retain the existing rule that requires a minimum distance of 15 meters where the rear of one townhouse block is adjacent to the rear yard of another townhouse block.
Minimum common amenity area	Retain the existing common amenity area rules which require a minimum common amenity area space of: <ul style="list-style-type: none"> • 5 square metres per unit for cluster townhouse developments with 20 or more units, and

Existing or proposed rule	Preliminary recommendation
	<ul style="list-style-type: none"> 10 square meters per unit for stacked and back-to-back townhouse developments with 20 or more units. Retain existing location and size requirements.
Minimum private amenity area	Retain the existing private amenity area rules. Add a rule requiring a minimum depth of 1.8 meters for private amenity areas that are provided above grade, such as balconies. This will allow this space to be functional amenity space.
Minimum landscaped open space	Retain the existing minimum landscaped open space rule. Add a rule that requires that 50 per cent of the total landscaped area be covered by soft landscaping. Add a rule that allows for 30 per cent of the landscape area to be in the form of a green roof.
Landscaped buffer strip	Add a rule that requires a minimum 3 meter wide landscaped buffer strip around surface parking lots.
Maximum density	Modify the existing maximum densities to align with the Official Plan. See recommendations in section 4.5.1
Maximum elevation of main door	Add a rule that requires a main door to be a maximum elevation of 1.2m measured as the front lot line.

In addition to the above, it is recommended that specific rules be included in a new zoning bylaw for back-to-back townhouses, stacked back-to-back townhouses, and rear access on-street townhouses.

Mid-rise buildings

Preliminary recommendation: Table 21 is a summary of the preliminary recommendations for rules for mid-rise buildings. An assessment of existing rules is provided where each rule is recommended to be retained, modified, or deleted. New rules are also proposed. New rules or modifications of existing rules are recommended generally to align with Guelph's Mid-rise and Townhouse Built Form Standards or zoning trends.

Table 21: Summary of preliminary recommended rules for mid-rise buildings

Rule	Preliminary recommendation
Minimum lot area	Delete minimum lot area rule. Minimum lot frontage is sufficient to regulate the size of a lot.
Minimum lot frontage	Modify the minimum lot frontage from 15 meters to 30 meters. This will allow for enough lot frontage to build a private road and provide for a functional rear yard.
Maximum density	Modify the existing maximum densities to align with the Official Plan. See recommendations in section 4.5.1
Minimum Floor Space Index	Delete the minimum floor space index rule. The maximum densities above are enough to ensure that an appropriate amount of building is provided on each property
Minimum front yard setback	Retain the minimum front yard setback rule.
Minimum exterior side yard setback	Retain the existing minimum exterior side yard setback rule.
Minimum interior side yard setback	Retain the existing minimum interior side yard setback rules.
Minimum rear yard setback	Retain the existing minimum rear yard setback rule.
Maximum building height	Modify the existing maximum building height rule to align with the Official Plan. See recommendations in section 4.5.1.
Maximum building length	Add a new rule limiting the length of buildings to 75 meters.
Minimum distance between buildings	Retain the existing minimum distance between buildings rule.
Minimum setback	Add a minimum setback rule that requires a minimum setback of 1.5 meters between the 4 th and 5 th storeys of a building (new)
Angular Plane (the existing zoning bylaw defines angular plane as an imaginary inclined plane, rising over the lot drawn at a specified angle from the horizontal, which together with other building regulations and lot size requirements, delineates the maximum bulk and building height)	Retain a rule that requires that building heights not exceed an angular plane of 45° from the centre line of the adjacent street. Add a rule that requires that building heights not exceed an angular plane of 45° from the interior and rear lot lines

Rule	Preliminary recommendation
	when adjacent to low density residential areas.
Minimum common amenity area	<p>Retain the existing common amenity area rules which require a minimum common amenity area space of:</p> <ul style="list-style-type: none"> • 5 square metres per unit for cluster townhouse developments with 20 or more units, and • 10 square meters per unit for stacked and back-to-back townhouse developments with 20 or more units. <p>Retain existing location and size requirements.</p> <p>Add a rule that requires any rooftop common amenity area to be located a minimum of 2 meters from the roof edges facing an interior residential lot line.</p>
Minimum private amenity area	<p>Retain the existing private amenity area rules.</p> <p>Add a rule requiring a minimum depth of 1.8 meters for private amenity areas that are provided above grade, such as balconies. This will allow this space to be functional amenity space.</p>
Minimum landscaped open space	<p>Retain the existing minimum landscaped open space rule.</p> <p>Add a rule that requires that 50 per cent of the total landscaped area be covered by soft landscaping.</p> <p>Add a rule that allows for 30 per cent of the landscape area to be in the form of a green roof.</p>
Landscaped buffer strip	<p>Add a rule that requires a minimum 3 meter wide landscaped buffer strip around surface parking lots.</p>
Location of Parking	<p>Add a new rule not permitting parking in the front or exterior side yard.</p> <p>Add a new rule not permitting parking within 3 meters of a street line.</p> <p>Add a rule requiring unenclosed parking areas located within 3 meters of a lot line next to a lot zoned to permit a single detached, duplex, semi-detached, or on-street townhouse dwellings, to be screened along those</p>

Rule	Preliminary recommendation
	lot lines with a minimum 1.5 meter high solid fence.

Tall buildings

Preliminary recommendation: Table 22 is a summary of the preliminary recommendations for rules for tall buildings. An assessment existing rules is provided where each rule is recommended to be retained, modified, or deleted. New rules are also proposed to align with the amendment to the zoning bylaw for Guelph's downtown or zoning trends.

Table 22: Summary of preliminary recommended rules for tall buildings

Rule	Preliminary recommendation
Minimum lot area	Delete minimum lot area rule. Minimum lot frontage is sufficient to regulate the size of a lot.
Minimum lot frontage	Modify the minimum lot frontage from 15 meters to 30 meters. This will allow for enough lot frontage to build a private road and provide for a functional rear yard.
Maximum density	Modify the existing maximum densities to align with the Official Plan. See recommendations in section 4.5.1 ⁽¹⁾ .
Minimum floor space index	Delete the minimum floor space index rule. The maximum densities above are enough to ensure that an appropriate amount of building is provided on each property
Minimum front yard setback	Retain the minimum front yard setback rule.
Minimum exterior side yard setback	Retain the existing exterior side yard rule.
Minimum interior side yard setback	Retain the existing interior side yard rule.
Minimum rear yard setback	Retain the existing rear yard rule.
Minimum building height	Add a rule to require a minimum 3 storey building height.
Maximum building height	Modify the existing maximum building height to align with the Official Plan. See recommendations in section 4.5.1 ⁽¹⁾ .
Maximum building length	Add a maximum building length of 60 meters for all sides of the podium portion of a building.

Rule	Preliminary recommendation
Maximum floorplate size	<p>Add a maximum floorplate size of 1,200 square meters for the 7th and 8th storeys of a building.</p> <p>Add a maximum floorplate size of 1,000 square meters for each storey above the 9th storey of a building.</p> <p>Add a maximum building length to width ratio of 1.5:1</p>
Minimum setback	<p>Add a minimum setback of 3 meters for all portions of the building above the 6th storey.</p>
Angular Plane (the existing zoning bylaw defines angular plane as an imaginary inclined plane, rising over the lot drawn at a specified angle from the horizontal, which together with other building regulations and lot size requirements, delineates the maximum bulk and building height)	<p>Retain a rule that requires that building heights not exceed an angular plane of 45° from the centre line of the adjacent street.</p> <p>Add a rule that requires that building heights not exceed an angular plane of 45° measured 10.5 meters above the average elevation of the grade at the property line for front and exterior side lot lines and interior and rear lot lines when adjacent to medium density residential areas.</p> <p>Add a rule that requires that building heights not exceed an angular plane of 30° measured from the property line when adjacent to low density residential areas.</p>
Tower separation	<p>Add a rule requiring that the tower portion of the building, which is the portion of the building six storeys and above, be 25 meters from any portion of another tower.</p> <p>Add a rule that the tower portion of the building shall also be 12.5 meters from interior side lot lines.</p>
Minimum common amenity area	<p>Retain the existing common amenity area rules which require a minimum common amenity area space of:</p> <ul style="list-style-type: none"> • 5 square metres per unit for cluster townhouse developments with 20 or more units, and • 10 square meters per unit for stacked and back-to-back townhouse developments with 20 or more units.

Rule	Preliminary recommendation
	<p>Retain existing location and size requirements.</p> <p>Add a rule that requires any rooftop common amenity area to be located a minimum of 2 meters from the roof edges facing an interior residential lot line.</p>
Minimum private amenity area	<p>Retain the existing private amenity area rules.</p> <p>Add a rule requiring a minimum depth of 1.8 meters for private amenity areas that are provided above grade, such as balconies. This will allow this space to be functional amenity space.</p>
Minimum landscaped open space	<p>Retain the existing minimum landscaped open space rule.</p> <p>Add a rule that requires that 50 per cent of the total landscaped area be covered by soft landscaping.</p> <p>Add a rule that allows for 30 per cent of the landscape area to be in the form of a green roof.</p>
Landscaped buffer strip	<p>Add a rule that requires a minimum 3 meter wide landscaped buffer strip around surface parking lots.</p>
Location of Parking	<p>Add a new rule not permitting parking in the front or exterior side yard.</p> <p>Add a new rule not permitting parking within 3 meters of a street line.</p> <p>Add a rule requiring unenclosed parking areas located within 3 meters of a lot line next to a lot zoned to permit a single detached, duplex, semi-detached, or on-street townhouse dwellings, to be screened along those lot lines with a minimum 1.5 meter high solid fence.</p>

⁽¹⁾Each high density property will be assessed to determine if there is adequate existing servicing capacity to accommodate the maximum permitted density and building height permitted in accordance with the Official Plan. Where there are servicing constraints, a holding provision will be used to restrict development on the property until servicing capacity is available.

4.6 Questions for you

1. Staff has proposed options for zoning low, medium, and high density residential areas and properties that provide flexibility in the allowed uses which also

reduce the overall number of residential zones creating a clear and concise zoning bylaw. What are your thoughts on this proposed approach?

2. In consideration of the residential land uses in the Official Plan, certain residential, commercial, and institutional uses are recommended to be allowed. Do you agree or disagree with the types of uses proposed to be allowed? Why or why not? Are there uses that are allowed by the Official Plan that were missed that should be considered?
3. Do you agree or disagree with the preliminary recommended rules for townhouses? Why or why not? Are there other rules that should be considered?
4. Do you agree or disagree with the preliminary recommended rules for mid-rise buildings? Why or why not? Are there other rules that should be considered?
5. Do you agree or disagree with the preliminary recommended rules for tall buildings? Why or why not? Are there other rules that should be considered?
6. What other comments do you have about residential zones that should be considered?

You can share your comments with us in person at an upcoming workshop in November 2019. For a full listing of workshop events and information about how to register please visit our [website](#). As of November you can also share your comments online through our [online engagement platform](#) or via [email](#).

Chapter 5

Commercial and Mixed Use



5.0 Commercial and mixed use

5.1 Introduction

This chapter provides an overview of the planning policy framework (provincial and local) for the City's commercial and mixed use areas. The existing commercial zones are compared to the commercial and mixed use land use policies to understand where changes are required to conform to these policies within a new zoning bylaw. Zoning Bylaws in other municipalities are reviewed to understand emerging trends. Options and recommendations for a new zoning bylaw are explored.

In this chapter we are seeking your thoughts on:

- The number and type of commercial and mixed use zones that should be in a new zoning bylaw
- In consideration of the commercial and mixed use land uses in the Official Plan, the types of uses that should be permitted in each zone
- Proposed rules for the size and placement of buildings and their relationship to the street, known as built form rules, and
- Proposed rules for drive-throughs and gas stations.

Specific questions related to these topics can be found in Section 5.6 as well as instructions for how to share your comments.

5.2 Current land use planning policies and zoning bylaw rules

5.2.1 Provincial policies

Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) acknowledges that municipalities should be accommodating an appropriate range and mix of uses throughout the municipality to meet long-term needs. This includes commercial lands and lands which provide a mix of uses.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) contains guiding principles which support the concept of complete communities. Complete communities are communities that are designed for active living and meeting people's needs for daily living throughout their lifetime by providing convenient access to a mix of jobs, local services, public service facilities and a full range of housing.

5.2.2 Guelph Official Plan and commercial policy review

The existing commercial policies contained within the City's Official Plan are based on a commercial policy review undertaken in 2006. These commercial policies were not reviewed or updated as part of the most recent update to the Official Plan. In 2016 Council endorsed terms of reference to review the commercial policies of the

Official Plan, referred to as the commercial policy review (CPR). Stage 1 of the CPR included a commercial analysis and background report; stage 2 included a preferred commercial policy framework, and stage 3, which is currently in progress, includes options and recommendations for updating the Official Plan and zoning bylaw. The Commercial Policy Review Preferred Framework Implementation Discussion Paper was released in April 2019 that outlined specific Official Plan policies to be amended and specific considerations for a new zoning bylaw. A draft Official Plan amendment based on the preferred commercial framework, was tabled at a public meeting in September 2019. It is anticipated that a decision on the draft Official Plan amendment will be made later in 2019.

The overview of relevant Official Plan policies provided in this Section 5.2.2 is based on Official Plan policies as they would exist once amended as per the draft Official Plan amendment referenced above.

There are five commercial and mixed use land use designations within Guelph's Official Plan. Approximately 554 properties are designated, either in whole or in part, in one of these designations. The number of properties designated is within the list below in brackets.

- Commercial Mixed-use Centres (59 properties)
- Mixed-use Corridor (161 properties)
- Neighbourhood Commercial Centres (68 properties)
- Service Commercial (217 properties), and
- Mixed Office/Commercial (49 properties).

Commercial Mixed-use Centres land use designation

Commercial mixed-use centres are located at:

- Woodlawn/Woolwich
- Paisley/Imperial
- York/Victoria
- York/Watson
- Watson/Starwood
- Gordon/Clair, and
- Silvercreek Junction.

These commercial mixed-use centres are areas that support a mix of uses including concentrations of commercial, residential and complementary uses that serve the immediate neighbourhood and the wider community.

Uses that are permitted include:

- Commercial, retail and service uses
- Small scale professional and medical office
- Entertainment and recreation uses
- Community services
- Cultural, educational and institutional uses
- Hotels

- Multiple unit residential, and
- Open space and urban squares.

Uses are permitted to mix vertically within a building or horizontally within a property or within individual buildings or multiple tenancy buildings. The maximum building height for all uses is ten storeys. Residential uses in freestanding buildings must be at a density between 100 and 150 units per hectare.

To ensure that commercial mixed-use centres maintain a commercial function, a minimum commercial gross floor area of 6,500 square meters is required for each centre. To achieve the minimum commercial gross floor area, each property within the centre will be required to provide a minimum amount of commercial gross floor area. This will be achieved by ensuring that existing commercial floor area is not reduced by more than 25 percent of the existing commercial floor area and that a minimum commercial density of 0.15 times the lot area is provided.

Additionally, to promote a mixture of land uses within each commercial mixed-use centre, the total amount of commercial area is limited to the maximums contained within Table 23.

Table 23: Maximum commercial gross floor areas in commercial mixed-use centres

Commercial mixed-use centre location	Maximum commercial gross floor area
Gordon/Clair	57,900 square meters
Woodlawn/Woolwich	75,600 square meters
Paisley/Imperial	63,500 square meters
York/Victoria	16,300 square meters
York/Watson	11,700 square meters
Watson Parkway/Starwood	28,000 square meters
Silvercreek Junction	In accordance with site specific Official Plan policies

Mixed-use Corridor land use designation

Mixed-use corridors are located along:

- Silvercreek Parkway North
- Eramosa Road
- Woolwich Street, and
- Stone Road West.

The intent of the Mixed-use Corridors land use designation are to group complementary commercial, retail and residential uses in close proximity to one another to satisfy several shopping and service needs and residential uses at one location.

Uses that are permitted include:

- Commercial, retail and service uses

- Office
- Entertainment and recreation uses
- Cultural, educational and institutional uses
- Hotels
- Live/work
- Medium and high density multiple unit residential, including apartments, and
- Open space and urban squares.

Uses are permitted to mix vertically within a building or horizontally within a property or within individual buildings or multiple tenancy buildings. The maximum building height for all uses is six storeys. Residential uses in freestanding buildings must be at a density between 100 and 150 units per hectare.

To ensure that commercially zoned properties provide some commercial uses, a minimum amount of commercial gross floor area is required. The Official Plan requires that existing commercial floor area is not reduced by more than 25 percent of the existing commercial floor area and that a minimum commercial density of 0.15 times the lot area is provided.

Neighbourhood Commercial Centre land use designation

Neighbourhood commercial centres are located throughout the city to recognize existing and establish new local convenience and commercial within a convenient walking distance of residential areas.

Uses that are permitted include:

- Commercial, retail and service uses
- Small-scale office
- Community services and facilities
- Live/work
- Multiple unit residential within mixed-use buildings. Residential uses, except for lobbies, amenity space, or residential components of a live/work unit, are not permitted on the ground floor, and
- Urban squares.

Vehicle sales and repair uses are not permitted. The maximum building height for all uses is six storeys. Residential uses are permitted to a maximum density of 100 units per hectare.

Neighbourhood commercial centres are to be smaller than commercial mixed-use centres. To achieve this, a maximum commercial gross floor area of 6,500 square meters for each neighbourhood commercial centre is permitted. The following existing neighbourhood commercial centres are permitted to have a maximum commercial gross floor area of 10,000 square meters.

- Speedvale Avenue/Stevenson Street
- Victoria Road/Grange Street
- Kortright Road/Edinburgh Road
- Harvard Road/Gordon Street

- Kortright Road/Gordon Street, and
- Wellington Street/Imperial Road

To ensure that commercially zoned properties provide some commercial uses, a minimum amount of commercial gross floor area is required. The Official Plan requires that existing commercial floor area is not reduced by more than 25 percent of the existing commercial floor area and that a minimum commercial density of 0.15 times the lot area is provided.

Service Commercial land use designation

Service commercial lands concentrate highway-oriented and service commercial uses within designated areas that are generally along arterial roads. The Service Commercial land use designation provides space for commercial uses to locate that are not normally appropriate within the downtown or adjacent to residential areas due to their larger land needs, in some cases outdoor components of the use, or need to have highway exposure.

Uses that are permitted include a broad range of service commercial uses and complementary uses, such as small-scale offices, convenience uses, institutional and commercial recreation uses, or entertainment uses.

Mixed Office/Commercial land use designation

The Mixed Office/Commercial land use designation provides for small-scale commercial, office, residential and mixed-use buildings within close proximity to residential areas providing a transition in built form and allowing for a range of compatible businesses.

Uses that are permitted include:

- Convenience commercial
- Small-scale retail commercial
- Small-scale office
- Personal service, and
- Detached, semi-detached, townhouse and apartment dwellings.

The maximum building height for all uses is four storeys. Residential uses are permitted to a maximum density of 100 units per hectare.

Specific commercial use policies

Drive-through facilities

The Official Plan contains several policies related to the location and design of drive-through facilities. Where the zoning bylaw permits drive-through facilities stacking and drive-through lanes shall not be located in any yard that is adjacent to a street. Drive-through lanes shall also be avoided adjacent to uses that would be negatively affected by noise, light and activity levels associated with the drive-through facility. Drive-through facilities are subject to the built form policies noted below.

Vehicle Gas Stations

The Official Plan contains several policies related to the location and design of vehicle gas stations. Where permitted within commercial areas, there shall not be more than one vehicle gas station per intersection. Within Commercial Mixed-use Centres vehicle gas stations are not permitted at intersections. Vehicle Gas Stations are subject to the built form policies noted below.

Built Form Policies

The Official Plan includes many policies regarding a buildings' relationship to the street and surrounding residential areas. These are known as built form policies. Direction is provided to encourage the following:

- Buildings located close to the street
- Articulated building facades
- Taller ground floors, and
- Minimum building heights.

A summary of built form policies for mid-rise and tall buildings is provided in Chapter 4.

5.2.3 Guelph's draft Commercial Built Form Standards

The City is in the process of developing commercial built form standards, a set of guidelines and rules to implement the Official Plan built form policies, which will be incorporated into its Urban Design Manual. In April 2019 preliminary design directions were presented that included preliminary recommendations to be considered as part of the comprehensive zoning bylaw review. These preliminary recommendations are related to:

- Green roofs as landscaped area
- Location of surface parking
- Requirements for landscaped and buffer strips
- Transition of building heights
- Maximum building lengths
- Minimum building heights, including minimum ground floor heights
- Active entrances and transparent windows
- Building setbacks, and
- Rules for the location of drive-through facilities, vehicle gas stations, and vehicle car washes.

5.2.4 Guelph's Zoning Bylaw

Outside of the downtown, there are currently eight commercial and mixed use zones. They are:

- Neighbourhood Shopping Centre - NC
- Community Shopping Centre - CC
- Regional Shopping Centre - RC
- Service Commercial - SC.1

- Highway Service Commercial - SC.2)
- Office Residential - OR
- Commercial Residential - CR, and
- Convenience Commercial - C-1.

The C-1 zone currently applies to commercial lands within residential areas and permits a limited range of commercial uses. Generally it is used to implement a specific Official Plan policy to provide for specific commercial uses within residential areas. An overview and analysis of the C-1 zone is contained within Chapter 4.

Permitted uses

Each zone permits a range of commercial and other non-residential uses that are suitable for the intent of each zone. Certain residential uses are permitted within the office residential and commercial residential zones. The following tables summarize the permitted uses in the existing commercial and mixed use zones. The commercial and mixed use zones are listed with zoning abbreviations used in the existing zoning bylaw, for example NC.

Table 24: Residential permitted uses within existing commercial and mixed use zones

Residential permitted uses	NC	CC	RC	SC.1	SC.2	OR	CR
Accessory apartment	N	N	N	N	N	Y	N
Duplex	N	N	N	N	N	Y	N
Dwelling units with permitted commercial uses in the same building	N	N	N	N	N	Y	Y
Group home	Y	Y	Y	Y	Y	Y	Y
Home for the aged or rest home	N	N	N	N	N	Y	N
Home occupation	N	N	N	N	N	Y	N
Semi-detached dwelling	N	N	N	N	N	Y	N
Single detached dwelling	N	N	N	N	N	Y	N

Table 25: Retail permitted uses within existing commercial and mixed use zones

Retail permitted uses	NC	CC	RC	SC.1	SC.2	OR	CR
Auction centre	N	N	N	N	Y	N	N
Auto-oriented department store	N	N	N	Y	Y	N	N
Bake shop	N	N	N	Y ⁽¹⁾	Y	N	N
Building supply	N	N	N	N	Y	N	N
Catalogue sales outlet	N	N	N	Y	Y	N	N
Convenience store	N	N	N	Y ⁽¹⁾	Y	N	Y
Florist	N	N	N	Y ⁽¹⁾	Y	N	Y
Garden centre	N	Y	Y	N	Y	N	N
Hardware store	N	N	N	Y	Y	N	N
Liquor store	N	N	N	Y	Y	N	N
Monument sales	N	N	N	N	Y	N	N
Office supply	N	N	N	Y	Y	N	N
Pharmacy	N	N	N	Y ⁽¹⁾	Y	N	N

Retail permitted uses	NC	CC	RC	SC.1	SC.2	OR	CR
Photofinishing place	N	N	N	Y ⁽¹⁾	Y	N	N
Postal service	N	N	N	Y ⁽¹⁾	Y	N	N
Print shop	N	N	N	Y	Y	N	N
Rental outlet	N	Y	Y	Y ⁽¹⁾	Y	N	N
Retail establishment	Y	Y	Y	N	N	N	N
Retail sales, service and rental of electrical/lighting supplies electronic and audio-visual equipment furniture and appliances	N	N	N	Y	Y	N	N
Retail sales, service and rental of: recreational vehicles construction and farm equipment small motor equipment sales	N	N	N	N	Y	N	N
Vehicle sales establishment	N	N	N	N	Y	N	N
Video rental outlet	N	N	N	Y ⁽¹⁾	Y	N	N

⁽¹⁾ Only within a mall

Table 26: Service permitted uses within existing commercial and mixed use zones

Service permitted uses	NC	CC	RC	SC.1	SC.2	OR	CR
Amusement arcade	N	Y	Y	N	N	N	N
Amusement park	N	N	N	N	Y	N	N
Animal care establishment	N	N	N	Y	Y	N	N
Artisan studio	Y	Y	Y	Y ⁽¹⁾	Y	Y	Y
Carwash, automatic	N	Y	Y	Y	Y	N	N
Carwash, manual	N	Y	Y	Y	Y	N	N
Catering service	N	N	N	N	Y	N	N
Cleaning establishment	N	N	N	Y ⁽¹⁾	Y	N	N
Commercial entertainment	N	Y	Y	Y	Y	N	N
Commercial school	N	Y	Y	Y	Y	N	N
Contractor's yard	N	N	N	N	Y	N	N
Courier service	N	N	N	N	Y	N	N
Day care centre	Y	Y	Y	Y	Y	Y	Y
Dry cleaning outlet	Y	Y	Y	Y ⁽¹⁾	Y	N	Y
Financial establishment	Y	Y	Y	Y	Y	N	Y
Funeral home	N	Y	Y	Y	Y	N	N
Hotel	N	N	N	Y	Y	N	N
Kennels	N	N	N	N	Y	N	N
Laundry	Y	Y	Y	Y ⁽¹⁾	Y	N	Y
Parking facility	N	N	N	Y	Y	N	N
Personal service establishment	Y	Y	Y	Y ⁽¹⁾	Y	Y	Y
Repair service	N	N	N	Y ⁽¹⁾	Y	N	N
Restaurant	Y	Y	Y	Y	Y	N	N
Restaurant, take-out	Y	Y	Y	Y	Y	N	Y
Storage facility	N	N	N	N	Y	N	N

Service permitted uses	NC	CC	RC	SC.1	SC.2	OR	CR
Tavern	N	Y	Y	Y	Y	N	N
Taxi establishment	N	Y	Y	Y ⁽¹⁾	Y	N	N
Transportation depot	N	N	N	N	Y	N	N
Trucking operation	N	N	N	N	Y	N	N
Vehicle body shop	N	N	N	N	Y	N	N
Vehicle establishment	N	N	N	N	Y	N	N
Vehicle gas bar	Y	Y	Y	Y	Y	N	N
Vehicle parts establishment	N	N	N	Y ⁽¹⁾	Y	N	N
Vehicle specialty repair shop	N	N	N	Y	Y	N	N
Vehicle service station	N	N	N	Y	Y	N	N
Veterinary service	Y	Y	Y	Y	Y	N	Y

⁽¹⁾ Only within a mall

Table 27: Office permitted uses within existing commercial and mixed use zones

Office permitted uses	NC	CC	RC	SC.1	SC.2	OR	CR
Medical clinic	Y	Y	Y	Y	Y	N	Y
Medical office	Y	Y	Y	Y ⁽¹⁾	Y	Y	Y
Office	Y	Y	Y	Y ⁽¹⁾	Y	Y	Y
Research establishment	N	N	N	Y	Y	N	N

⁽¹⁾ Only within a mall

Table 28: Community permitted uses within existing commercial and mixed use zones

Community permitted uses	NC	CC	RC	SC.1	SC.2	OR	CR
Art gallery	Y	Y	Y	N	N	N	N
Club	Y	Y	Y	Y	Y	N	Y
Library	Y	Y	Y	N	N	N	Y
Public hall	N	Y	Y	Y	Y	N	N
Recreation centre	N	Y	Y	Y	Y	N	N
Religious establishment	Y	Y	Y	Y	Y	N	Y
School	N	N	N	N	N	Y	N

Table 29: Hospitality permitted uses within existing commercial and mixed use zones

Hospitality permitted uses	NC	CC	RC	SC.1	SC.2	OR	CR
Bed and breakfast establishment	N	N	N	N	N	Y	N
Tourist home	N	N	N	Y	Y	Y	N

Table 30: Other permitted uses within existing commercial and mixed use zones

Other permitted uses	NC	CC	RC	SC.1	SC.2	OR	CR
Accessory uses	Y	Y	Y	N	Y	Y	Y
Food vehicle	Y	Y	Y	Y	Y	N	Y
Occasional uses	Y	Y	Y	N	Y	Y	Y

Rules

The commercial and mixed use zones include rules for:

- Minimum and maximum lot area
- Minimum lot frontage
- Setbacks from lot lines
- Maximum building height
- Minimum and maximum gross floor area
- Minimum landscaped open space
- Whether or not a use has to be within a building, and
- Planting area and buffer strip requirements

Specialized zones

There are 196 specialized zones within the commercial and mixed use zones. Ten are within the Neighbourhood Shopping Centre Zone (NC), 26 are within the Community Shopping Centre Zone (CC), one within the Regional Shopping Centre Zone (RC), 48 within the Service Commercial Zone (SC.1), 17 within the Highway Service Commercial Zone (SC.2), 56 within the Office Residential Zone (OR) and 14 within the Commercial Residential Zone (CR). As outlined in Chapter 3, each of the specialized zones will be reviewed to determine whether it should be retained, amended, or deleted.

5.3 Review of municipal zoning trends

5.3.1 Methodology

When examining zoning trends in this chapter, we were looking to understand how other municipalities structured their commercial and mixed use zones, what types of uses they permit in them, and the types of rules that they have for drive-through facilities and gas stations. To answer these questions, municipalities that met the following criteria were examined:

- The municipality must be an Ontario municipality either with a new zoning bylaw that was approved between 2013 and 2019 or one with a new zoning bylaw in progress that has proceeded to a statutory public meeting between 2016 and 2019. A municipality with a zoning bylaw that is older than 2013 but where an amendment that dealt comprehensively with commercial or mixed use zones could also be considered
- Although not required, priority was placed on municipalities that were on Guelph's municipal comparison list which also met the above criteria, and
- The municipality must have a comparable commercial and mixed use land use framework. A comparable commercial and mixed use land use framework is based on Official Plan land use categories and range of permitted uses to determine whether there are similarities.

The zoning bylaws that met this criteria and were reviewed were:

- City of Hamilton
- Town of Oakville

- City of St. Catharines, and
- City of Welland.

Although the City of Kitchener and the City of Waterloo's Official Plan did not contain a comparable commercial and mixed use land use framework, both zoning bylaws met the other criteria. Their zoning bylaws were reviewed specifically for their rules on drive-through facilities, gas stations, and car washes.

5.3.2 Summary of zoning trends

Zone structure

The City of Hamilton has four commercial zones which they apply to their three commercial land use designations outside of their downtown. They have one zone for their District Commercial and Arterial Commercial land use designations and two zones for their Local Commercial land use designation, a neighbourhood commercial and community commercial zone. The two zones that apply to their Local Commercial land use designation differ in the uses that they permit, with one zone permitting a few more uses than the other.

The Town of Oakville has four commercial zones which they apply to their three commercial land use designations outside of their downtown. They have one zone that for each of the Core Commercial, Community Commercial and Neighbourhood Commercial land use designations. A fourth zone is used to allow vehicle oriented uses, such as gas stations, car washes and accessory uses, such as restaurant and retail store. Oakville is the only municipality to have this type of zone.

The City of St. Catharines has three commercial zones which they apply to their three commercial land use designations. The land use designations and zones are titled the same, major commercial, arterial commercial, and community commercial making a very clear correlation between which zones applies to which land use designation.

The City of Welland has five commercial lands uses, Regional Shopping Centre, Eastern Approach, Community Commercial Nodes, Community Commercial Corridors, and Neighbourhood Commercial Nodes, and four zones that have the same names as each of the land uses with the exception of Eastern Approach. There is a direct correlation between the Commercial land uses and commercial zones.

Permitted uses

Generally all of the zoning bylaws reviewed permit a broad range of commercial and retail uses across their commercial zones. The permitted uses tend to vary across the zones based on the intent of the zone, for example less uses within neighbourhood commercial zones and more in core/regional commercial zones.

All zoning bylaws, with the exception of Welland's, allow broad retail uses, such as "retail establishment" rather than permitting specific retail uses such as "bake shop". Additionally, with the exception of Hamilton, all zoning bylaws have reduced the number of vehicle type uses allowed. Generally this is done by creating four

broad vehicle use categories, one for service, one for repair, one for sales, and one for washing. Hamilton includes these four uses and also includes a gas bar, which the other municipalities have incorporated into a service station use, rental of vehicles, and sale of vehicle parts and accessories.

New uses that included in the zoning bylaws of comparison municipalities that are not currently allowed as separate uses within Guelph's existing zoning bylaw are:

- Drive-through facility
- Propane retail facility
- Micro-brewery, and
- Home improvement establishment.

Many of the zoning bylaws reviewed include residential uses. Hamilton and St. Catharines' zoning bylaws limit residential uses to apartment buildings and dwelling units within mixed-use buildings. In addition to apartments and mixed-use buildings, Welland also permits townhouse dwellings. Oakville does not permit residential uses within their commercial zones.

Rules

All zoning bylaws reviewed have standard rules regarding lot area, lot width (frontage), building setbacks from lot lines, and maximum building heights. St. Catharines' zoning bylaw also includes minimum building heights within some commercial zones. Rules for larger setbacks when adjacent to residentially zoned properties were also included. Most of the commercial zones reviewed also incorporated a maximum commercial gross floor area.

Drive-through facility rules

Oakville, Hamilton, St. Catharines, Welland, Kitchener, and Waterloo include specific rules for drive-through facilities, stacking lanes, which is the line up of cars waiting to order and receive goods, and stacking spaces, which is the number of spaces that are required within stacking lanes. Tables 31, 32, and 33 provide a summary of these rules.

Table 31: Summary of comparison zoning bylaw's drive-through facility rules

Rule	Hamilton	Oakville	St. Catharines	Welland	Kitchener	Waterloo
Location of drive-through facility	⁽¹⁾	N/A	N/A	N/A	N/A	N/A
Minimum setback from adjacent residential lot lines	12 meters	15 meters	7.5 meters ⁽²⁾	N/A	15 meters ⁽³⁾	⁽⁴⁾
Landscape buffer	3 meters ⁽⁵⁾	Subject to general landscape requirements	3 meters ⁽⁶⁾	N/A	N/A	Subject to general landscape requirements
Visual Barrier required	Yes ⁽⁵⁾	N/A	N/A	N/A	Yes	N/A

⁽¹⁾ A drive-through facility is not permitted to locate between any parking area and the main entrance for the building.

⁽²⁾ The minimum setback also applies to institutional zones and parks zones.

⁽³⁾ Where a visual barrier is provided along the adjacent lot line. A minimum setback of 7.5 meters is required where an acoustic barrier certified by a professional engineer is installed along the adjacent lot line. These rules only apply to new drive-through facilities.

⁽⁴⁾ A drive-through facility with an intercom order station that exceeds the maximum noise level specified by Provincial rules is not permitted within 100 meters of a residential zone, sensitive use, or dwelling unit.

⁽⁵⁾ The landscape buffer and visual barrier is required when the drive-through facility is adjacent to a residential zone, institutional zone, and lots containing a residential use.

⁽⁶⁾ The landscape buffer is required between a drive-through facility and a street.

Table 32: Summary of comparison zoning bylaw's stacking lane rules

Municipality	Stacking lane rules
Hamilton	Not permitted between the street and the building and not permitted in any drive aisle.
Oakville	Included as part of a drive-through facility and subject to rules noted in Table 31.
St. Catharines	N/A
Welland	Not permitted within 10 meters of any residential zone. This may be reduced to 3 meters provided that a noise wall, certified by a professional engineering, is installed. Not permitted within any parking aisle or driveway
Kitchener	Not permitted within 3 meters of a street. Not permitted within a front yard or exterior side yard except on a corner lot where stacking lanes may locate within either a front yard or exterior side yard but not both. Shall be separated a minimum distance of 16.5 meters from the closest driveway. Stacking lanes are included as part of a drive-through facility and subject to rules noted in Table 31.
Waterloo	N/A

Table 33: Summary of comparison zoning bylaw's minimum stacking space rules

Minimum number of stacking spaces required	Hamilton	Oakville	St. Catharines	Welland	Kitchener	Waterloo
Restaurants	12	10	10	8	13	N/A
Financial institutions	N/A	4	N/A	N/A	3	N/A
Automatic car wash	N/A	8		10	10	N/A
Manual car wash	N/A	8	N/A	3	2 per bay	N/A
Retail	N/A	4	N/A	N/A	3	N/A
Private school	N/A	10	N/A	N/A	N/A	N/A
Public school	N/A	10	N/A	N/A	N/A	N/A
Service commercial	N/A	4	N/A	N/A	N/A	N/A
All other uses	3	N/A	3	2	N/A	N/A

Gas station and car wash rules

Hamilton, Welland, Kitchener, and Waterloo's zoning bylaws include separate rules for gas stations. All include setbacks for gas station fuel pump islands, fuel pumps and canopies from any lot line. Welland's zoning bylaw also includes a minimum lot width, minimum setbacks from residential uses, and maximum building heights. St. Catharines' and Oakville's zoning bylaws do not contain specific rules for gas stations.

Of the zoning bylaws reviewed, only Welland includes specific rules for car washes. These include setbacks from streets and setbacks when adjacent to a residential zone. Oakville and Kitchener's zoning bylaws consider a car wash a drive-through facility and therefore a car wash is subject to the drive-through facility rules noted above.

5.4 Phase 1 community engagement – what we heard

As part of phase 1 community engagement we heard the following about commercial and mixed use zones:

- What will the future zoning of the Gordon Street Mixed-use Corridor be
- Commercial zones should be more permissive and provide flexibility for adaptive reuse
- What is the community benefit of drive-throughs, and
- Comments and questions about several specific properties.

Appendix A contains a summary of all comments from the phase 1 community engagement, including staff responses.

5.5 Analysis, options, and recommendations

This section outlines options and preliminary recommendations for a new zoning bylaw about:

- The types of commercial and mixed use zones that should be in a new zoning bylaw
- The types of uses that should be allowed in these zones
- The types of rules for the size and placement of buildings and their relationship to the street
- The types of rules for drive-through facilities, and;
- The types of rules for gas stations.

The Official Plan, as proposed to be amended by the commercial policy review, draft Commercial Built Form Standards, comments from phase 1 community engagement, and zoning trends were considered in the development of the options and preliminary recommendations put forward in this chapter.

5.5.1 Zone Structure

Providing a clear connection between the commercial and mixed-use zones and the Official Plan is important. It helps users of the zoning bylaw understand why certain

uses are permitted and why the rules about buildings, drive-throughs and gas stations are the way they are. It is the Official Plan that broadly determines what is permitted in commercial and mixed use areas and the location and size of buildings. The Official Plan broadly sets out rules for drive-through facilities and gas stations too. The following are options and preliminary recommendations for the number and types of zones that will help make this connection and that will also reduce the overall number of commercial and mixed use zones making a new zoning bylaw simpler.

Commercial mixed-use centre lands

Preliminary recommendation: It is recommended that one new zone be created that allows a broad range of commercial and service commercial uses. Vehicle type uses, including gas stations, car washes, and drive-through facilities are recommended to be allowed. Minimum and maximum commercial floor area rules are also recommended to align with a proposed amendment to the Official plan, as a result of the recommendations from the commercial policy review. This option reduces the number of zones and creates consistency within the city's commercial mixed-use centers.

Mixed-use corridor lands

Option 1 (preliminary recommendation): It is recommended that one residential zone, one institutional zone, and one commercial zone be created for the city's mixed-use corridors. These zones would apply to lands that are currently zoned residential, institutional, and commercial respectively. The uses allowed in these zones would be similar to the uses permitted in the residential, institutional, and commercial zones in other areas of the city but would provide for the ability to have residential uses on properties zoned commercial provide that commercial uses are also there. Vehicle type uses, including gas stations, car washes, and drive-through facilities are recommended to be allowed on commercially zoned properties. Minimum commercial floor area rules are also recommended for commercially zoned properties to align with the proposed amendment to the Official Plan as a result of the recommendations from the city's commercial policy review. Although this option results in the creation of three zones for the city's mixed-use corridors, it provides a clear connection to the Official Plan and a clear indication of the primarily intent of the properties, that is whether it is primarily for residential, institutional, or commercial purposes.

Option 2: This option would use residential, institutional and commercial zones that apply elsewhere throughout the city within Mixed-use Corridors. This option would reduce the overall number of zones within the new zoning bylaw. However, depending on how these zones are written, site specific rules may be required to fully implement the Official Plan, for example to allow for more or less uses and apply a maximum commercial gross floor area rule.

Neighbourhood commercial centre lands

Option 1 (preliminary recommendation): It is recommended that two zones be created that apply to neighbourhood commercial lands. These two zones would

differ in the minimum and maximum commercial floor area that is allowed to align with recommendations from the proposed Official Plan amendment as a result of the recommendations from the city's commercial policy review. A range of commercial and service commercial uses are recommended to be allowed. Residential uses within a mixed-use building are also recommended to be allowed. Drive-throughs are recommended to be permitted only in larger neighbourhood commercial centres, which are those with a maximum allowable commercial floor area of 10,000 square meters. This option ensures that the two different sizes of neighbourhood commercial centres are recognized in zoning and aligns with the different sizes contemplated in the Official Plan. Create two new zones to implement the Neighbourhood Commercial Centre.

Option 2: This option would create one new zone with site specific rules for the different minimum and maximum commercial gross floor area to conform to the Official Plan policies and site specific rules to allow drive-through facilities in larger neighbourhood commercial centres. This option reduces the number of zones but isn't as clear about the different maximum commercial gross floor area and permitted uses in the neighbourhood commercial centres. Readers of the zoning bylaw would need to first read the neighbourhood commercial zone and then look at each site specific provision to understand the additional rules and uses that are allowed.

Service commercial lands

Option 1 (preliminary recommendation): It is recommended that the two existing service commercial zones be collapsed into one new service commercial zone with rules requiring uses to be located within buildings when adjacent to residential areas. Generally, the service commercial zone will continue to allow a similar range of uses to the existing service commercial zones. Some uses are proposed to be collapsed into broader categories of uses, such as the vehicle type uses. This option reduces the number of zones and provides flexibility in the service commercial uses allowed and provides a way to ensure that there is compatibility between service commercial areas and adjacent residential areas.

Option 2: This option retains the two existing service commercial zones. One zone would permit outdoor type service commercial uses and one zone would only allow uses within buildings. This option is similar to option 1 but defines uses specifically as "indoor" or "outdoor" to ensure that there is compatibility between service commercial areas and adjacent residential areas. This option doesn't provide the flexibility in uses provided through option 1 as uses would be specifically defined as outdoor or indoor requiring a process to change the zoning to permit a use from the other service commercial zone. While this isn't currently a concern with the existing zoning bylaw, it may cause unnecessary process.

Mixed office/commercial lands

Preliminary recommendation: It is recommended that the existing office residential zone and the existing commercial residential zone be collapsed into one new zone. The range of uses allowed within the Mixed Office/Commercial Official

Plan land use designation allows for small scale office and commercial uses in these areas. Because these uses are allowed in all mixed office/commercial designated areas it is no longer necessary to have one zone that allows only office uses and one zone that allows only commercial uses. In addition to office and commercial uses, the recommended zone would allow a full range of residential uses. This type of zone reduces the number of zones in a new zoning bylaw and provides a clear connection to the Official Plan land use.

5.5.2 Uses

Permitted uses

To ensure conformity with the Official Plan, provide for a streamlined and user-friendly zoning bylaw, and reflect new trends in zoning it is recommended that a new zoning bylaw permit the following uses within the zones for each of the following commercial/mixed use Official Plan land uses. The Official Plan land uses referred to in the following tables are:

- Commercial Mixed-use Centre (CMUC)
- Mixed-use Corridor – residential (MCR)
- Mixed-use Corridor – commercial (MCC)
- Mixed-use Corridor – institutional (MCI)
- Neighbourhood Commercial Centre (NCC)
- Service Commercial (SC)
- Mixed Office/Commercial (MOC)

Table 34: Recommended permitted residential uses

Residential permitted uses	CMUC	MCR	NCC	SC	MOC
Accessory dwelling unit	N	N	N	N	Y
Building, mixed-use	Y	Y	Y	N	Y
Dwelling, apartment	Y	Y	N	N	Y
Dwelling, back to back townhouse (new use)	Y	Y	N	N	y
Dwelling, cluster townhouse	Y	Y	N	N	Y
Dwelling, on-street townhouse	Y	Y	N	N	Y
Dwelling, rear access on-street townhouse (new use)	Y	Y	N	N	Y
Dwelling, semi-detached	N	N	N	N	Y
Dwelling, single detached	N	N	N	N	Y
Dwelling, stacked townhouse	Y	Y	N	N	Y
Dwelling, stacked back-to-back townhouse (new use)	Y	Y	N	N	Y
Group home	Y	Y	Y	N	Y
Home occupation	Y	Y	Y	N	Y
Live/work	Y	Y	Y	N	N
Long term care facility (new use)	Y	Y	Y	N	Y
Retirement residential facility	Y	Y	Y	N	Y

Table 35: Recommended retail permitted uses

Retail permitted uses	CMUC	MCC	NCC	SC	MOC
Auction centre	N	N	N	Y	N
Building supply	N	N	N	Y	N
Convenience store	Y	Y	Y	Y	Y ⁽¹⁾
Garden centre	Y	N	N	Y	N
Home improvement warehouse (new use)	Y	N	N	Y	N
Major equipment supply and service (new use)	N	N	N	Y	N
Propane retail outlet (new use)	Y ⁽²⁾	Y ⁽²⁾	Y ⁽²⁾	Y ⁽²⁾	N
Retail establishment	Y	Y	Y	N	Y ⁽¹⁾
Vehicle sales establishment	N	N	N	Y	N

⁽¹⁾ Small scale only.

⁽²⁾ Only permitted as an accessory use.

Table 36: Recommended permitted office uses

Office permitted uses	CMUC	MCC	NCC	SC	MOC
Medical clinic	Y	Y	Y	Y	Y ⁽¹⁾
Medical office	Y	Y	Y	Y	Y ⁽¹⁾
Office	Y ⁽²⁾	Y ⁽²⁾	Y ⁽¹⁾	Y ⁽³⁾	Y ⁽¹⁾

⁽¹⁾ Small scale only.

⁽²⁾ To a maximum gross floor area of 4,000 square metres.

⁽³⁾ Only permitted as a complementary use.

Table 37: Recommended permitted hospitality uses

Hospitality permitted uses	CMUC	MCC	NCC	SC	MOC
Bed and breakfast	N	N	N	N	Y
Hotel	Y	Y	N	Y	N

Table 38: Recommended service permitted residential uses

Service permitted uses	CMUC	MCC	NCC	SC	MOC
Animal care establishment	Y	Y	Y	N	N
Animal boarding establishment	N	N	N	Y	N
Artisan studio	Y	Y	Y	N	Y ⁽¹⁾
Bar	Y	Y	N	N	N
Brew pub (new use)	Y	Y	Y	Y	Y
Catering service	N	N	N	Y	N
Carwash	Y	Y	Y ⁽²⁾	Y	N
Commercial entertainment	Y	Y	N	Y ⁽³⁾	N
Commercial school	Y	Y	Y	Y	Y ⁽¹⁾
Conference and convention facility (new use)	Y	Y	N	N	N
Contractor's yard	N	N	N	Y	N
Day care centre	Y	Y	Y	Y ⁽³⁾	Y ⁽¹⁾
Drive-through facility (new use)	Y	Y	Y ⁽²⁾	Y	N
Financial establishment	Y	Y	Y	Y	Y ⁽¹⁾
Fitness centre (new use)	Y	Y	Y	Y ⁽³⁾	Y ⁽¹⁾
Funeral home	Y	Y	Y	N	Y ⁽¹⁾
Micro brewery (new use)	Y	Y	Y	Y	Y
Nightclub (new use)	Y	Y	N	N	N
Restaurant	Y	Y	Y	Y	N
Restaurant, take-out	Y	Y	Y	Y	Y
Service establishment	Y	Y	Y	Y	Y
Storage facility	N	N	N	Y	N
Taxi establishment	N	N	N	Y	N
Tradesperson's shop	N	N	N	Y	N
Transportation depot	N	N	N	Y	N
Vehicle body shop	N	N	N	Y	N
Vehicle gas station	Y ⁽⁴⁾	Y ⁽⁵⁾	Y ⁽⁵⁾	Y ⁽⁵⁾	N
Vehicle rental establishment (new use)	Y	Y	Y	Y	N
Vehicle repair establishment	Y ⁽⁶⁾	Y	N	Y	N
Vehicle service station	Y ⁽⁶⁾	Y	Y	Y	N
Veterinary service	Y	Y	Y	Y ⁽¹⁾	Y

⁽¹⁾ Small scale only.

⁽²⁾ Only within neighbourhood commercial centers with a maximum permitted commercial gross floor area of 10,000 square meters.

⁽³⁾ Only permitted as a complementary use.

⁽⁴⁾ Not permitted at the intersection of an arterial and a collector road or at the intersection of two arterial roads or at the intersection of 2 collector roads.

⁽⁵⁾ Only one vehicle gas station is permitted at each intersection of streets.

⁽⁶⁾ Only permitted as an accessory use.

Table 39: Recommended permitted community uses

Community permitted uses	CMUC	MCI	NCC	SC	MOC
Art gallery	Y	Y	N	Y	Y ⁽¹⁾
Community centre (new use)	Y	Y	Y	Y ⁽²⁾	N
Places of worship (new use)	Y	Y	Y	Y	N
Recreation facility (new use)	Y	Y	Y	Y ⁽²⁾	N

⁽¹⁾ Small scale use only

⁽²⁾ Permitted as a complementary use only

Deleted uses

Preliminary recommendation: It is recommended that the following uses be deleted as permitted uses as they are either no longer permitted in the commercial/mixed-use areas according to the Official Plan, they are no longer considered a use of land, or they are recommended to be consolidated into a broader use category.

Uses that are recommended to be deleted from the commercial and mixed use zones because they do not conform to the Official Plan are:

- Duplex
- Kennel
- Parking facility
- Repair service
- Research establishment
- School, and
- Trucking operation

Uses that are recommended to be deleted as they are no longer proposed to be a use in the new zoning bylaw are:

- Dwelling unit
- Public hall
- Rental outlet
- Tourist home, and
- Video rental outlet

Uses that are recommended to be consolidated with other uses that are recommended to be permitted are:

- Amusement arcade which is proposed to be permitted as commercial entertainment
- Amusement park which is proposed to be permitted as commercial entertainment
- Auto-oriented department store which is proposed to be permitted as vehicle repair establishment or vehicle service establishment
- Bakery which is proposed to be permitted as retail establishment or restaurant
- Bake shop which is proposed to be permitted as retail establishment
- Catalogue sales outlet which is proposed to be permitted as retail establishment
- Cleaning establishment which is proposed to be permitted as service establishment

- Club which is proposed to be permitted as conference and convention facility
- Courier service which is proposed to be permitted as service establishment
- Dry cleaning outlet which is proposed to be permitted as service establishment
- Florist which is proposed to be permitted as retail establishment
- Hardware store which is proposed to be permitted as retail establishment
- Laundry which is proposed to be permitted as service establishment
- Library which is proposed to be permitted as community centre
- Liquor store which is proposed to be permitted as retail establishment
- Monument sales which is proposed to be permitted as retail establishment
- Office supply which is proposed to be permitted as retail establishment
- Personal service establishment which is proposed to be permitted as service establishment
- Pharmacy which is proposed to be permitted as retail establishment
- Photofinishing place which is proposed to be permitted as retail establishment
- Postal service which is proposed to be permitted as service establishment
- Print shop which is proposed to be permitted as service establishment or retail establishment
- Recreation centre which is proposed to be permitted as community centre or recreation facility
- Retail sales, service and rental of, electrical/lighting supplies, electronic and audio-visual equipment, furniture and appliances is proposed to be permitted as retail establishment
- Tavern is proposed to be permitted as nightclub
- Vehicle parts establishment is proposed to be permitted as vehicle repair establishment, and
- Vehicle specialty repair shop is proposed to be permitted as vehicle repair establishment.

5.5.3 Rules

To ensure conformity with the Official Plan and reflect new trends in zoning it is recommended that a new zoning bylaw include the following rules for maximum and minimum commercial gross floor area, maximum building heights, location of residential uses, built form, drive through facilities, and gas stations.

Maximum commercial gross floor area

As per the draft Official Plan amendment tabled in September 2019 that reflects the recommendations in the Commercial Policy Review Preferred Framework Implementation Discussion Paper (April 2019), to implement the maximum commercial gross floor area recommended policies of the Official Plan, the following is recommended:

Preliminary recommendation: To implement the maximum commercial gross floor area Official Plan policies for the commercial mixed use centres, it is recommended that a site specific zoning rule be included for these properties establishing a maximum commercial gross floor area for larger lots and a maximum floor space index of 0.33 for smaller lots. The Commercial Policy Review Preferred Framework Implementation Discussion Paper (April 2019) outlines the specific maximums per lot.

For neighbourhood commercial centres, it is recommended that a rule be included in a new zoning bylaw that establishes a maximum commercial gross floor area of 6,500 square meters for neighbourhood commercial centres. For neighbourhood commercial centres that have a higher commercial gross floor area maximum as per the Official Plan, a rule is recommended to be included in a new zoning bylaw that establishes a maximum commercial gross floor area of 10,000 square meters.

Additionally, within the mixed commercial/office lands, the Official Plan permits small scale convenience commercial, retail commercial and office uses. To ensure that these uses remain small scale, it is recommended that the new zoning bylaw incorporate a rule establishing a maximum gross floor area on these uses. All of the above preliminary recommendations are consistent with the Official Plan and are necessary to establish the maximum commercial gross floor areas set out within the Official Plan.

Minimum commercial gross floor area

As per the draft Official Plan amendment tabled in September 2019 that reflects the recommendations in the Commercial Policy Review Preferred Framework Implementation Discussion Paper (April 2019), to implement the minimum commercial gross floor area recommended policies of the Official Plan, the following is recommended:

Preliminary recommendation: For commercial mixed-use centres, neighbourhood commercial centres, and commercially zoned properties within mixed-use corridors a minimum of not less than 25% of the existing commercial gross floor area will be required to be maintained and a minimum floor space index of 0.15 times the lot area will also be required. This preliminary recommendation is consistent with the Official Plan and are necessary to establish minimum commercial gross floor areas set out within the Official Plan.

Maximum building height

Preliminary recommendation: Within each of the commercial/mixed-use areas, the Official Plan sets out maximum building heights. It is recommended that the new commercial zones include a rule establishing a maximum building height that equals the maximum provided for in the Official Plan. This approach provides certainty to property owners and surrounding neighbourhoods on what to expect when a commercial site is re-developed. Additionally, it is recommended that a rule be incorporated into the zoning bylaw ensuring appropriate transitions to adjacent residential areas and appropriate built form. On certain sites there may be the need to include a holding provision that requires a servicing capacity analysis to ensure that prior to any development there is capacity for the amount of commercial or residential use proposed. This preliminary recommendation is consistent with the Official Plan and the draft commercial built form standards.

Location and density of residential uses within neighbourhood commercial centres

Preliminary recommendation: Residential uses are only permitted within mixed-use buildings within neighbourhood commercial centres and only to a maximum density of 100 units per hectare. In accordance with the draft Official Plan amendment tabled in September 2019 that reflects the recommendations in the Commercial Policy Review Preferred Framework Implementation Discussion Paper (April 2019), it is recommended that a rule be incorporated into a new zoning bylaw that does not permit residential uses on the ground floor other than a lobby, amenity space, or residential components of a live-work unit. An additional rule is recommended to be incorporated into a new zoning bylaw that establishes a maximum density of 100 residential units per hectare. This preliminary recommendation is consistent with the Official Plan.

Built form rules

To implement the preliminary design directions from the draft commercial built form standards the following is recommended to be included in a new zoning bylaw:

Preliminary recommendation for transitions to residential, institutional, and park uses: It is recommended that a rule be included that requires a 45 degree angular plane, which is a building setback from property lines or the edge of the storey below, for properties adjacent to low density and medium density residential areas. It is recommended that the angular plane rule be measured from the property line when development is adjacent to low density residential areas and that the angular plane be measured from 10.5 meters above the average elevation of the lot when adjacent to medium density residential areas. These rules will ensure that new development is integrated within neighbourhoods and is compatible to its surroundings.

Preliminary recommendation for green roofs: It is recommended that a rule be incorporated into a new zoning bylaw to allow green roofs to contribute to the landscaped area of a lot, up to a maximum of 30 per cent. Green roofs help to reduce energy consumption and urban “heat island” effects as well as enhance stormwater management. Allowing a portion of green roofs to be counted towards the landscape requirements may encourage development of green roofs as it provides flexibility on the location of landscaped areas. The intent of requiring a minimum amount of landscaped area is still achieved as a portion of the surface of a lot remains covered with vegetation.

Preliminary recommendation for the location of surface parking: It is recommended that a rule be included in a new zoning bylaw to not permit surface parking between a building and a street. Additionally surface parking areas should be a minimum of three meters from any lot line to allow for a landscaped area. Existing rules regarding a buffer between surface parking areas and adjacent lands zoned for residential, institutional, and park uses are recommended to be retained. It is also recommended that in the commercial zones, the zoning bylaw limit surface parking to the side and rear yards and limit surface parking to a maximum

of twenty-five percent of the length of the exterior lot lines adjacent to arterial road. Rules regarding the location of surface parking are common in new zoning bylaws. Surface parking adjacent to streets can detract from the creation of an attractive public realm that is pedestrian friendly and supports active transportation. Surface parking directly adjacent to residential, institutional and park uses is not compatible. Incorporating surface parking rules will help to support a pedestrian friendly streetscape and provide for a necessary buffer to certain adjacent uses.

Preliminary recommendation for minimum building heights: It is recommended that a rule be included in a new zoning bylaw that requires a minimum building height of 7.5 meters for buildings that are located within 15 meters of an arterial or collector road and main streets.

Preliminary recommendation for minimum first storey building height: It is recommended that a rule be included in a new zoning bylaw that requires the first storey of buildings be a minimum of 4.5 meters. This rule will ensure that any building on a lot within a commercial zone can accommodate retail and commercial uses on the first storey even if the building is purpose built as a residential building. Constructing a building with a first storey height that can accommodate retail and commercial uses will make it easier for adaptive reuse of buildings into the future.

Preliminary recommendation for first storey transparency: It is recommended that a rule be included that requires 40 per cent of the surface area of the first storey of a building, up to 4.5 meters from the ground, be comprised of transparent windows and/or active entrances. This rule would apply to buildings along arterial or collector streets where the first storey contains retail or commercial uses.

Preliminary recommendation for building setbacks: It is recommended that a rule be included in a new zoning bylaw that establishes a minimum setback of three meters. A minimum setback will help to ensure that buildings are closer to the street to appropriately frame the street edge while at the same time providing for landscaping adjacent to the streets. Along certain streets, such as Gordon Street, a larger minimum setback of six meters is recommended to accommodate future road widenings.

Preliminary recommendation for building lengths: It is recommended that a rule be included in a new zoning bylaw that establishes a maximum building length of 75 meters for buildings that are located within 15 meters of a street. Providing a break in-between buildings allows views into the site that can improve safety and provide visual interest thereby helping to achieve a pedestrian friendly scale along streets.

Drive-through facilities

Preliminary recommendation: To comply with Official Plan policies, align with zoning trends, and ensure that drive-through facilities are designed in a way that is

mindful of pedestrians and adjacent residential, institutional and parks uses, the following rules are recommended:

- A drive-through facility should be defined to include required stacking lanes and spaces, an intercom order station, and any associated buildings. Additionally it is recommended that an automatic car wash be considered a drive-through facility
- A minimum setback of 15 meters to adjacent residential, institutional, and park uses be required. A visual barrier will also be required along the adjacent lot line
- No stacking lanes be permitted to locate within the front yard or exterior side yard, and
- A minimum number of stacking spaces will be required.

Service stations

Preliminary recommendation: Similarly to the recommended rules for drive-through facilities, to comply with Official Plan policies, align with zoning trends, and ensure that there is an adequate separation between service stations and adjacent residential, institutional, and parks uses the following rules are recommended:

- A minimum setback of 15 meters from the fuel pump island will be required when adjacent to residential, institutional and park, and
- A minimum number of stacking spaces will be required.

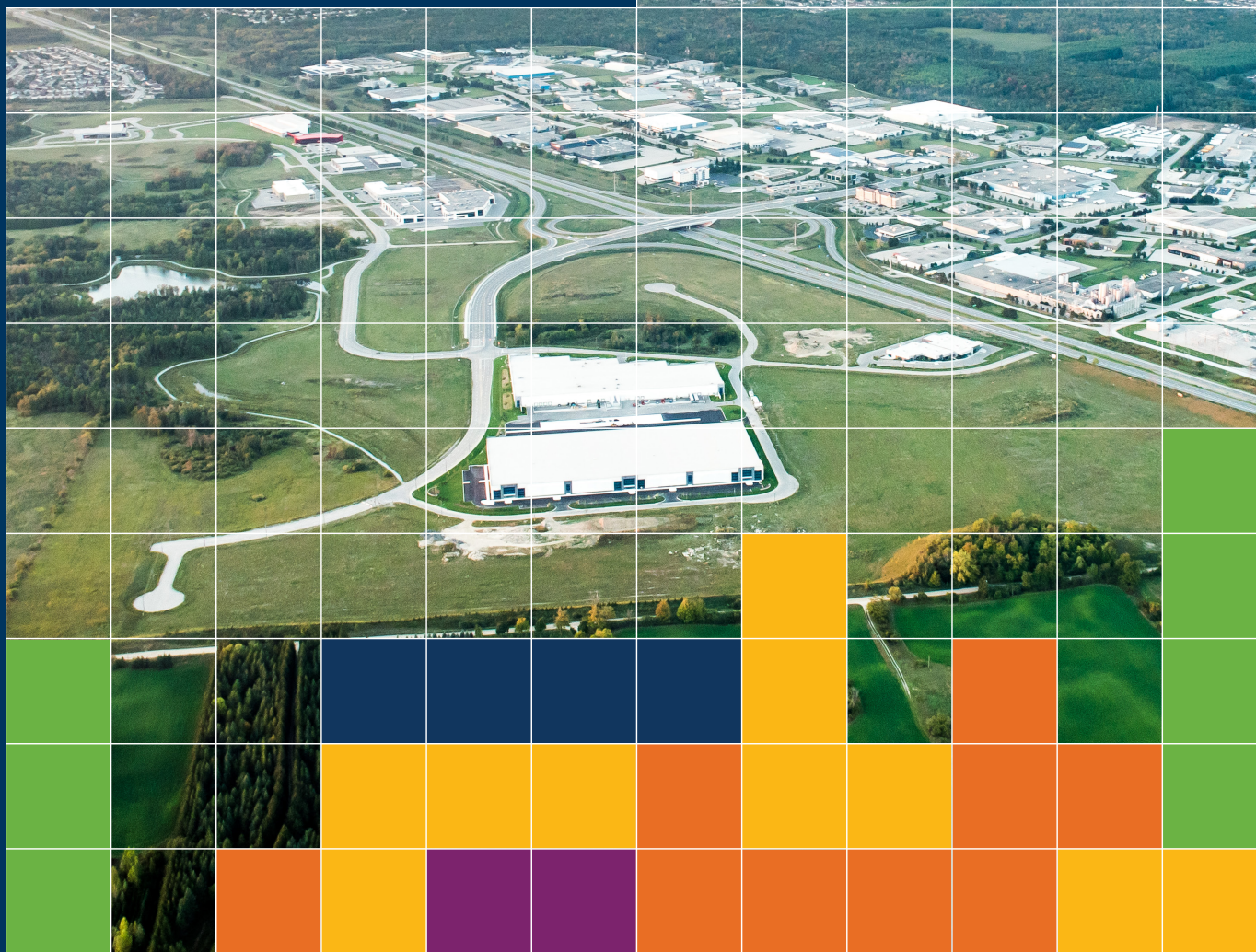
5.6 Questions for you

1. Staff has proposed options for zoning the city's commercial and mixed use areas that provide broader categories of uses, such as retail establishment and service establishment, which also reduce the overall number of commercial and mixed use zones creating a clear and concise zoning bylaw. What are your thoughts on this approach?
2. In consideration of the commercial and mixed use land uses in the Official Plan, certain uses are recommended to be allowed. Do you agree or disagree with the types of uses proposed to be allowed? Why or why not? Are there uses that are allowed by the Official Plan that were missed that should be considered?
3. Do you agree or disagree with the preliminary recommended rules for implementing minimum and maximum commercial floor areas in zoning? Why or why not?
4. Staff has proposed rules for the built form of buildings within the commercial and mixed use zones? These rules include transitions to residential, institutional, and parks uses; green roofs; location of surface parking; minimum building heights and minimum first storey heights; minimum building locations from streets; minimum building lengths; and rules for the look of the first storey of buildings. Do you agree or disagree with these rules? Why or why not?
5. Rules are proposed for drive-throughs and gas stations. Do you agree or disagree with these rules? Why or why not?
6. What other comments do you have about the commercial and mixed use zones that should be considered?

You can share your comments with us in person at an upcoming workshop in November 2019. For a full listing of workshop events and information about how to register please visit our [website](#). As of November you can also share your comments online through our [online engagement platform](#) or via [email](#).

Chapter 6

Employment



6.0 Employment

6.1 Introduction

This chapter provides an overview of the policy framework (provincial and local) for the City's industrial areas, business parks, institutional and research park lands, and mixed business area. The existing industrial and business park zones are compared to the employment Official Plan land use policies to understand where changes are required to conform to these policies within a new zoning bylaw. Zoning bylaws in other municipalities are reviewed to understand emerging trends. Options and recommendations for a new zoning bylaw are explored.

In this chapter we are seeking your thoughts on:

- The number and type of employment zones that should be in a new zoning bylaw,
- In consideration of the employment land use in the Official Plan, the types of employment uses that should be permitted in each zone, and
- Proposed rules for employment zones.

Specific questions related to these topics can be found in section 6.6 as well as instructions for how to share your comments.

6.2 Current land use planning policies, other Guelph standards and studies, and zoning bylaw rules

6.2.1 Provincial policies

Provincial Policy Statement (2014)

The Provincial Policy Statement encourages economic development and competitiveness by requiring an appropriate mix and range of employment and institutional uses to meet long term needs. It also requires that a supply of lands be maintained for employment uses taking into account the needs of existing and future businesses. Employment areas that are identified in an Official Plan are to be protected and preserved.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) contains similar policies as the PPS regarding encouraging economic development and competitiveness. The Growth Plan requires the efficient use of existing employment areas and ensures the availability of sufficient land in appropriate locations for a variety of employment to accommodate the forecast employment growth to 2041. The Growth Plan requires that sufficient lands be identified as employment areas in Official Plans to protect them for appropriate employment uses. The Growth Plan directs major office and major institutional uses to intensification areas, including the city's intensification corridors, mixed-use nodes, and urban growth centre, which is downtown Guelph.

6.2.2 Guelph Official Plan

There are four employment land uses within the Official Plan that apply city-wide. There are additional employment land uses that are specific to the Guelph Innovation District area. These land uses are summarized in Chapter 10. Approximately 619 properties are designated, either in whole or in part, one of these designations. The approximate number of properties designated in each of the employment land uses is listed below in brackets.

- Industrial (549 properties)
- Corporate Business Park (51 properties)
- Institutional/Research Park (4 properties), and
- Mixed Business (15 properties).

In all of the city's employment areas the zoning bylaw may restrict industries which require high volumes of water use to protect service capacity needs of future growth.

Industrial land use designation

The industrial land use designation applies to the city's existing industrial areas and new industrial lands for future industrial employment growth. The permitted uses within industrial areas includes:

- Industrial uses including manufacturing, fabricating, processing, assembly and packaging of goods, foods and raw materials
- Warehousing and bulk storage of goods
- Laboratories
- Computer and data processing
- Research and development facilities
- Printing, publishing and broadcasting facilities
- Repair and servicing operations
- Transportation terminals
- Contractors' yards, and
- Complementary uses such as corporate offices, open space and recreation facilities, restaurants, financial institutions, child care centres, public and institutional uses, and utilities.

Commercial uses are not permitted on industrial lands except for factory sales outlets. The Official Plan describes factory sales outlets as an accessory use that sells goods that are substantially manufactured or assembled on the same property.

The Official Plan includes specific policies for the industrial lands south of Clair Road West. These lands are generally meant to accommodate larger, free-standing industrial buildings.



Figure 4: Industrial Lands South of Clair Road West

Additionally, the Official Plan includes specific policies for the industrial lands within the Hanlon Creek Business Park. Figure 5 shows the Hanlon Creek Business Park industrial lands (grey).



Figure 5: Hanlon Creek Business Park Industrial Lands

Within the Hanlon Creek Business Park, to ensure compatibility with adjacent uses, the zoning bylaw may include rules that establish different building setbacks, building heights, loading space locations, outdoor storage locations, and requirements for buffer strips, fencing and berms than other industrial areas throughout the city.

The Official Plan acknowledges that there are a number of industrial properties that have existing zoning that permits a variety of commercial uses. To align with the Official Plan, in a new zoning bylaw, commercial uses will no longer be permitted on industrial land. The Official Plan allows for existing commercial uses to be recognized in the zoning bylaw.

Corporate Business Park land use designation

The city's corporate business parks include lands for offices, administrative and/or research and development uses. They also provide for a limited range of commercial uses to serve the business parks and surrounding industrial lands.

The permitted uses within corporate business parks include:

- Office and administrative facilities
- Manufacturing
- Warehousing
- Hotel and convention facilities
- Research and development facilities
- Ancillary retail uses, and
- Complementary or accessory uses such as restaurants, financial institutions, medical services, fitness centres, open space and recreation facilities, and child care centres.

The Official Plan only permits uses to be within buildings. Uses that occur outside are not permitted.

The Hanlon Creek Corporate Business Park, shown as the purple land on Figure 5 above, is planned to accommodate employment uses that are more intensive. The permitted uses within this business park are:

- Research and development facilities
- Trade and convention facilities
- Computer, electronic and data processing enterprises
- Office and administrative facilities
- Manufacturing and warehousing only within enclosed buildings
- Hotels, and
- Complementary uses such as service commercial uses, including financial institutions and restaurants which are part of a larger building complex.

Other complementary uses may be permitted provided that the proposed use is consistent with the intent of the designation.

There are also specific policies for business park lands that are east of the Hanlon Expressway. These lands are meant to accommodate smaller or less intensive uses than the Hanlon Creek Business Park. Lot sizes are generally to be 4 hectares or smaller. The following uses are permitted on these lands:

- Research and development facilities
- Computer, electronic and data processing enterprises
- Corporate office and administrative facilities
- Assembly and light manufacturing of product lines requiring on-going research and development
- Service commercial uses including commercial schools, courier services, day care centres, financial establishments, hotels, office, office supply, medical offices, postal services, print shops, public halls, recreation centres, research establishments, restaurants, telecommunication services, and veterinary services. Other complementary uses may be permitted provided that the proposed use is consistent with the intent of the designation.

Most of these lands are within the Clair-Maltby Secondary Plan area and the land use of these lands is being reviewed through the secondary plan process.

Institutional/Research Park land use designation

Guelph's institutional/research park lands are located along Stone Road West between Gordon Street and Edinburgh Road South (Figure 6 – dark blue lands). These lands are an existing area that includes major institutional uses, research activities and limited service commercial activities.

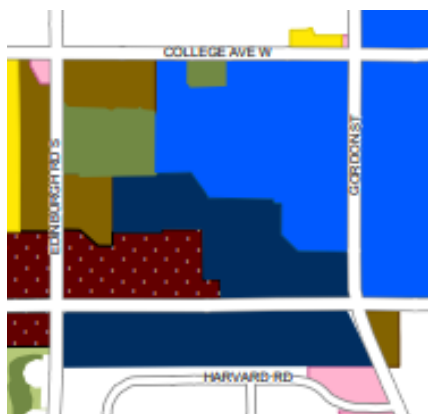


Figure 6: Institutional/Research Park Lands

The permitted uses within the institutional research park lands include:

- Public buildings
- Universities and colleges
- Social and cultural facilities
- Correctional and detention facilities
- Hospitals
- Special needs housing

- Health care facilities
- Research and development facilities
- Computer, electronic and data processing enterprises
- Offices
- Assembly and manufacturing that requires ongoing research and development
- Service commercial uses such as restaurants and financial establishments, and
- Complementary uses such as convenience commercial, personal service, residences, day care facilities, parks and recreation facilities, and non-livestock based agriculture.

In addition to the uses above, service commercial uses such as hotels, motels, convention services, recreation and cultural facilities, offices, and restaurants are permitted on the institutional research park lands located in the vicinity of Gordon Street and Stone Road West.

Mixed Business land use designation

The mixed business lands are located between Victoria Street, Stevenson Street South, Elizabeth Street and York Road, as shown on Figure 7 below as grey hatched. The mixed business land use is to provide opportunities for smaller-scale entrepreneurial enterprise and land use activities that support the needs of business, employees and neighbourhood residents. The range of retail commercial activities will be restricted and business land uses will be promoted.



Figure 7: Mixed Business Lands

The permitted uses within the mixed business lands are:

- Industrial uses such as manufacturing, fabricating, processing, assembly and packaging of goods, foods and raw materials
- Warehousing and bulk storage of goods
- Laboratories
- Computer and data processing
- Research and development facilities
- Printing, publishing and broadcasting facilities

- Repair and servicing operations
- Transportation terminals
- Contractors' yards
- Offices
- Convenience Commercial
- Institutional uses. Institutional uses are only permitted through a development application so that issues of compatibility and property clean-up can occur, and
- Complementary uses such corporate offices, open space and recreation facilities, restaurants, financial institutions, child care centres, public and institutional uses and utilities.

In addition to the uses above, a limited range of retail commercial uses is permitted provided that they don't detract from the business uses or compete with retail within Downtown and other planned commercial areas.

Built form policies

The Official Plan has general built form policies for commercial, mixed-use, and employment buildings as well as mid-rise and tall buildings. For buildings with an employment use, buildings should be located close to the street edge and sidewalk. Corner buildings should address streets. Long building facades that are visible along a street shall incorporate recesses, projections, windows or awnings to reduce the mass of the building. Industrial buildings that include offices should have the office at the street and should be a minimum of two storeys tall.

6.2.3 Guelph's Urban Design Manual

In November 2017 council approved the City's Urban Design Manual. The Urban Design Manual elaborates and expands on the design vision of the Official providing guidance for implementing Official Plan policies and rules to guide growth and change within the City. The Urban Design Manual establishes general urban design objectives and principles for specific areas of Guelph. The Urban Design Manual provides the following directions that are relevant for employment areas:

- Landscape buffer strips should be required around the perimeter of the property to delineate it and screen from adjacent uses
- Vehicle parking should not be located in the front or exterior side yard
- Minimum and maximum building setbacks should be required for buildings to ensure a consistent street edge, and
- A minimum first storey height of 4.5 metres should be required.

6.2.4 Guelph's Zoning Bylaw

There are currently four industrial zones and one corporate business park zone. They are:

- Industrial – B.1
- Industrial – B.2
- Industrial – B.3
- Industrial – B.4, and
- Corporate Business Park – B.5.

Permitted uses

Each industrial and business park zone permits a range of employment and other uses. The following table summarizes the permitted uses in the existing industrial and business park zones. The zones are listed with zoning abbreviations used in the existing zoning bylaw, for example B.1.

Table 40: Permitted uses within existing employment zones

Permitted Uses	B.1	B.2	B.3	B.4	B.5
Animal boarding establishment	N	N	Y ⁽¹⁾	Y ⁽¹⁾	N
Catering service	Y	Y	Y ⁽¹⁾	Y	Y
Cleaning establishment	Y	Y	Y ⁽¹⁾	Y ⁽¹⁾	N
Commercial entertainment/recreation centre ⁽³⁾	N	N	Y ⁽¹⁾	Y ⁽¹⁾	N
Commercial school	Y	Y	Y ⁽¹⁾	⁽¹⁾	Y
Computer establishment	Y	Y	Y ⁽¹⁾	Y ⁽¹⁾	Y
Contractors yard	N	N	N	Y	N
Display and retail sales of appliances, furniture and other household furnishing, hardware, and home improvement materials	N	N	N	Y ⁽¹⁾	N
Financial establishment	N	N	Y ⁽¹⁾	Y ⁽¹⁾	N
Food vehicle	Y	Y	Y	Y	Y
Hotel	N	N	N	N	Y
Industrial or construction equipment retail or sales firm	N	N	Y ⁽¹⁾	Y ⁽¹⁾	N
Laboratory	N	N	N	N	Y
Mall	N	N	N	N	Y
Manufacturing	Y	Y	Y	Y	Y ⁽³⁾
Medical clinic	N	N	N	N	Y
Medical office	N	N	N	N	Y
Office	N	N	Y ⁽¹⁾	Y ⁽¹⁾	Y
Office supply	N	N	Y ⁽¹⁾	Y ⁽¹⁾	N
Personal service establishment	N	N	Y ⁽¹⁾	Y ⁽¹⁾	N
Photofinishing place	N	N	Y ⁽¹⁾	Y ⁽¹⁾	N
Post secondary school	N	N	N	N	Y
Print shop	Y	Y	Y ⁽¹⁾	Y ⁽¹⁾	Y
Public hall	N	N	N	N	Y
Repair service	Y	Y	Y ⁽¹⁾	Y	N
Research establishment	Y	Y	Y ⁽¹⁾	Y ⁽¹⁾	Y
Restaurant	N	N	Y ⁽¹⁾	Y ⁽¹⁾	N
Towing establishment	Y	Y	N	Y	N
Trade and conventions facilities	N	N	N	N	Y
Tradesperson's shop	Y	Y	Y ⁽¹⁾	Y	N
Trucking operation	Y	Y	N	Y	N
Vehicle repair shop	N	N	Y ⁽¹⁾	Y ⁽¹⁾	N
Vehicle specialty repair shop	N	N	Y ⁽¹⁾	Y ⁽¹⁾	N
Veterinary service	N	N	N	Y	Y
Warehouse	Y	Y	Y	Y	Y ⁽³⁾

- (1) Only within a mall.
- (2) Excluding movie theatres, bowling alleys and roller rinks.
- (3) Entirely within a building.

Prohibited uses

The industrial and business park zones prohibit specific uses. Within the B.1, B.2, B.3, and B.4 zones any trade, business, manufacturer and use that is offensive or noxious according to the Environmental Protection Act is prohibited. The following uses are prohibited within the B.5 zone:

- Abbatoir
- Bulk storage or petroleum products
- Contractors yard
- Meat processing plant
- Repair service
- Sanitary landfill site
- Tradesperson's shop
- Towing establishment
- Trucking operation, and
- Waste transfer station.

Rules

The employment zones include rules for:

- Minimum lot frontage
- Minimum setbacks
- Maximum building height
- Minimum building sizes
- Outdoor storage, and
- Buffer strips.

Specialized zones

There are 50 specialized zones within the employment zones. 43 are within the four industrial zones, which are B.1, B.2, B.3, and B.4, and seven are within the corporate business park zone, which is B.5. As outlined in Chapter 3, each of the specialized zones will be reviewed to determine whether it should be retained, amended, or deleted.

6.3 Review of municipal zoning trends

6.3.1 Methodology

When examining zoning trends in this chapter, we were looking to understand how other municipalities structured their employment zones, what types of uses they permit in them, and the types of rules that they have for the uses that they permit. To answer these questions, municipalities that met the following criteria were examined:

- The municipality must be an Ontario municipality either with a new zoning bylaw that was approved between 2013 and 2019 or one with a new zoning bylaw in progress that has proceeded to a statutory public meeting between 2016 and 2019. A municipality with a zoning bylaw older than 2013 but where an amendment that dealt comprehensively with employment zones could also be considered
- Although not required, priori was placed on municipalities that were on Guelph's municipal comparison list which also met the above criteria
- The municipality must have a comparable residential land use framework. A comparable employment land use framework is based on a review of their Official Plan land use categories and range of permitted uses to determine whether there are similarities, and
- The municipality must have a comparable economic sector. This was determined based on a review of Guelph's 2017 "Municipal Comparator Study to Understand Guelph's Investment Attraction Competitiveness Compared to Communities in Canada and the United States" report.

The zoning bylaws that met this criteria and were reviewed were:

- The Town of Milton
- The City of St. Catharines, and
- The City of Waterloo.

6.3.2 Summary of zoning trends

Zone structure

All zoning bylaws reviewed include zones that directly line up with the employment land use designation within their respective Official Plans. Some municipalities use more than one zone to apply to one land use category. None of the municipalities use one zone to apply to more than one employment land use designation.

The Town of Milton has four employment zones, three of which are used to implement their three employment land uses. The fourth zone, prestige office employment, does not currently apply to any properties within Milton. There is a direct link between Milton's three employment zones and their employment land uses.

St. Catharines' Official Plan includes general employment and business commercial employment land use designations which are similar to Guelph's Corporate Business Park and Industrial land use designations. St. Catharine's zoning bylaw includes two employment zones that apply to their employment designations with their business commercial employment (E1) zone applying to their business commercial employment land use designation and general employment (E2) applying to their industrial land use designation.

Waterloo's industrial land use designation permits both traditional manufacturing as well as manufacturing and processes related to advanced technologies. Waterloo also has a business employment land use designation, similar to Guelph's corporate business park land use designation, and includes their academic areas, which are

lands occupied by the universities of Waterloo and Wilfrid Laurier as employment areas. This designation is similar to Guelph's Institutional/Research Park land use designation. Waterloo has four zones that it uses to implement their three employment land use designations; two for business employment, one for flexible industrial, and one for their academic areas.

Permitted uses

Milton and St. Catharines zoning bylaws permit similar uses within their industrial zones. The range of permitted uses in their industrial zones is greater than those permitted in their business park zones. Waterloo's industrial zone permits some of the same uses as Milton and St. Catharines but Waterloo also permits a range of uses related to "advanced technology". Most of the uses permitted in the industrial zones of the other zoning bylaws reviewed are the same as the uses currently permitted in Guelph's industrial zones. Guelph's existing industrial zones permit more commercial uses as complementary uses than the other zoning bylaws reviewed.

Table 41 summarizes the permitted uses within the industrial zones within Milton, St. Catharines, and Waterloo's zoning bylaws.

Table 41: Permitted uses in Milton, St. Catharines and Waterloo's industrial zones

Permitted Uses	Milton	St. Catharines	Waterloo
Adult entertainment	Y	Y	N
Adult speciality Store	Y	N	N
Adult video store	Y	N	N
Animal training facility	Y	N	N
Artist studio	N	N	Y
Aggregate recycling facility	Y	N	N
Body rub parlour	Y	N	N
Building supply outlet	Y	N	N
Bulk fuel depot	Y	Y	N
Bulk propane storage depot	Y	N	N
Commercial school	Y	N	N
Commercial storage facility	Y	N	N
Commercial service	N	N	Y ⁽¹⁾
Concrete batching plant	Y	N	N
Contractor's yard	Y	Y	N
Data centre	N	N	Y
Dry cleaning establishment	Y	N	Y
Equipment sales and rental	Y	Y	Y
Food and beverage making industry	N	N	Y
Food bank	Y	N	N
Government use	N	N	Y
Industrial use	Y	Y	Y
Laboratory	N	N	Y

Permitted Uses	Milton	St. Catharines	Waterloo
Medical marijuana production facility	Y	N	N
Monument sales shop	Y	N	N
Motor vehicle body shop	Y	N	N
Motor vehicle dealership	Y	N	N
Motor vehicle gas station	N	Y	N
Motor vehicle repair garage	Y	Y	Y
Motor vehicle washing establishment	Y	Y	N
Office use	Y	N	Y
Outdoor storage use	Y	N	N
Parking facility	N	N	Y
Pet services	N	N	Y
Pharmaceutical Industry	N	N	Y
Printing establishment	N	N	Y
Private transit depot	Y	N	N
Recycling facility	Y	N	N
Research and technology use	Y	Y	N
Service and repair shop	Y	N	Y
Towing yard	Y	N	N
Transportation terminal	Y	Y	Y
U-brew establishment/microbrewery	Y	N	Y
Veterinary clinic	Y	N	N
Veterinary hospital for small animals	Y	N	Y
Warehouse/distribution centre	Y	N	Y
Wholesaler	N	N	Y

⁽¹⁾ Complementary use

In addition to the uses outlined in the table above, Waterloo also permits the following advanced technology related uses in their industrial zones:

- Advanced tech
- Business incubator
- Communication production
- Tech office
- Training facility
- Commercial service (complementary use)
- Makerspace (complementary use)

Each of the business park zones reviewed from Milton, St. Catharines and Waterloo's zoning bylaws permit different uses. Office is the only use that is permitted in business parks across all three zoning bylaws. Hotels, industrial uses, places of assembly, and research and technology uses are all permitted in Milton and St. Catharines zoning bylaws. Table 42 summarizes the permitted uses within the business park zones within Milton, St. Catharines, and Waterloo's zoning bylaws.

Table 42: Permitted uses in Milton, St. Catharines and Waterloo's business park zones

Permitted Uses	Milton	St. Catharines	Waterloo
Adult entertainment	N	Y	N
Animal training facility	Y	N	N
Car wash	N	Y	N
Commercial school	Y	N	N
Convenience store	Y	N	N
Convention centre	Y	N	N
Day nursery	Y	N	N
Data entre	N	N	Y
Dry cleaning depot	Y	N	N
Dry cleaning establishment	Y	N	N
Fitness centre	Y	N	N
Food bank	Y	N	N
Funeral home	Y	N	N
Government	N	N	Y
Hotel	Y	Y	N
Industrial use	Y	Y	N
Medical clinic	Y	N	Y
Motor vehicle gas station	N	Y	N
Motor vehicle repair garage	N	Y	N
Office	Y	Y	Y
Parking facility	N	N	Y
Place of assembly	Y	Y	N
Place of entertainment	Y	N	N
Place of worship	Y	N	N
Printing establishment	N	N	Y
Recreation and athletic facility	Y	N	N
Research and technology use	Y	Y	N
Restaurant	Y	N	N
Social service facility	N	Y	N
U-brew establishment/microbrewery	Y	N	N
Veterinary clinic	Y	N	N
Veterinary hospital	Y	N	N
Warehouse distribution centre	Y	N	N
Wholesale operation	Y	N	N

In addition to the uses outlined in the tables above, Waterloo also permits the same advanced technology related uses in their business park zones as they do in their industrial zones.

Waterloo's zoning bylaw includes a fourth employment zone, the university college zone. This zone permits the following uses:

- Government use

- University/college
- Complementary uses including alternative education centre, business incubator, makerspace, office, tech office, training facility, and
- Ancillary uses.

Waterloo's university college zone permits some of the same uses that Guelph's Official Plan permits within the Institutional/Research Park land use designation.

Rules

All zoning bylaws reviewed include rules for lot frontage, setbacks from lot lines, and setbacks to adjacent residential areas. Waterloo and St. Catharines include rules on where outdoor storage is permitted. St. Catharines and Milton require a landscaped buffer along streets and adjacent to residential and institutional uses. Milton also includes rules for minimum landscaped open space, maximum building height, and maximum lot coverage. Waterloo has rules for the maximum amount of building floor area.

6.4 Phase 1 community engagement – what we heard

As part of phase 1 community engagement comments we heard the following about employment zones:

- The range of uses permitted within industrial malls is too broad
- The types of uses that are locating in industrial malls, such as commercial schools are more commercial recreation in nature rather than schools that support industries
- There is inconsistency in the existing zoning permissions for the size of office uses within business parks and provincial requirements that are within the Growth Plan
- New uses such as vertical farming, indoor agriculture, and cannabis manufacturing should be incorporated into a new zoning bylaw, and
- Where will self storage facilities, catering establishments, and transportation depots allowed to locate?

Appendix A contains a summary of all comments from phase 1 community engagement, including staff responses.

6.5 Analysis, options, and recommendations

This section outlines options and preliminary recommendations for a new zoning bylaw about:

- The types of employment zones and uses that should be allowed, and
- The types of rules that there should be for the uses allowed.

The Official Plan, Guelph's Urban Design Manual, comments from the phase 1 community engagement, and zoning trends were considered in the development of the options and preliminary recommendations put forward in this chapter.

6.5.1 Zone Structure

Providing a clear connection between the employment zones and the Official Plan employment land uses is important. It helps users of the zoning bylaw understand why certain uses are permitted and why the rules about buildings, lots, and parking, for example, are the way they are. It is the Official Plan that broadly determines what is permitted in employment areas. The following are options and preliminary recommendations for the number and types of employment zones that will help make this connection and that will also reduce the overall number of employment zones making a new zoning bylaw simpler.

Option 1 (preliminary recommendation): It is recommended that four zones be created that applies each of the four employment land use designations, which are Industrial, Business Park, Institutional/Research Park, and Mixed Business. This option provides a clear link between the employment zones and the Official Plan employment land use designations. It also reduces the overall number of zones from the current five to four. This option also creates a specific zone for the Institutional/Research Park land use designation, which are currently zoned a specialized industrial zone and the Mixed Business land use designation, which are currently zoned industrial.

Option 2: Option 2 retains the five existing zones, four of which are industrial zones and one which is a business park zone and updates the permitted uses within the zones to conform to the Official Plan employment land use designations. This approach would conform to the Official Plan however, it would not provide a clear link to the land uses within the Official Plan. This option may result in more specialized zones as using the same zoning to implement more than one land use designation, each of which permits different uses, may require some modifications to conform to the Official Plan.

6.5.2 Uses

Permitted Uses

Preliminary recommendation: To conform with the Official Plan, provide for a streamlined and user-friendly zoning bylaw, and reflect new trends in zoning it is recommended that a new zoning bylaw permit the following uses for each of the following employment Official Plan land uses. The Official Plan land uses referred to in the following table are:

- Industrial (I)
- Corporate Business Park (BP)
- Institutional/Research Park (IRP), and
- Mixed Business (MB).

Table 43: Recommended Permitted Employment Uses

Permitted Uses	I	BP	IRP	MB
Cleaning establishment	Y	N	N	Y
Community centre (new use)	Y ⁽¹⁾	Y ⁽¹⁾⁽²⁾	Y ⁽¹⁾	Y ⁽¹⁾
Computer establishment	Y	N	Y	Y
Contractor's yard	Y	N	N	N
Convenience store	N	N	Y ⁽¹⁾	Y
Day care centre	Y ⁽¹⁾⁽³⁾	Y ⁽¹⁾⁽²⁾⁽³⁾	Y ⁽¹⁾⁽³⁾	Y ⁽¹⁾⁽³⁾
Drive through facility (new use)	Y ⁽¹⁾	Y ⁽¹⁾	Y ⁽¹⁾	Y ⁽¹⁾
Financial establishment	Y ⁽¹⁾	Y ⁽¹⁾	Y	Y ⁽¹⁾
Fitness centre (new use)	N	Y ⁽¹⁾⁽²⁾	N	N
Hotel	N	Y	N ⁽⁴⁾	N
Major equipment supply and service (new use)	Y	N	N	Y
Manufacturing	Y	Y ⁽⁵⁾⁽⁶⁾	N	Y ⁽⁶⁾
Medical clinic	N	Y ⁽¹⁾⁽²⁾	Y	N
Medical office	N	Y ⁽¹⁾⁽²⁾	Y	N
Office	Y ⁽¹⁾	Y	Y	Y
Personal service establishment	N	N	Y ⁽¹⁾	N
Post secondary school	N	N	Y	N
Print or publishing establishment (new use)	Y	N	N	Y
Repair service	Y	N	N	Y
Research and development establishment	Y	Y	Y	Y
Restaurant	Y ⁽¹⁾	Y ⁽¹⁾	Y ⁽¹⁾	Y ⁽¹⁾
Trade and conventions facility	N	Y	N ⁽⁴⁾	N
Tradesperson's shop	Y	N	N	Y
Trucking operation	Y	N	N	N
Warehouse	Y	Y ⁽⁵⁾	N	Y

⁽¹⁾ Permitted as a complementary use.

⁽²⁾ Not permitted in the Hanlon Creek Business Park.

⁽³⁾ Subject to a holding provision that requires compliance with the Provincial D-6 Guidelines "Compatibility between Industrial Facilities and Sensitive Land Uses".

⁽⁴⁾ Will be permitted through a site specific zoning provision on the Institutional/Research Park lands at Gordon Street and Stone Road.

⁽⁵⁾ Only within a building.

⁽⁶⁾ The manufacturing of a noxious use is not permitted.

Uses not permitted anywhere in the city

Preliminary recommendation: The existing zoning bylaw contains a list of uses that are not permitted in the city in any zone. It is recommended that the following uses, that could be considered employment uses, be added to the list of prohibited uses to provide clarity that they are not permitted on any lands within the city.

- Abattoir
- Any use deemed offensive or noxious by legislation, such as the manufacturing of asbestos
- Bulk fuel depot
- Concrete plant

- Meat processing plant, and
- Waste transfer station.

Deleted uses

Preliminary recommendation: It is recommended that the following uses be deleted as permitted uses as they are either no longer permitted in the employment areas according to the Official Plan, they are no longer considered a use of land, or they are recommended to be consolidated into a broader use category.

Uses that are recommended to be deleted from the employment zones because they do not conform to the Official Plan are:

- Animal boarding establishment
- Commercial entertainment
- Commercial school
- Print shop
- Towing establishment
- Vehicle repair shop, and
- Veterinary service.

Uses that are recommended to be deleted as they are no longer proposed to be a use in the new zoning bylaw are:

- Display and retail sales of appliances, furniture and other household furnishings, hardware, and home improvement materials
- Industrial or construction equipment retail or sales
- Mall
- Office supply
- Photofinishing place
- Public hall, and
- Vehicle speciality repair shop.

Uses that are recommended to be consolidated with other uses that are recommended to be permitted are:

- Catering service which is proposed to be permitted as manufacturing
- Laboratory which is proposed to be permitted as research and development establishment, and
- Recreation centre which is proposed to be permitted as community centre).

6.5.3 Rules

To ensure conformity with the Official Plan and reflect new trends in zoning it is recommended that a new zoning bylaw include rules for the location of uses, minimum building heights, location of parking, and buffer strips.

Location of uses

Preliminary recommendation: Certain uses that are only permitted within employment areas if they are complementary uses. It is recommended that complementary uses only be permitted within a multi-unit or multi-tenant building

and that this building contain a primary permitted use, a use that is not required to be a complementary use. This type of rule will ensure that the intent of the City's employment lands, which is to have a supply of lands for industrial and/or office uses, is maintained while still providing the opportunity for complementary uses to occur in these areas.

Additionally, it is recommended that a rule be included in a new zoning bylaw to require certain uses to only be permitted if they are located within a building. As noted in the recommended permitted uses tables above, to conform to the Official Plan policies for the Hanlon Creek Business Park, uses will be required to locate only within a building. Additional uses within the industrial zone may also only be permitted within buildings to ensure that higher employment densities are achieved.

Minimum building heights

Preliminary recommendation: It is recommended that a minimum building height of 4.5 meters for the first storey be required. It is recommended that this rule apply for new buildings only. The minimum first storey height rule will align with Official Plan urban design direction. Applying the rule to new buildings will provide some flexibility for expansions to existing buildings that may not already be 4.5 metres tall. This will allow for expansions to existing buildings to be consistent in height with the existing building.

Location of Parking

Preliminary recommendation: It is recommended that the majority of required parking spaces be located to the rear or side of buildings within employment areas. A portion of parking will be permitted in the front yard. This approach aligns with Official Plan urban design direction while providing flexibility for the location of some parking spaces, such as for visitors, or pick up and drop offs, to be closer to the street.

Landscaped buffer strip

Preliminary recommendation: It is recommended that a landscaped buffer strip be required around the perimeter of employment zoned properties. This approach aligns with Official Plan urban design direction.

6.6 Questions for You

1. Staff has proposed options for zoning the Industrial, Business Park, Institutional/Research Park, and Mixed Business employment land use designations that provide broader categories of uses, such as manufacturing, which also reduce the overall number of employment zones creating a clear and concise zoning bylaw. What are your thoughts on this approach?
2. In consideration of the employment land uses in the Official Plan, certain employment uses and complementary uses are recommended to be allowed. Do you agree or disagree with the types of uses proposed to be allowed? Why or

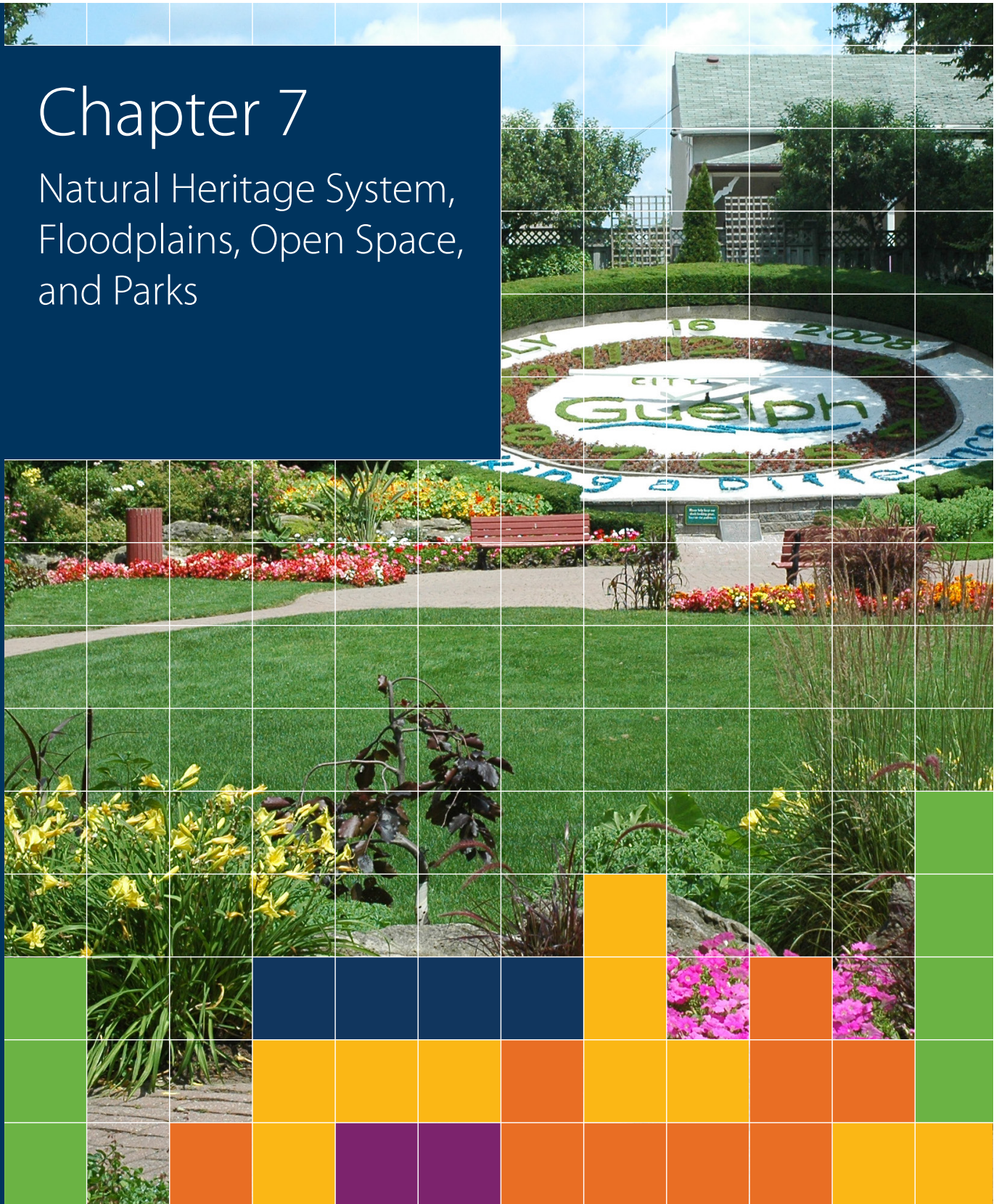
why not? Are there uses that are allowed by the Official Plan that were missed that should be considered?

3. Do you agree or disagree with the preliminary recommendation of permitting complementary uses through a rule that requires the use to locate in a multi-unit or multi-tenant building with a main permitted use, such as research and development? Why or why not?
4. Do you agree or disagree with the preliminary recommendations for rules for minimum building height, location of parking, and buffer strips? Why or why not?
5. What other comments do you have about employment zones that should be considered?

You can share your comments with us in person at an upcoming workshop in November 2019. For a full listing of workshop events and information about how to register please visit our [website](#). As of November you can also share your comments online through our [online engagement platform](#) or via [email](#).

Chapter 7

Natural Heritage System, Floodplains, Open Space, and Parks



7.0 Natural heritage system, floodplains, open space, and parks

7.1 Introduction

This chapter provides an overview of the planning policy framework (provincial and local) for the City's natural heritage system, open spaces, and parks. The existing park zones are compared to the natural heritage system, open space, and parks land use policies to understand where changes are required to conform to these policies within a new zoning bylaw. Zoning bylaws in other municipalities are reviewed to understand emerging trends. Options and recommendations for a new zoning bylaw are explored.

In this chapter we are seeking your thoughts on:

- The number and type of natural heritage system zones that should be in a new zoning bylaw
- The number and type of open space and parks zones that should be in a new zoning bylaw
- In consideration of the natural heritage system, open space and parks land uses in the Official Plan, the types of uses that should be permitted in each zone
- The criteria that should inform the mapping of the natural heritage system zones in a new zoning bylaw, and
- In consideration of the floodplain policies in the Official Plan and Grand River Conservation Authority rules, the types of buildings and structures that are appropriate within floodplain areas.

Specific questions related to these topics can be found in section 7.6 as well as instructions for how to share your comments.

7.2 Current land use planning policies, other relevant policies, and zoning bylaw rules

7.2.1 Provincial policies

Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) requires that natural features and areas be protected for the long term. The PPS recognizes the importance of diversity and connectivity of natural features, the long-term ecological function and biodiversity of natural heritage systems. The PPS states that these systems should be maintained, restored, or where possible, improved. The PPS acknowledges the linkages between natural features and recognizes their importance.

The PPS prohibits development and site alteration, which is moving soil around on a property or changing the topography of site, within provincially significant wetlands. Development and site alteration is also prohibited in the following areas unless it is demonstrated that there will be no negative impacts on these features or their ecological functions:

- Significant woodlands
- Significant valleylands
- Significant wildlife habitat, and
- Significant areas of natural and scientific interest.

Development and site alteration are prohibited within surface water features and fish habitat as well as within the habitats of endangered species and threatened species except in accordance with provincial and federal rules.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) requires municipalities to incorporate natural heritage systems mapping that has been provided by the Province into their Official Plans. The Growth Plan excludes natural heritage systems within built up areas, which includes all of Guelph. Therefore there is no provincial natural heritage system within the city. The Growth Plan acknowledges that there may be local natural heritage features and areas within municipalities and request that they be protected as well.

7.2.2 Guelph Official Plan

The significant natural areas and natural areas land use designation applies to Guelph's natural heritage system. Approximately 750 properties, not including lands within the Clair-Maltby Secondary Plan area, are designated, either in whole or in part a significant natural area or natural area.

The open space and park land use designation applies to public and private lands where the main use is active or passive recreational activities, conservation management and other open space uses. Approximately 154 properties, not including lands within the Clair-Maltby Secondary Plan area, are designated, either in whole or in part as open space and park. All of the land uses within the Clair-Maltby Secondary Plan area are being reviewed through the secondary planning process.

Natural heritage system

Guelph's natural heritage system consists of the following features:

- Significant areas of natural and scientific interest
- Significant habitat for provincially endangered and threatened species
- Significant wetlands
- Surface water features and fish habitat
- Significant woodlands
- Significant valleylands
- Significant landforms
- Significant wildlife habitat, including ecological linkages
- Restoration areas
- Minimum or established buffers, which are the areas surrounding certain natural heritage system features
- Other wetlands

- Cultural woodlands, and
- Habitat of significant species.

There are many Official Plan policies that speak to how the City's natural heritage system is mapped. Generally, the mapping of these features was based on the best information available at the time of the preparation of the Official Plan which included information gathered through an environmental impact study (EIS) and/or surveyed in the field.

The Official Plan outlines several ways that the city's natural heritage system is protected and managed. A zoning bylaw is one tool that can permit and prohibit uses and locations of building and structures to implement the policies of the Official Plan.

The uses, buildings, and structures that are permitted within the city's natural heritage system varies depending on the type of natural feature. Development and site alteration, the moving of soil within a property to other locations on the same property or moving soil onto the site, is generally not permitted within any of the city's natural heritage system features except for the following uses. The following uses may be restricted or not permitted in specific features or buffers. Additionally an EIS may be required for the construction of trails and walkways, fish and wildlife management, and habitat conservation, where the proposed work has the potential to result in negative impacts to the natural heritage system.

- Legally existing uses, buildings or structures
- Passive recreation activities
- Low impact scientific and educational activities
- Fish and wildlife management
- Forest management
- Habitat conservation, and
- Restoration activities.

Additional uses are permitted, subject to conditions, within specific features or buffers. These include:

- Essential linear infrastructure
- Essential transportation infrastructure
- Stormwater management facilities
- Flood and erosion control facilities
- Renewable energy systems
- Municipal water supply wells, and
- Trails.

The Official Plan defines essential linear infrastructure and essential transportation infrastructure as:

Essential means that one, there is a demonstrated need, and two, it has been demonstrated that no other reasonable alternatives exist.

Linear infrastructure means corridors that include infrastructure such as the pipes necessary for the transmission and distribution of sewage (including stormwater) and water, communication, hydro, oil, and gas lines, but does not include transportation infrastructure.

Transportation infrastructure means works such as maintenance, repair or installation of roads or bridges/overpasses as well as underpasses and culverts, and rail lines, but does not include buildings or parking that may be associated with these infrastructure components with the exception of small-scale bus/rail boarding platforms and associated structures.

Table 44 summarizes additional uses that are permitted within specific natural heritage features subject to conditions. Table 45 summarizes additional uses that are permitted within the buffers to specific natural heritage features subject to conditions.

Table 44: Permitted uses within specific natural heritage system features

Natural heritage system feature	Essential linear infrastructure⁽¹⁾	Essential transportation infrastructure⁽¹⁾	Stormwater management facilities⁽¹⁾	Flood and erosion control facilities⁽¹⁾	Renewable energy systems⁽¹⁾	Municipal water supply wells⁽¹⁾	Trails⁽¹⁾
Significant habitat for provincially endangered and threatened species	N	N	N	N	N	N	N
Significant areas of natural and scientific interest	N	N	N	N	N	N	Y
Significant wetlands	N	N	N	N	N	N	Y
Other wetlands	N	N	N	N	N	N	Y
Significant woodlands	N	N	N	N	N	N	Y
Cultural woodlands	N	N	N	N	N	N	Y
Significant wildlife habitat	Y	N	N	Y	N	Y	Y
Habitat for significant species	Y	Y	Y	Y	Y	Y	Y
Restoration areas	Y	N	Y	N	Y	N	Y
Ecological linkages	Y	Y	Y	Y	N	Y	Y
Significant landform	Y	Y	Y	N	N	Y	Y
Surface water features and fish habitat	Y	Y	Y	Y	N	N	Y
Significant valleylands	Y	Y	Y	Y	Y	N	Y

⁽¹⁾ Where permitted it is permitted subject to conditions

Table 45: Permitted uses within specific natural heritage system buffers

Natural heritage system feature buffer	Essential linear infrastructure⁽¹⁾	Essential transportation infrastructure⁽¹⁾	Stormwater management facilities⁽¹⁾	Flood and erosion control facilities⁽¹⁾	Renewable energy systems⁽¹⁾	Municipal water supply wells⁽¹⁾	Trails⁽¹⁾
Significant habitat for provincially endangered and threatened species	N	N	N	N	N	N	N
Significant areas of natural and scientific interest	N	N	N	N	N	N	Y
Significant wetlands	Y	N	Y	N	N	N	Y
Other wetlands	Y	N	Y	N	N	N	Y
Significant woodlands	Y	N	Y	N	N	N	Y
Cultural woodlands	N	N	Y	N	N	N	Y
Significant wildlife habitat	Y	N	N	Y	N	Y	Y
Habitat for significant species	Y	Y	Y	Y	Y	Y	Y
Surface water features and fish habitat	Y	Y	Y	Y	N	N	Y
Significant valleylands	Y	Y	Y	Y	Y	N	Y

⁽¹⁾ Where permitted it is permitted subject to conditions

Public health and safety - floodplains

Floodplains are lands associated with the city's watercourses and waterbodies, such as the Speed River and the Eramosa River. [Schedule 3](#) of the Official Plan shows the location of the floodplain within the City. Floodplains are either one zone, which includes only a floodway, two zone, which includes a floodway and a flood fringe, or special policy area floodplain, which is a provincially identified area of floodplain that has a special set of rules. Floodplain, floodway and flood fringe are defined as:

Floodplain means the area, usually low lands, adjoining a watercourse, which has been, or may be subject to flooding hazards. The regulatory flood line delimits the boundaries of the floodplain.

Floodway means a portion of the floodplain where development and site alteration would cause a danger to public health or safety or property damage.

Flood fringe means the outer portion of the floodplain between the floodway and the limit of the floodplain.

Development is not permitted within a floodway. The Official Plan directs that floodways be zoned in an appropriate hazard category. The Official Plan permits development and redevelopment in the flood fringe of a two zone floodplain and in the special policy area floodplain if it meets specific flood proofing requirements. The Official Plan states that the zoning bylaw will outline specific permitted uses and building rules for special policy area lands.

Tables 46 through 48 summarize uses that are prohibited and permitted within a one zone floodplain, two zone floodplain, and special policy area floodplain.

Table 46: Prohibited and permitted uses within a one-zone floodplain

Prohibited uses	Permitted uses
<ul style="list-style-type: none">• Institutional uses associated with hospitals, nursing homes, pre-school, school nurseries, child care centres and schools• Essential emergency service such as fire, police and ambulance stations and electrical substations, and• Uses associated with the disposal, manufacturing, treatment or storage of hazardous substances.	<p>No development is permitted except for:</p> <ul style="list-style-type: none">• Minor additions/alterations to existing residential, industrial, commercial, institutional buildings/structures and non habitable accessory buildings/structures in accordance with Grand River Conservation Authority rules• Passive uses including outdoor recreation that are not within buildings or structures, open space and conservation areas, wildlife sanctuaries, nurseries and forestry, and• Urban agriculture that is not within buildings or structures.

Table 47: Prohibited and permitted uses within a two-zone floodplain

Prohibited uses	Permitted uses
<p>Within the floodway:</p> <ul style="list-style-type: none"> • Institutional uses associated with hospitals, nursing homes, pre-school, school nurseries, child care centres and schools • Essential emergency service such as fire, police and ambulance stations and electrical substations, and • Uses associated with the disposal, manufacturing, treatment or storage of hazardous substances. 	<p>Within the floodway, no development is permitted except for</p> <ul style="list-style-type: none"> • Existing buildings/structures will be recognized as legal non-conforming • Outdoor recreation, including small municipal ancillary buildings/structures, such as picnic shelters, provided that damage potential is minimized and proposed structures will not affect the hydraulic characteristics of the floodplain • Open space and conservation areas; • Wildlife sanctuaries; • Nurseries and forestry, and; • Urban agriculture that is not within buildings or structures.
<p>Within the flood fringe:</p> <ul style="list-style-type: none"> • Institutional uses associated with hospitals, nursing homes, pre-school, school nurseries, child care centres and schools • Essential emergency service such as fire, police and ambulance stations and electrical substations, and • Uses associated with the disposal, manufacturing, treatment or storage of hazardous substances. 	<p>Uses permitted in the underlying zone may be permitted subject to the building/structure being flood proofed to the regulatory flood level.</p>

Table 48: Prohibited and permitted uses within the special policy area floodplain

Prohibited uses	Permitted uses
<ul style="list-style-type: none"> • Institutional uses associated with hospitals, nursing homes, pre-school, school nurseries, child care centres and schools • Essential emergency service such as fire, police and ambulance stations and electrical substations • Uses associated with the disposal, manufacturing, treatment or storage of hazardous substances • Service stations 	<p>Development and re-development may occur.</p> <ul style="list-style-type: none"> • Hotels and motels may only be permitted subject to the building/structure being flood proofed to the regulatory flood level and safe access provided • Renovation of existing residential buildings may be permitted subject to conditions

Prohibited uses	Permitted uses
<ul style="list-style-type: none"> • Gas bars, and • Uses involving the manufacturing, disposal, consumption, or storage of chemical, flammable, explosive, toxic, corrosive or other dangerous materials 	<ul style="list-style-type: none"> • Residential intensification, including new single detached, semi-detached, or duplexes on vacant lots or adding an accessory apartment to an existing lot or the creation of a new lot, may be permitted subject to conditions • Conversion of non-residential buildings to residential buildings may be permitted subject to conditions • Development and re-development of new residential units may be permitted subject to conditions, and • Renovation, conversion to and development or redevelopment of non-residential uses may be permitted subject to conditions.

Open Space and parks land use designation

The open space and parks land use designation applies to public and private lands where the main use is active or passive recreational activities, conservation management or other open space uses. The uses permitted on open space and park designated lands are:

- Public and private recreational uses and facilities
- Parks
- Golf courses
- Conservation lands
- Cemeteries, and
- Complementary uses such as horticulture, restaurants, club houses, pro shops, public halls, and other accessory buildings.

7.2.3 Grand River Conservation Authority rules

Permission from the Grand River Conservation Authority (GRCA) is required to develop in river or stream valleys, wetlands, shorelines or hazardous lands; make alterations to a river, creek, stream or watercourse, or interfere with a wetland. In 2006 the Province approved Ontario Rule 150/06 to allow the GRCA to regulate development within watercourses within its jurisdiction. Guelph is within the GRCA's jurisdiction. In 2015 the GRCA passed policies to administer this Ontario rule.

The GRCA policy outlines uses that are prohibited and uses that are permitted within one zone and two zone floodplain areas. Definitions of one zone and two zone floodplain areas, floodplain, floodway, and flood fringe are within section 7.2.2 above.

Within all floodplain areas the following uses are prohibited:

- An institutional use associated with hospitals, nursing homes, pre-school, nurseries, day care or schools where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities or the young
- Essential emergency services such as fire, police, ambulance or electrical substations
- Uses associated with the disposal, manufacturing, treatment, transfer or storage of hazardous substances
- Uses associated with the outdoor storage of any materials
- Uses associated with an assisted living facility
- A new campground or expansion of an existing campground
- Flood protection works and bank stabilization works to allow for future or proposed development, and
- A driveway or access way to lands outside of the floodplain where there isn't already a driveway or access way that provides a safe access from the floodplain area.

GRCA policies for one zone floodplain areas

Development is not permitted within a one zone floodplain area except for the following uses which are permitted subject to conditions:

- Development associated with existing uses
- Ground floor additions to existing residential buildings/structures
- Additional storeys to existing residential buildings/structures
- Replacement of residential buildings/structures damaged or destroyed by causes other than flooding
- Relocation of existing residential buildings/structures
- Non-habitable accessory buildings/structures associated with existing residential uses, such as detached garages, tool sheds, gazebos and other similar structures
- Above or below ground swimming pools
- Additions to existing commercial, industrial, institutional buildings/structures
- Accessory buildings or structures associated with commercial, industrial, institutional uses
- Parking lots associated with a non-residential use
- Stormwater management facilities
- Public infrastructure, including maintenance and repair, including roads, sanitary sewers, utilities, water and sewage treatment plants, water supply wells, well houses, and pipelines
- Recreational uses such as passive parks, trails, and river access points and other uses deemed appropriate by the GRCA, not including new campgrounds, golf courses or expansions to existing golf courses, marinas or permanent docks, and
- Golf courses or golf course expansions.

In addition to the uses prohibited within all floodplain areas the following uses are prohibited within a one zone floodplain area:

- A new parking lot associated with residential uses, and
- Underground parking associated with any use.

GRCA policies for two zone floodplain areas

Floodway areas

Development is not permitted within the floodway of a two zone floodplain area except for the following, which is permitted subject to conditions:

- Stormwater management facilities
- Public infrastructure (including maintenance and repair) including roads, sanitary sewers, utilities, water and sewage treatment plants, water supply wells, well houses, and pipelines, and
- Recreational uses such as passive parks, trails, and river access points and other uses deemed appropriate by the GRCA (not including new campgrounds, golf courses or expansions to existing golf courses, marinas or permanent docks).

In addition to the uses prohibited within all floodplain areas the following uses are prohibited within the floodway of a two zone floodplain area:

- A new parking lot associated with residential uses, and
- Underground parking associated with any use.

Flood fringe areas

Development is permitted within flood fringe areas subject to approval by the City and GRCA.

In addition to the uses prohibited within all floodplain areas the following uses are prohibited within the flood fringe of a two zone floodplain area:

- Development, not including non-habitable accessory buildings/structures, associated with an existing use within 15 metres of either bank of the watercourse.

GRCA policies for Guelph's special policy area floodplain

Development within Guelph's special policy floodplain area may be permitted in accordance with policies that have been jointly developed between the GRCA and the City. These policies are in the Official Plan.

7.2.4 Guelph's Zoning Bylaw

There are currently seven zones that apply to the city's natural heritage system, open space and parks. They are:

- Conservation Land – P.1
- Neighbourhood Park – P.2
- Community Park – P.3
- Regional Park – P.4
- Commercial Recreation Park – P.5
- Floodway – FL, and
- Wetland – WL.

Natural heritage system permitted uses

Generally the conservation land (P.1), floodway (FL) and wetland (WL) zones apply to the natural heritage system. The following table summarizes the permitted uses in the P.1, FL, and WL zones.

Table 49: Permitted uses within existing P.1, FL, and WL zones

Permitted uses	P.1	FL	WL
Conservation area	Y	Y	N
Flood control facility	Y	Y	Y
Municipal services and public utilities, excluding essential emergency services such as police department, fire department and ambulance service	N	Y	N
Outdoor sportsfield facilities	N	Y ⁽¹⁾	N
Picnic areas	N	Y	N
Recreation trail	Y	Y	Y ⁽¹⁾
Wetland	N	N	Y
Wildlife management area	Y	Y	Y

⁽¹⁾ Approved by the Grand River Conservation Authority

The P.1 zone generally applies to lands within the city's natural heritage system that are not within the floodway and are not a wetland. Floodways are zoned FL and wetlands are zoned WL. Lands within the flood fringe portion of a two zone floodplain are zoned in accordance with their Official Plan land use designation, such as residential, and have an overlay which provides rules to implement the GRCA rules and policies. Lands within the special policy floodplain area are sometimes also zoned in accordance with their Official Plan land use designation and have an overlay which provides rules to implement the GRCA rules and policies.

Natural Heritage System Rules

Rules for the P.1 zone restrict the construction of any new buildings or structures and the removal or placement of any fill that could disrupt the natural features. Only existing buildings or structures are permitted within the P.1 zone and an expansion to existing buildings/structures must be flood proofed in accordance with GRCA and Provincial requirements.

Rules for the FL zone do not permit buildings or structures or the placement of fill unless it is associated with flood or erosion control measures approved by the GRCA. Structures associated with a municipal sewage treatment facility may be permitted subject to GRCA approval. Any existing buildings and structures within the FL zone are considered legal non-conforming. Expansions to legal non-conforming buildings and structures will require approval by the City and the GRCA.

Rules for the WL zone also do not permit buildings or structures or the placement of fill. Existing buildings and structures are considered legal non-conforming.

Floodplain and wetland overlays

The zoning bylaw includes a series of overlays that provide additional rules for the following areas:

- The flood fringe portion of the two zone floodplain area
- Lands within the special policy floodplain area
- Lands adjacent to provincially significant wetlands, and
- Lands that have locally significant wetland, significant woodlands, or natural corridor/linkage.

Table 50 summarizes the additional rules for flood fringe and special policy floodplain areas.

Table 50: Additional rules for flood fringe and special policy floodplain areas

Rule	Flood fringe	Special policy floodplain area
Uses not permitted	<ul style="list-style-type: none"> • Elementary schools⁽¹⁾ • School portables • Group home⁽¹⁾ • Hotel⁽¹⁾ • Medical treatment facility⁽¹⁾ • Home for the aged or rest home⁽¹⁾ • Residential care and institutional facilities which provide accommodation⁽¹⁾ • Uses requiring bulk storage of dangerous, flammable, explosive, toxic, corrosive or buoyant materials, and • Ambulance service, fire department, police department⁽²⁾ 	<ul style="list-style-type: none"> • Vehicle service stations • Vehicle gas bars, and • Other uses involving the manufacturing, disposal, consumption or storage of chemical, flammable, explosive, toxic, corrosive or other dangerous materials
Restricted uses	N/A	<ul style="list-style-type: none"> • Development/redevelopment within the hydraulic floodway, and • Hotels⁽³⁾
Additional uses permitted	Parking facilities ⁽⁴⁾	Parking facilities ⁽⁴⁾
Flood proofing	Required for development and redevelopment of buildings, residential	Flood proofing is required for all buildings to the satisfaction of the City and the GRCA. There are specific flood

Rule	Flood fringe	Special policy floodplain area
	infill, and conversion of non-residential buildings/structures to residential. Required for development and redevelopment of non-residential buildings/structures and the conversion of existing non-residential buildings/structures to commercial uses.	proofing requirements depending on the intended use of the building.
Location of habitable floor space	Not permitted below the regulatory flood level ⁽⁵⁾	There are specific location requirements depending on the proposed use of the building.
Location of building openings	Not permitted below the regulatory flood level.	Windows, doors and other building openings shall be located above the regulatory flood level.
Location of building equipment	Not permitted below the regulatory flood level.	There are specific location requirements depending on the proposed use of the building.
Access	N/A	There are specific location requirements depending on the use of the building.
Parking	N/A	Unenclosed parking shall be located at or above an elevation of the 100 year flood level and shall be flood proofed to the regulatory flood level.
Site plan control	All development, redevelopment, conversion and renovation of buildings/structures shall be subject to site plan control.	N/A

⁽¹⁾ These uses are permitted if they are flood proofed to the regulatory flood level.

⁽²⁾ Existing facilities are permitted to expand or extend with the approval of the City and the GRCA.

⁽³⁾ Only if flood proofed to the regulatory flood level and safe access can be provided.

⁽⁴⁾ Subject to the approval by the GRCA.

(5) Renovation of existing residential buildings will be permitted provided any new habitable floor space is not lower than the elevation of the existing floor level and no new units are created below the regulatory flood level.

The “lands adjacent to provincially significant wetlands” and “lands that have locally significant wetland, significant woodlots, or natural corridor/linkage” overlays require an environmental impact study to be submitted with a development that requires an Official Plan amendment, zoning bylaw amendment, plan of subdivision, plan of condominium, or consent application.

Open space and parks permitted uses

Generally the neighbourhood park (P.2), community park (P.3), regional park (P.4), and commercial recreation park (P.5) apply to lands designated open space and parks. The following table summarizes the permitted uses in the P.2, P.3, P.4, and P.5 zones.

Table 51: Permitted uses within existing P.2, P.3, P.4, and P.5 zones

Permitted uses	P.2	P.3	P.4	P.5
Amusement rides	N	N	Y	N
Arena	N	N	Y	N
Botanical gardens	N	N	Y	N
Campgrounds	N	N	Y	N
Cemetery	N	N	Y	N
Club	N	N	N	Y
Concession stands	N	Y	Y	N
Conservation area	Y	Y	Y	N
Dwelling unit(s) for staff	N	Y ⁽¹⁾	Y ⁽¹⁾	N
Historic sites	N	Y	Y	N
Informal play area	Y	Y	Y	N
Municipal parkland or recreation area	Y	Y	Y	N
Museum	N	N	Y	N
Outdoor theatre	N	Y	Y	N
Outdoor skating rink	Y	Y	Y	N
Outdoor sportsfield facilities	Y	Y	Y	Y
Parking areas	N	Y	Y	N
Picnic areas	Y ⁽²⁾	Y	Y	N
Play equipment	Y	Y	Y	N
Public swimming pool	N	Y	Y	N
Public washroom	Y	Y	Y	N
Recreation centre	N	N	Y	Y
Recreation trail	Y	Y	Y	N
Wading pool and/or water spray area	Y	Y	Y	N
Wildlife management area	N	Y	Y	N

⁽¹⁾ Subject to the approval of the Medical Office of Health

⁽²⁾ Consisting of a maximum of four tables

Open space and parks rules

Table 52 summarizes the existing rules for open space and parks zones.

Table 52: Rules for existing P.2, P.2, P.3, P.4, and P.5 zones

Rules	P.2	P.3	P.4	P.5
Minimum lot area	N/A	N/A	N/A	1,200 square meters
Minimum lot frontage	50 meters ⁽¹⁾	50 meters ⁽¹⁾	50 meters ⁽¹⁾	30 meters
Minimum side yard and rear yard setback	7.5 meters	7.5 meters	7.5 meters	7.5 meters
Minimum front yard setback	6 meters	6 meters	6 meters	6 meters

⁽¹⁾ Despite the minimum lot frontage, a lot frontage of 1 meter for every 100 square meters of park space is required.

Specialized zones

There are fourteen specialized zones that currently apply to the natural heritage system, open space, and parks zones. One is a specialized conservation land (P.1) zone, twelve are specialized open space and parks zones (P.2 through P.5), and one is a specialized floodway (FL) zone. As outlined in Chapter 3, each of the specialized zones will be reviewed to determine whether they should be retained, amended, or deleted.

7.3 Review of municipal zoning trends

7.3.1 Natural heritage system zoning trends methodology and summary of zoning trends

Natural heritage system zoning trend methodology

When examining zoning trends for the natural heritage system, we were looking to understand how other municipalities structured their natural heritage system zones, and the types of uses they permit. To answer these questions, municipalities that met the following criteria were examined:

- The municipality must be an Ontario municipality either with a new zoning bylaw that was approved between 2013 and 2019 or one with a new zoning bylaw in progress that has proceeded to a statutory public meeting between 2016 and 2019. A municipality with a zoning bylaw older than 2013 but where an amendment that dealt comprehensively with natural heritage system zones could also be considered
- Although not required, priority was placed on municipalities that were on Guelph's municipal comparison list which also met the above criteria, and
- The municipality must have a comparable natural heritage system land use framework. A comparable natural heritage system land use framework is based on a review of their Official Plan to determine whether they use a natural

heritage system planning approach rather than a natural features based approach, a review of their land use categories and range of permitted uses to determine whether there are similarities.

The zoning bylaws that met this criteria and were reviewed were:

- The City of Kitchener
- The City of Cambridge
- The City of Waterloo, and
- The Town of Aurora.

Natural heritage system zoning trends

Zoning structure

All zoning bylaws reviewed, with the exception of Waterloo's zoning bylaw, had one zone to implement their natural heritage system. Waterloo has three zones which all permit conservation, parkland, trails and pathways. One zone also permits flood and erosion control measures and another zone also recognizes existing uses. Kitchener uses natural heritage system overlays, which provide additional rules for specific lands within the natural heritage system, which require studies to be submitted prior to any development.

Uses

All zoning bylaws reviewed permit conservation as a use within their natural heritage system zones. Kitchener, Cambridge, and Aurora all define conservation use. The definitions are summarized in Table 53.

Table 53: Definitions of conservation use from other zoning bylaws

Municipality	Definition
Kitchener	Natural heritage conservation – means the use of land, water, and/or structures for the protection, management, and conservation of the natural heritage system. Natural heritage conservation may include the preservation, maintenance, sustainable utilization, restoration, and/or enhancement of the natural environment, and may include forest, fish, and wildlife management.
Cambridge	Conservation use – means an area of land that is generally left in its natural state and which is used for any combination of preservation, protection, or improvement of components of the natural heritage system and which may include, as an accessory use, passive recreational uses (such as hiking trails and cross country ski trails), and buildings and structures (such as nature interpretation centres and public information centres)
Aurora	Conservation use – means uses undertaken solely for the purpose of preserving, maintaining and/or enhancing the natural environment. Permitted uses are limited to stream bank protection works, fish, wildlife, forestry, wetlands and conservation management practices, and trails.

Additional uses that are permitted in some of the zoning bylaws reviewed are:

- Parks, trails, and pathways
- Athletic fields
- Golf courses
- Stormwater management facilities, and
- Agricultural uses.

Aurora's zoning bylaw states that no buildings or structures are permitted within their natural heritage zone except those for flood or erosion control and those that are accessory to a permitted use.

7.3.2 Floodplain zoning trends methodology and summary of zoning trends

Floodplain zoning trends methodology

When examining zoning trends for floodplain areas we were looking to understand how other municipalities structured their floodplain zones and the types of uses that they permit in them. We were also looking to understand how other municipalities deal with structures in floodplain areas within zoning bylaws. To answer these questions, municipalities that met the following criteria were examined:

- The municipality must be an Ontario municipality either with a new zoning bylaw that was approved between 2013 and 2019 or one with a new zoning bylaw in progress that has proceeded to a statutory public meeting between 2016 and 2019. A municipality with a zoning bylaw that is older than 2013 but where an amendment that dealt comprehensively with zoning in floodplain areas could also be considered
- Although not required priority was placed on municipalities that were on Guelph's municipal comparison list which also met the above criteria
- The municipality must be within the Grand River Conservation Authority's regulated area to ensure that the municipality is working within the same set of conservation authority rules as Guelph, and
- The municipality must have comparable floodplain policies in their Official Plan. Comparable floodplain policies is based on a review of their Official Plan to determine whether they have policies for one zone and two zone floodplain areas.

The zoning bylaws that met this criteria and were reviewed were:

- The City of Kitchener
- The City of Waterloo, and
- The City of Cambridge.

Floodplain zoning trends

Zoning structure and uses

Kitchener uses their natural heritage system zone to apply to the floodway portions of their floodplains. Their natural heritage system zone only permits conservation uses and existing agriculture. Kitchener defines conservation use as:

Conservation use: means the use of land, water, and/or structures for the protection, management, and conservation of the natural heritage system. Natural heritage conservation may include the preservation, maintenance, sustainable utilization, restoration, and/or enhancement of the natural environment, and may include forest, fish, and wildlife management.

Kitchener also has an “existing use floodplain” zone that recognizes existing uses within their floodway areas. Additionally, Kitchener uses an overlay over the entirety of its floodplain areas that prohibits certain uses (see section 7.2.3 for a list of uses prohibited in floodplain areas) and requires a permit from the Grand River Conservation Authority prior to any development.

Waterloo uses one of their natural heritage system zones to apply to the floodway portions of their floodplains. Within this zone conservation uses, flood and erosion control, and parks and trails are permitted. Waterloo’s zoning bylaw does not define any of these uses.

Cambridge has a “floodway” zone that applies to their floodway portions of their floodplains. This zone only permits existing agriculture uses and prohibits the same list of uses as Kitchener’s zoning bylaw. Cambridge, like Guelph, has floodplain special policy areas where additional uses are permitted. Cambridge uses overlays within these areas to permit these additional uses.

Structures within Floodplain Areas

None of the zoning bylaws reviewed explicitly deal with structures in floodplain areas. Through their definitions of conservation uses, each municipality has provided some guidance as to what structures, if any, may be considered appropriate in their natural heritage system, including floodplain areas. For example, Kitchener’s definition of conservation (see above), includes structures that are required for the “protection, management, and conservation of the natural heritage system”. Waterloo doesn’t define conservation use or any of the uses that they permit in their floodplain zone. It is unclear what structures may or may not be permitted in Waterloo’s floodplain areas by their zoning bylaw. Cambridge’s definition of conservation (see above) permits accessory buildings and structures “such as nature interpretation centres and public information centres”.

7.3.3 Open space and parks zoning trends methodology and summary of zoning trends

Open space and parks zoning trends methodology

When examining zoning trends in this chapter, we were looking to understand how other municipalities structured their open space and parks zones and the types of uses they permit in them. To answer these questions, municipalities that met the following criteria were examined:

- The municipality must be an Ontario municipality either with a new zoning bylaw that was approved between 2013 and 2019 or one with a new zoning bylaw in progress that has proceeded to a statutory public meeting between 2016 and

2019. A municipality with a zoning bylaw that is older than 2013 but where an amendment that dealt comprehensively with open space or parks zones could also be considered

- Although not required, priority was placed on municipalities that were on Guelph's municipal comparison list which also met the above criteria, and
- The municipality must have a comparable open space and parks land use framework. A comparable open space and parks land use framework is based on a review of their Official plan land use categories and range of permitted uses to determine whether there are similarities.

The zoning bylaws that met this criteria and were reviewed were:

- The County of Brant
- The City of Kitchener
- Norfolk County
- The City of Waterloo
- The Town of Aurora
- The Town of Milton,
- The Town of Oakville, and;
- The City of Welland.

Open space and parks zoning trends

Zoning structure

All zoning bylaws reviewed have multiple zones that implement their open space and parks Official Plan land use designations. Brant and Kitchener have zones for open space and zones for recreation uses. Aurora and Oakville have different zones for public and private open space and recreation uses. Kitchener and Milton have a zone specifically for stormwater management facilities and Waterloo, Milton, and Oakville have a zone specifically for golf courses. Oakville was the only zoning bylaw that had a separate zone for cemeteries. There are a range of options used by municipalities to zone for parks and open spaces.

Uses

Generally all of the zoning bylaws reviewed permit a range of recreational uses as well as conservation use in their parks and open space zones. Conservation use is usually permitted in open space and parks zones as often these spaces are located adjacent or in some cases integrated with the natural heritage system. The zoning bylaws reviewed varied in their approaches as to how they permit recreation uses. Some zoning bylaws permit broad categories, such as recreation, and others identified specific types of recreation such as parks, golf courses, community centres, recreation facilities, and cemeteries. Most of the zoning bylaws did not include definitions for the uses that they permitted.

7.4 Phase 1 community engagement – what we heard

As part of phase 1 community engagement we heard the following about natural heritage system zones, and parks and open space zones:

- That natural features should be protected, and
- That simple structures, such as trails, should be permitted in floodway areas.

7.5 Analysis, options, and recommendations

This section outlines options and preliminary recommendations for a new zoning bylaw about:

- The types of zones that should apply to the natural heritage system and the uses that should be allowed in those zones
- The types of zones that should apply to the floodplain areas and the uses that should be allowed in those zones
- The types of zones that should apply to open space and parks areas and the uses that should be allowed in those zones
- How the natural heritage system identified in the Official Plan should be demarcated in a zoning bylaw,
- In consideration of the floodplain policies in the Official Plan and Grand River Conservation Authority rules, the types of buildings and structures that are appropriate within floodplain areas.

The Official Plan, Grand River Conservation Authority rules, zoning trends, and comments from phase 1 community engagement were considered in the development of the options and preliminary recommendations put forward in this chapter.

7.5.1 Zone structure

Providing a clear connection between the natural heritage system, open space, and parks zones and the Official Plan land uses is important. It helps users of the zoning bylaw understand why certain uses are permitted and why the rules about the location of buildings and structures are the way they are. It is the Official Plan, together with provincial policies and Grand River Conservation Authority rules that broadly determines what is permitted within the natural heritage system. It is also the Official Plan that broadly determines what is permitted within open space and parks areas. The following are options and preliminary recommendations for the number and types of zones that will help make this connection and that will also reduce the overall number of zones making a new zoning bylaw simpler.

Natural heritage system lands

Option 1 (preliminary recommendation): It is recommended that one zone be created that would apply to the entirety of the city's natural heritage system. This zone would permit conservation uses and legally existing uses, consistent with the uses permitted in the Official Plan. It is recommended that conservation use be defined to include the preservation, maintenance, sustainable utilization, restoration, and/or enhancement of the natural environment. Conservation may also include accessory low impact scientific and educational activities and passive recreation activities that have no negative impact on the conservation use. The additional uses that may be permitted in specific natural heritage system features or their buffers, subject to conditions, would be permitted through site specific zoning amendments.

This approach provides a clear connection between the Official Plan natural heritage system policies and reduces the number of overall zones. It also ensures that uses that are permitted subject to conditions to be considered where proposed through applications where the studies that are required to be submitted, according to the Official Plan, to be requested.

Option 2: This option also creates one natural heritage system zone with general permitted uses. Overlays, a set of additional rules that apply to specific areas, would be used for each feature type and feature type buffers to indicate additional uses that are permitted subject to criteria. Through the use of overlays, this approach would visually indicate the location of specific natural heritage system features and buffers and would provide a clear set of rules for additional uses that are permitted. However, this approach, to align with the Official Plan, would need to include rules that require the submission of studies. This could be considered zoning with conditions. Provincial regulations under the Planning Act do not currently exist to write zoning with conditions. Despite this, many municipalities have included additional rules for uses within their natural heritage system subject to the submission of studies.

Option 3: This option would create a series of zones that are feature specific, similar to the existing zoning bylaw approach which contains a wetland (WL) zone that applies to wetlands and their buffers. Zones will be created based on groupings of natural heritage features that permit the same uses. Separate zones will be created for buffers. This approach also provides a clear connection between the Official Plan and zoning. However, because each feature would be zoned a different zone, it will be difficult to determine the boundaries of each feature and some features may overlap. This may present challenges for mapping the zones. Zoning for specific features does not acknowledge that planning for natural areas has evolved from a feature based approach to a systems based approach. The Official Plan policies are based on a natural heritage system approach which recognizes the connections between different natural heritage features. Also it does not accurately reflect the natural heritage system approach to the Official Plan policies. Unlike option one, this option would not reduce the number of natural heritage systems zones. It would increase it substantially.

Floodplain lands

Floodway preliminary recommendation: Within the floodway portions of the floodplain areas, which is the rivers and immediately adjacent lands, it is recommended that the natural heritage system zone recommended in option one above apply to the floodway. This is consistent with the Official Plan floodway policies as the recommended natural heritage system zone permits the same uses that are permitted in the floodways, which are existing uses and natural heritage conservation.

Flood fringe preliminary recommendation: Within the flood fringe portion of the floodplain areas, which are lands that are farther out from the rivers in areas where it has been determined certain types of development may occur, it is recommended that a zone that implements their Official Plan land use apply.

Generally these lands have a land use that allows for development. Additionally, to align with Provincial direction, the Grand River Conservation Authority's policies and the Official Plan it is recommended that an overlay be applied to flood fringe lands to prohibit certain uses that are not permitted within any portion of the floodplain and to require that a permit be obtained from the Grand River Conservation Authority prior to any development.

Open Space and Parks

Preliminary recommendation: It is recommended that three zones apply to existing municipal parks and community centres based on the hierarchy of park land within the Official Plan. One zone is proposed for neighbourhood parks, including urban squares, which will generally permit parks, trails, and conservation uses. A second zone is recommended for community parks that will permit everything that a neighbourhood park permits and will also permit community centres. The third zone proposed would apply to regional parks and will permit everything that a community park permits and will also permit private recreation facilities.

Additionally, an open space zone is recommended that would apply to the city's open space areas that are not parks. Typically these are lands that are part of the city's trail system but are not adjacent or within the natural heritage system or parks. A golf course zone is also proposed that would apply to the exiting golf courses within the city. Golf courses are part of the city's open space system but are not part of the city's park land. This option ensures that park land is clearly identified as separate from other privately owned and/or operated recreational uses.

This approach provides a clear link between the zoning bylaw and the Official Plan land uses.

Stormwater management facilities

Option 1 (preliminary recommendation): It is recommended that one zone be created to apply to existing and proposed stormwater management facilities. This option identifies the location of exiting stormwater management facilities and recognizes them as a unique use that tends to locate within natural heritage or open space areas. This option would clarify that stormwater management facilities are a separate use of land from parks and the natural heritage system while still recognizing that they are designated in the Official Plan as part of either the natural heritage system or open space system.

Option 2: This option would zone stormwater management facilities the recommended natural heritage system zone or the recommended open space zone. The zone would be determined based on the Official Plan land use of the property. Stormwater management facilities would either be permitted under the proposed "existing use" use or could be permitted through a separate use called "existing stormwater management facilities". Future stormwater management facilities could be permitted through a development application, such as a subdivision, and

permitted through a site specific provision on that property. This option is not as clear as option one and may cause confusion in implementation.

7.5.2 Uses

Natural heritage system permitted uses

Preliminary recommendation: To ensure conformity with the Official Plan, provide for a streamlined and user-friendly zoning bylaw, and reflect new trends in zoning, it is recommended that a new zoning bylaw permit the following uses within the recommended natural heritage system zone. The proposed types of zones referred to in the following table are based on the preliminary recommendations for the structure of the natural heritage system zone. The natural heritage system zone is referred to in Table 54 as “NHS”.

Table 54: Recommended permitted uses in the natural heritage system zone

Permitted uses	NHS
Conservation	Y
Existing use	Y

Conservation is proposed to be defined as:

“means the use of land, water, and/or structures for the protection, management, and conservation of the natural heritage system. Conservation may include the preservation, maintenance, sustainable utilization, restoration, and/or enhancement of the natural environment, and may include forest, fish, and wildlife management. Conservation may include accessory low impact scientific and educational activities, and passive recreation activities, including trails”.

Floodplain overlays

Preliminary recommendation: It is recommended that two overlays apply to the city’s floodplain areas. One for the one zone and two zone floodplains, and the second, the exiting floodplain overlay that applies to the special policy area floodplain. Both overlays will require that a permit be obtained from the Grand River Conservation Authority, where required, prior to any development. Both overlays will also prohibit the following uses:

- Institutional uses associated with hospitals, nursing homes, pre-schools, school nurseries, child care centres, and schools
- Essential emergency services such as fire, police and ambulance stations, and electrical substations, and
- Uses associated with the disposal, manufacturing, treatment or storage of hazardous substances.

The special policy area floodplain will permit additional uses, restrict uses and provide rules about development are outlined in Table 49 earlier in this chapter.

Open space and parks permitted uses

Preliminary recommendation: To ensure conformity with the Official Plan, provide for a streamlined and user-friendly zoning bylaw, and reflect new trends in zoning, it is recommended that a new zoning bylaw permit the following uses within each of the following open space and parks zones. The proposed types of zones referred to in the following table are based on the preliminary recommendations for zone structures above and are as follows:

- Open Space (OS)
- Golf Course (GC)
- Stormwater Management (SWM)
- Neighbourhood Park (NP)
- Community Park (CP), and
- Regional Park (RP).

Table 55: Recommended permitted uses in open space, stormwater management and parks zones

Permitted Use	OS	GC	SWM	NP	CP	RP
Conservation	Y	Y	Y	Y	Y	Y
Community centre	N	N	N	N	Y	Y
Golf course	N	Y	N	N	N	N
Recreation facility	N	Y	N	N	N	Y
Park	N	N	N	Y	Y	Y
Trail	Y	Y	N	Y	Y	Y
Stormwater management facility	N	N	Y	N	N	N

7.5.3 Mapping the natural heritage system in zoning

Preliminary recommendation: To implement the natural heritage system, it is recommended that the following criteria be used to describe the boundaries of the recommended natural heritage system zone as part of the comprehensive zoning bylaw review:

- Use the Official Plan land use, development constraints, and natural heritage system maps as a base map
- Incorporate updated mapping from the Ministry of Natural Resources and Forestry, the Grand River Conservation Authority, and other relevant third parties
- Incorporate updated mapping from development applications that have been approved since the Official Plan was approved, using approved Environmental Impact Studies or equivalent studies
- Where there is more than one natural heritage system feature on a property, zone to the farthest limits of the features, and
- Include natural heritage feature buffers in the limits of the natural heritage system zone.

7.5.4 Structures in floodplain areas

The Official Plan does not permit buildings or structures in the floodway portion of the floodplain areas. This Official Plan policy is consistent with provincial policies and Grand River Conservation Authority rules. A review of other zoning bylaws show that despite certain uses being permitted within floodway areas, for example recreation uses, generally structures associated with those uses are not permitted outright. Based on this, it is recommended that structures that meet the Ontario Building Code definition of structure, with the exception of structures that are used for flood control measures, continue to not be permitted within the floodway portions of the city's floodplain areas.

7.6 Questions for you

1. Staff is recommending that one zone be used to apply to the natural heritage system creating a clear and concise zoning bylaw. What are your thoughts on this approach?
2. Staff is recommending that six zones be used to apply to lands designated open space and parks. These zones include three zones that would apply to neighbourhood parks, community parks, and regional parks. It also includes a golf course zone, a stormwater management zone, and an open space zone. What are your thoughts on this approach?
3. In consideration of the natural heritage system policies in the Official Plan, two uses are recommended to be allowed in the natural heritage system zone, conservation and existing uses. Do you agree or disagree with these recommended uses? Why or why not? Are there uses that are allowed by the Official Plan that were missed that should be considered?
4. In consideration of the open space and parks land use in the Official Plan, certain uses are recommended to be allowed. Do you agree or disagree with the types of uses proposed to be allowed? Why or why not? Are there uses that are allowed by the Official Plan that were missed that should be considered?
5. To delineate the boundary of the natural heritage system in zoning a set of criteria are recommended to be followed. Do you agree with this criteria? Why or why not? Are there other criteria that should be considered?
6. Based on the Official Plan policies, provincial policies, and Grand River Conservation Authority rules, it is recommended that structures, not including flood control structures, continue to not be permitted within the floodway areas in Guelph. What are your thoughts on this recommendation?
7. What other comments do you have about the topics discussed in this chapter that should be considered?

You can share your comments with us in person at an upcoming workshop in November 2019. For a full listing of workshop events and information about how to register please visit our [website](#). As of November you can also share your comments online through our [online engagement platform](#) or via [email](#).

Chapter 8

Major Institutional



8.0 Major institutional

8.1 Introduction

This chapter provides an overview of the planning policy framework (provincial and local) for the City's major institutional lands. The existing institutional zones are compared to the major institutional land use policies to understand where changes are required to conform to these policies within a new zoning bylaw. Zoning bylaws from other municipalities are reviewed to understand emerging trends. Options and recommendations for a new zoning bylaw are explored.

In this chapter we are seeking your thoughts on:

- The number and type of institutional zones that should be in a new zoning bylaw, and
- In consideration of the major institutional land use in the Official Plan, the types of institutional uses that should be permitted.

Specific questions related to these topics can be found in section 8.6 as well as instructions for how to share your comments.

Special needs housing, which includes housing for seniors and group homes are not only permitted in major institutional areas of the City but are also permitted in residential areas and commercial/mixed use areas. Special needs housing is discussed in Chapter 3. Additionally, specific small-scale institutional uses, such as places of worship and schools, are permitted within residential areas rather than in major institutional areas. These types of institutional uses are discussed in Chapter 4.

8.2 Current land use planning policies and zoning bylaw rules

8.2.1 Provincial policies

Provincial Policy Statement (2014)

The Provincial Policy Statement acknowledges that healthy, livable and safe communities include an appropriate range and mix of residential, employment, institutional, recreation, parks and open spaces to meet the long-term needs of people.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe directs new major institutional uses to intensification areas, such as downtown Guelph.

8.2.2 Guelph Official Plan

The Major Institutional land use designation applies to Guelph's existing major institutional uses including the University of Guelph, Conestoga College, Guelph

General Hospital, and St. Joseph's Health Centre. There are approximately 27 properties that are designated, either in whole or in part, Major Institutional.

The major institutional land use designation recognizes and supports large scale institutional uses ensuring that institutional, educational, health care, and social services are provided in suitable locations throughout Guelph. The major institutional land use designation also provides for a full range of continuum of care facilities, such as long term care facilities and retirement residential facilities, in appropriate locations. The permitted uses within major institutional areas include:

- Public buildings
- Universities and colleges
- Social and cultural facilities
- Correctional and detention facilities
- Hospitals
- Special needs housing;
- Health care facilities, and
- Complementary uses such as convenience commercial, personal services, and residences, where accessory to one of the main permitted uses, day care facilities, parks and recreation facilities, and non-livestock based agriculture.

8.2.3 Guelph's Zoning Bylaw

There are currently two institutional zones that permit major institutional uses. They are:

- University of Guelph and Guelph Correctional Centre – I.2, and
- Health and Social Services – I.3.

Additionally the Educational, Spiritual and Other Services Zone (I.1) generally applies to specific properties within the city's residential areas to permit certain institutional uses, such as places of worship and schools. Generally this zone is used to implement a specific Official Plan policy for residential lands to provide for specific institutional within residential neighbourhoods. This zone is summarized and analyzed in Chapter 4.

Permitted uses

Each zone permits a range of institutional and other uses that are suitable for the intent of each zone. Table 56 summarizes the permitted uses in the existing major institutional zones. The major institutional zones are listed within the zoning abbreviations used in the existing zoning bylaw, for example I.2.

Table 56: Permitted uses within existing major institutional zones

Permitted uses	I.2	I.3
Day care centre	Y	Y
Group home	Y	Y
Guelph correctional centre and its directly related operations	Y	N
Medical clinic	N	Y
Medical office	N	Y

Permitted uses	I.2	I.3
Medical treatment facility	N	Y
Recreation centre	N	Y
Research establishment	N	Y
Residential facilities including units for short term guests, and units for staff and for those undergoing training on site	N	Y
Social service establishment	N	Y
University of Guelph and its directly related operations	Y	N

Rules

The major institutional zones include rules for:

- Minimum lot area
- Minimum setbacks
- Maximum building height, and
- Buffer strips.

Specialized zones

There is one specialized zone that applies to St. Joseph's Health Centre. This specialized zone permits apartment buildings, homes for the aged, nursing homes, and retirement residential facilities in addition to the uses permitted in the I.3 zone. This specialized zone also contains rules that are specific for the additional uses permitted. These rules include a minimum number of dwelling units, a maximum floor space index (the amount of land that the buildings can take up), and minimum parking spaces required.

8.3 Review of municipal zoning trends

8.3.1 Methodology

When examining zoning trends in this chapter we were looking to understand how other municipalities structured their major institutional zones, what types of uses they permit in them, and the types of rules they have. To answer these questions, municipalities that met the following criteria were used:

- The municipality must be an Ontario municipality either with a new zoning bylaw that was approved between 2013 and 2019 or one with a new zoning bylaw in progress that has proceeded to a statutory public meeting between 2016 and 2019. A municipality with a zoning bylaw that is older than 2013 but where an amendment that dealt comprehensively with major institutional zones could also be considered
- Although not required, priority was placed on municipalities that were on Guelph's municipal comparison list which also met the above criteria
- The municipality must have a comparable major institutional land use framework. A comparable major institutional land use framework is based on a review of their Official Plan land use categories and range of permitted uses to determine whether there are similarities, and
- The municipality must have either a university, college, or hospital.

The zoning bylaws that met this criteria and were reviewed were:

- The City of Kitchener
- The Town of Oakville, and
- City of Waterloo.

8.3.2 Summary of zoning trends

Types of major institutional zones and permitted uses

Kitchener, Oakville, and Waterloo's zoning bylaws all use one zone to apply to their major institutional lands. Each zoning bylaw permits a range of uses that aligns with uses permitted in their Official Plans. Table 57 summarizes the uses permitted in Kitchener, Oakville, and Waterloo's zoning bylaws. All three zoning bylaws permit a community facility or community centre. Kitchener and Oakville permit an art gallery/artisan's establishment, day care facility, health clinic/medical office, hospital, place of worship, post secondary school, and residential care facility/long term care facility. Waterloo's zoning bylaw includes broad categories of uses such as "education institution" and "institution", which, depending on how they are defined or interpreted, may include some of the uses permitted in Kitchener and Oakville's zoning bylaws.

Table 57: Uses permitted in Kitchener, Oakville, and Waterloo's major institutional zones

Permitted Uses	Kitchener	Oakville	Waterloo
Adult education school	Y	N	N
Artisan's establishment/art gallery	Y	Y	N
Auditorium	N	N	Y
Business office	N	Y	N
Cemetery	Y	N	N
Community facility/community centre	Y	Y	Y
Commercial parking area	N	Y	N
Conservation use	N	Y	N
Continuing care community	Y	N	N
Cultural facility	Y	N	N
Day care facility	Y	Y	N
Educational institution	N	N	Y
Elementary school	Y	N	N
Emergency service facility	N	Y	N
Emergency shelter	N	Y	N
Food bank	N	Y	N
Funeral home	Y	N	N
Government use	N	N	Y
Health clinic/medical office	Y	Y	N
Hospice	Y	N	N
Hospital	Y	Y	N/A
Institution	N	N	Y
Library	N	Y	N
Museum	N	Y	N
Park	N	Y	N

Permitted Uses	Kitchener	Oakville	Waterloo
Place of worship	Y	Y	N
Post secondary school	Y	Y	Y
Private school	N	Y	N
Public works yard	N	Y	N
Residential care facility/long term care facility	Y	Y	N
Retirement home	N	Y	N
Secondary school	Y	N	N
Social Service Establishment	Y	N	N
Stormwater management facility	N	Y	N

Rules

All zoning bylaws reviewed have rules for minimum setbacks from lot lines. Kitchener and Waterloo's zoning bylaws also included rules for minimum landscaped open space, the amount of the lot that has to be covered with vegetation. Kitchener also requires a minimum lot frontage.

8.4 Phase 1 community engagement – what we heard

As part of phase 1 community engagement there were no comments received about major institutional zones, uses, or rules. Appendix A contains a summary of all comments from the phase 1 community engagement, including staff responses.

8.5 Analysis, options, and recommendations

This section outlines options and preliminary recommendations for a new zoning bylaw about:

- The types of major institutional zones and uses that should be allowed, and
- The types of rules for major institutional uses.

8.5.1 Zone structure

Providing a clear connection between the major institutional zones and the Official Plan Major Institutional land use is important. It helps users of the zoning bylaw understand why certain uses are permitted. It is the Official Plan that broadly determines what is permitted on major institutional properties. The following are options and preliminary recommendations for the number and types of zones that will help make this connection and that will minimize the number of zones making a new zoning bylaw simpler.

Option 1 (preliminary recommendation): It is recommended that the two existing major institutional zones, I.2 and I.3 be retained. One zone would continue to apply to and permit the University of Guelph along with some complementary uses. A second zone would apply to all other properties designated Major Institutional in the Official Plan, lands such as the Guelph General Hospital, Conestoga College, and St. Joseph's Health Centre. This zone would permit a range of institutional uses, such as hospitals, medical clinics, post-secondary schools, and social service establishments.

This option continues to recognize the University of Guelph as a separate and distinct use within the city. The University of Guelph provides unique post-secondary programming with its degrees in agriculture and veterinary medicine. Although this option would continue to retain two zones for major institutional uses, it continues to permit the full range of major institutional uses contemplated by the Official Plan while continuing to recognize the uniqueness of the types of post-secondary education offered by the University of Guelph

Option 2: This option would create one zone that would apply to all lands designated Major Institutional. This zone would permit the full range of uses allowed by the Official Plan. Option two provides flexibility in the uses permitted on major institutional properties and also reduces the number of major institutional zones. This approach does not recognize the University of Guelph as a unique use in Guelph and would allow for all post-secondary school uses under one broad category. Generally broader categories of uses is one preferred outcome of a new zoning bylaw, however in this case, the University of Guelph offers unique degree opportunities, as outlined in option 1 above, which should continue to be permitted on University of Guelph lands only.

8.5.2 Uses

To ensure conformity with the Official Plan, provide for a streamlined and user-friendly zoning bylaw, and reflect new trends in zoning, Table 58 includes a summary of recommended uses for the major institutional zones, based on the preliminary recommended zoning structure, in a new zoning bylaw permit the following uses. The following proposed zone names are used in Table 58:

- MI1 - Major institutional 1 – General
- MI2 - Major institutional 2 – University of Guelph

Table 58: Recommended permitted major institutional uses

Permitted Uses	MI1	MI2
Convenience store	Y ⁽¹⁾	Y ⁽¹⁾
Community centre	Y	N
Day care facility	Y ⁽¹⁾	Y ⁽¹⁾
Group home	Y	N
Hospice	Y	N
Hospital	Y	N
Long term care facility	Y	N
Medical clinic	Y	N
Medical office	Y	N
Post secondary school	Y	N
Recreation facility	Y	N
Retirement residential facility	Y	N
Service establishment	Y ⁽¹⁾	N
Social services establishment	Y	N
University of Guelph	N	Y

(1) Permitted as a complementary use

8.5.3 Rules

It is recommended that rules for minimum setbacks, maximum building heights, minimum lot area, and buffer strips be retained.

8.6 Questions for you

1. Staff has proposed options for zoning the city's major institutional properties that provide flexibility in the allowed uses and recognize the University of Guelph as a unique use in the city. What are your thoughts on this proposed approach?
2. In consideration of the Major Institutional land use in the Official Plan, certain institutional uses are recommended to be allowed. Do you agree or disagree with the types of uses proposed to be allowed? Why or why not? Are there uses that are allowed by the Official Plan that were missed that should be considered?
3. Do you agree or disagree that the existing rules for setbacks, building heights, lot area, and buffers strips should be retained? Why or why not? Are there other rules that should be considered?
4. What other comments do you have about major institutional zones that should be considered?

You can share your comments with us in person at an upcoming workshop in November 2019. A full listing of workshop events and information about how to register will be available on our [website](#) in early November 2019. As of November you can also share your comments online through our [online engagement platform](#) or via [email](#).

Chapter 9

Major Utility



9.0 Major utility

9.1 Introduction

This chapter provides an overview of the planning policy framework (provincial and local) for the major utility properties owned or operated by the City. Zoning bylaws in other municipalities are reviewed to understand emerging trends. Options and recommendations for a new zoning bylaw are explored.

In this chapter we are seeking your thoughts on:

- Whether there should be a separate major utility zone that applies to properties designated Major Utility in the Official Plan, and
- If there should be a separate major utility zone, in consideration of the Official Plan major utility policies, the types of major utility uses that should be permitted in a major utility zone.

Specific questions related to these topics can be found in section 9.6 as well as instructions for how to share your comments.

9.2 Current land use planning policies and zoning bylaw rules

9.2.1 Provincial policies

Provincial Policy Statement (2014)

The Provincial Policy Statement requires that infrastructure, electricity generation facilities and transmission and distribution systems be provided in a coordinated, efficient and cost effective manner.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

Similar to the Provincial Policy Statement, A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) requires that land use planning, infrastructure planning, and infrastructure investment be coordinated. Efficient use of existing infrastructure is prioritized.

9.2.2 Guelph Official Plan

The Major Utility Official Plan land use applies to City owned or operated properties that contain major utilities including Guelph's public works yard, waste water treatment plant, water services, and waste resources innovation centre. There are approximately seven properties that are designated, either in whole or in part, Major Utility.

The purpose of the Major Utility land use designation is to recognize the City's existing major utilities. The permitted uses within the Major Utility land use include:

- Water and wastewater treatment facilities
- Transfer stations
- Electrical transformer stations and associated facilities

- Facilities for waste reuse, recycling, reclamation, recovery, composting or anaerobic digestion, and
- Municipal works yards.

9.2.3 Guelph's Zoning Bylaw

Guelph's existing zoning bylaw does not include a major utility zone. The properties that are identified as Major Utility within the Official Plan area currently zoned either industrial or park.

9.3 Review of municipal zoning trends

9.3.1 Methodology

When examining zoning trends in this chapter, we were looking to understand how other municipalities zoned major utility properties, what types of uses they permit in these zones, and the types of rules they have. To answer these questions, municipalities that met the following criteria were examined:

- The municipality must be an Ontario municipality either with a new zoning bylaw that was approved between 2013 and 2019 or one with a new zoning bylaw in progress that has proceeded to a statutory public meeting between 2016 and 2019. A municipality with a zoning bylaw that is older than 2013 but where an amendment that dealt comprehensively with the topic of major utility could also be considered
- Although not required, priority was placed on municipalities that were on Guelph's municipal comparison list which also met the above criteria, and
- The municipality must have a comparable major utility land use. A comparable major utility framework is based on a review of their Official Plan land use categories and range of permitted uses to determine whether there are similarities.

The zoning bylaws that met this criteria and were reviewed were:

- The City of Kitchener, and
- The Town of Oakville.

9.3.2 Summary of zoning trends

Approaches for zoning major utility properties and permitted uses

Kitchener and Oakville have one major utility or utility zone that applies to lands that are identified in their Official Plans as major utility. Kitchener's major utility zone provides a clear link between the zone and the major utility Official Plan land use.

Oakville's utility zone doesn't permit the full range of uses permitted by their Official Plan. Oakville's Official Plan permits pumping stations, water and sewage treatment plants, electrical transformer and distributing stations, reservoirs, and cogeneration facilities and other power generation facilities on their major utility properties. Oakville's zoning bylaw applies the utility zone to all of their major utility properties but only permits conservation use, stormwater management

facilities, and major transit stations. It isn't clear whether the major utility uses on these properties are permitted by the uses within the major utility zone. There also isn't a clear connection between Oakville's major utility zone and its major utility land use designation. Oakville uses a general rule within their zoning bylaw to permit infrastructure uses broadly across the municipality. It may be that between their major utility zone and this general rule that the town's major utility uses are permitted.

Table 59 summarizes the uses permitted within Kitchener and Oakville's major utility zones.

Table 59: Uses permitted in Kitchener and Oakville's major utility zones

Permitted uses	Kitchener	Oakville
Conservation use	N	Y
Electrical transformer station	Y	N
Major transit station	N	Y
Public works yard	Y	N
Stormwater management facility	N	Y
Transportation facility	Y	N
Waste management facility	Y	N
Water and wastewater treatment facility	Y	N

Rules

Kitchener and Oakville's major utility zones include rules for building setbacks from property lines.

9.4 Phase 1 community engagement –what we heard

As part of phase 1 community engagement there were no comments received about major utility uses, or rules. Appendix A contains a summary of all comments from the phase 1 community engagement, including staff responses.

9.5 Analysis, options, and recommendations

This section outlines options and preliminary recommendations for a new zoning bylaw about:

- The types of zones that should apply to major utility properties and uses that should be allowed, and
- The types of rules for major utility uses.

9.5.1 Zone structure and permitted uses

Providing a clear connection between the major utility zone(s) and the Official Plan Major Utility land use is important. It helps users of the zoning bylaw understand why certain uses are permitted. It is the Official Plan that broadly determines what is permitted on major utility properties. The following are options and preliminary recommendations for the number and types of zones that will help make this connection and that will minimize the number of zones making a new zoning bylaw simpler.

Preliminary recommendation: To implement the Major Utility Official Plan land use it is recommended that a new zone be created that would permit major utility uses. Generally, the properties are currently zoned either industrial or park. These existing zones don't reflect the existing use of the properties and don't reflect the permitted uses in the major utility Official Plan land use designation. A new major utility zone would provide a connection between the zoning and the Official Plan providing a clear intent of the existing and future use of these properties. Additionally, to conform with the uses allowed in the Major Utility Official Plan land use designation, it is recommended that a new major utility zone permit:

- Electrical transformer stations
- Municipal works yards
- Waste management facilities, and
- Water and wastewater treatment facilities.

9.5.2 Rules

It is recommended that rules for minimum setbacks, including larger setbacks and visual barriers when adjacent to residential areas, and rules for outdoor storage be included in a new major utility zone. These rules will be similar to the rules recommended for the employment zones.

9.6 Questions for You

1. Staff has recommended that a major utility zone be created that would apply to properties identified as major utility in the Official Plan. What are your thoughts on this approach?
2. In consideration of the Major Utility land use in the Official Plan, certain major utility uses are recommended to be allowed. Do you agree or disagree with the types of uses proposed to be allowed? Why or why not? Are there uses that are allowed by the Official Plan that were missed that should be considered?
3. Do you agree or disagree with the recommended rules? Why or why not? Are there other rules that should be considered?
4. What other comments do you have about the major utility zones that should be considered?

You can share your comments with us in person at an upcoming workshop in November 2019. A full listing of workshop events and information about how to register will be available on our [website](#) in early November 2019. As of November you can also share your comments online through our [online engagement platform](#) or via [email](#).

Chapter 10

Guelph Innovation
District Secondary Plan
Area, Clair-Maltby
Secondary Plan Area,
and Reserve Lands



10.0 Guelph Innovation District Secondary Plan Area, Clair-Maltby Secondary Plan Area, and Reserve Lands

10.1 Introduction

This chapter provides an overview of the planning policy framework (provincial and local) for the Guelph Innovation District (GID) Secondary Plan area and the Clair-Maltby Secondary Plan area and the Official Plan Reserve Lands land use designation.

The GID planning area includes approximately 436 hectares (1,000 acres) of land bounded by York Road, Victoria Road South, the York-Watson Industrial Park and the City's southern boundary, south of Stone Road East. The Guelph Innovation District Secondary Plan (approved and in effect in 2017) guides future development within this area. Some areas within the GID have land use designations used city-wide and are already developed. Others have land use designations specific to the GID and require some additional planning before they can be developed. In this chapter we are seeking your thoughts on:

- How lands that require some additional planning, which may not be complete by the time a decision is made on a new zoning bylaw, should be zoned in a new zoning bylaw, and
- Whether the recommended zoning for the lands that have existing development is appropriate.

The Clair-Maltby planning area includes approximately 415 hectares of land bounded by Clair Road, Victoria Road, Maltby Road and the eastern limits of the Southgate Business Park. Planning for this area is underway through a process called the Clair-Maltby Secondary Plan. At this time it is anticipated that the Clair-Maltby Secondary Plan will be approved before a decision on a new zoning bylaw is made. We know that there will still be additional planning work that will be needed before any land within Clair-Maltby can be developed, such as the subdivision of lands. This additional work may take many years and a new zoning bylaw may be approved before this work is finished. In this chapter we are seeking your thoughts on:

- How lands within the Clair-Maltby area should be zoned in a new zoning bylaw in advance of the anticipated additional planning work.

Specific questions related to these topics can be found in section 10.6 as well as instructions for how to share your comments.

10.2 Current land use planning policies, other Guelph studies, and zoning bylaw rules

10.2.1 Provincial policies

Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) contains policies regarding the planning of urban areas, which include considerations for many things such as providing for an appropriate range and mix of housing types and densities and efficiently using land and resources. The PPS does not provide direction on how urban areas should be zoned. It acknowledges that zoning bylaws are one important tool that should be used for implementation of the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

While A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) does not provide specific direction to zoning bylaws. It references that zoning bylaws are important implementation tools to achieve the policies and density targets of the Growth Plan.

10.2.2 Official Plan - Guelph Innovation District Secondary Plan

The Guelph Innovation District planning area includes approximately 436 hectares of land bounded by York Road, Victoria Road South, the York-Watson Industrial Park and the City's southern boundary, south of Stone Road East. The Guelph Innovation District Secondary Plan (GID), which has been in effect since 2017, guides future development within this area. The GID includes land uses that are specific to the GID area and those that are used city-wide. These land uses include:

- Adaptive Re-use
- Mixed-use Corridor (GID)
- Employment Mixed-use 1
- Employment Mixed-use 2
- Residential
- Glenhome Estate Residential
- Significant Natural Areas and Natural Areas. See Chapter 7 for an overview of this land use designation
- Open Space and Park. See Chapter 7 for an overview of this land use designation
- Major Utility. See Chapter 9 for an overview of this land use designation
- Industrial. See Chapter 6 for an overview of this land use designation
- Service Commercial. See Chapter 5 for an overview of this land use designation, and
- Neighbourhood Commercial Centre. See Chapter 5 for an overview of this land use designation.

Certain service commercial and all of the neighbourhood commercial centre lands are proposed to be changed to the Commercial Mixed-use Centres land use designation through an in progress city initiated Official Plan amendment. This amendment is the result of a city initiated commercial policy review that has been in progress since 2016. The recommendations for zoning of these lands is based on

the assumption that this Official Plan amendment is approved in advance of a new zoning bylaw being approved.

The majority of lands within the GID will be developed through future development applications that require additional planning work known as “Block Planning”. Generally block planning requires the submission of additional studies before the land can be developed. An overview of the land use designations found within the block plan areas is not provided as it is not recommended that these lands be zoned to align with the GID land uses at this time. See Section 10.5.1 for zoning recommendations for these lands.



Figure 8: GID Block Plan Areas

The lands that are not part of the GID block plan areas, which are those shown in white in Figure 8, do not require coordination of development amongst property owners. Most of these lands have existing development, and generally are not anticipated to change much over time, with the exception of some Employment Mixed-use 2 designated lands along Stone Road East and Watson Parkway South. The land that are not within the block plan areas are designated:

- Major Utility
- Service Commercial
- Commercial Mixed-use Centre
- Employment Mixed-use 2
- Glenholme Estate Residential
- Significant Natural Area/Natural Area, or

- Open Space and Park.

For lands outside of the block plan areas, only the Employment Mixed-use 2 land use designation and the Glenholme Estate Residential land use designation are unique to the GID. The remaining land uses are found elsewhere throughout the city.

Employment Mixed-use 2 land use designation

The purpose of the Employment Mixed-use 2 land use designation is to encourage a mix of uses including commercial, educational, and institutional to support the role of these lands as an employment area for a Guelph Agri-Innovation Cluster. An agri-innovation cluster consists of two main sectors; food and wellness, and agri-business. To encourage these types of uses the following uses are permitted:

- Research and development facilities
- Office and administrative facilities
- Cultural and education uses
- Institutional uses
- Entertainment and recreational commercial uses
- Ancillary retail uses, and
- Complementary uses including convenience commercial and community facility uses.

Residential, live/work, and logistics/warehousing uses are not permitted within Employment Mixed-use 2 land use designation. Building heights on Lands designated Employment Mixed-use 2 along Stone Road East, are required to be a minimum of nine meters and a maximum of six storeys.

Glenhome Estate Residential land use designation

The Glenhome Estate Residential land use designation applies to an existing low density estate residential area on large lots that are currently serviced by private individual on-site water and wastewater services. It is anticipated that the existing residential uses will remain with opportunities for minor additional residential infill development. The following uses are permitted:

- Single detached dwellings
- Accessory apartments, and
- Home occupations.

A minimum lot size of 0.4 hectares is required and where lots are proposed to be divided, the average lot size must be 0.7 hectares. New residential development may be permitted within the Glenhome Estate Residential area on private services, usually subject to conditions, until full municipal services are available.

10.2.3 Clair-Maltby Secondary Plan and Official Plan Reserve lands use designation

Clair-Maltby Secondary Plan

The Clair-Maltby planning area includes approximately 415 hectares of land bounded by Clair Road, Victoria Road, Maltby Road and the eastern limits of the Southgate Business Park. Planning for this area is underway through a process called the Clair-Maltby Secondary Plan. Currently, the Clair-Maltby Secondary Plan area includes lands with the following land use designations:

- Reserve Lands
- Low Density Greenfield Residential. See Chapter 4 for an overview of this land use
- Corporate Business Park. See Chapter 6 for an overview of this land use
- Special Study Area. The Special Study Area applies to 2054 Gordon Street, the Springfield Golf Course, and permits the existing golf course as an interim use
- Industrial. See Chapter 6 for an overview of this land use, and
- Significant Natural Areas and Natural Areas. See Chapter 7 for an overview of this land use.

All of the land uses are being reviewed as part of the Clair-Maltby Secondary Plan process which is currently underway.

Reserve Lands

Generally the Reserve Lands land use designation applies to lands that form part of the city's future urban lands and to lands where there may be servicing, access or other development related limitations for future development. Because further land use studies or servicing is required for these lands, the Official Plan states that it is premature to apply specific urban land uses to these lands until a secondary plan has been completed. There are approximately 57 properties that are designated, either in whole or in part, Reserve Lands.

The majority of the Clair-Maltby Secondary Plan area and the rolling hills community are designated Reserve Lands. Lands that are within the licensed area of an existing mineral aggregate operation south of the Speed River, west of the Hanlon Expressway and north of College Avenue is also designated Reserve Lands.

Existing legal uses are the only allowed uses within the Reserve Lands land use designation. The Official Plan directs that lands designated Reserve Lands be zoned to only allow legally existing uses until such time as Secondary Plans have been completed.

10.2.4 Guelph Innovation District Secondary Plan Area – existing zoning

Lands within the GID area are currently zoned:

- Industrial (B.1)
- Industrial (B.4)

- Community Shopping Centre (CC)
- Service Commercial (SC.1)
- Highway Commercial (SC.2)
- University of Guelph and Guelph Correctional Centre (I.2)
- Conservation Land (P.1)
- Floodway (FL)
- Wetland (WL)
- Urban Reserve (UR)
- Aggregate Extraction (EX)
- Residential Single Detached (R.1A)
- Residential Single Detached (R.1B), and
- Within the Township of Puslinch zoning bylaw

All of the zoning of the GID was in place prior to the approval of the secondary plan in 2017 which changed many of the land uses within this area.

10.2.5 Clair-Maltby Secondary Plan Area and Reserve Lands – existing zoning

All land within the Clair-Maltby Secondary Plan area, with the exception of one property which is zoned urban reserve, and all lands designated Reserve Lands, with the exception of one property zoned urban reserve, are zoned within the Township of Puslinch zoning bylaw. Most of these lands were annexed into Guelph in 1993 and a comprehensive review of the zoning of these lands has not yet occurred.

10.3 Review of municipal zoning trends

10.3.1 Methodology

When examining zoning trends in this chapter, we were looking to understand what zones municipalities are using to apply to new urban areas, known as designated greenfield lands, which require additional planning work. To answer this question municipalities that met the following criteria were examined:

- The municipality must be within A Place to Grow: Growth Plan for the Greater Golden Horseshoe
- The municipality must have Growth Plan designated greenfield lands that are either part of an approved secondary plan or have been identified for future urban development
- The municipality must be an Ontario municipality either with a new zoning bylaw that was approved between 2013 and 2019 or one with a new zoning bylaw in progress that has proceeded to a statutory public meeting;
- Although not required, priority was placed on municipalities that were on Guelph's municipal comparison list which also met the above criteria, and
- Although not required, priority was placed on municipalities that have an urban reserve or equivalent Official Plan land use category.

The municipalities that met the above criteria were the City of Cambridge and the Town of Milton.

10.3.2 Summary of Zoning Trends

Cambridge and Milton's Official Plans contain land uses similar to Guelph's Reserve Lands land use designation. Their reserve lands policies require additional planning work to occur, such as secondary planning. Cambridge only permits existing uses or agricultural uses within their reserve land areas. Both Cambridge and Milton have zoned their reserve land areas with a development/future development zone. These zones permit legally existing uses. Cambridge also permits agricultural uses.

10.4 Phase 1 community engagement – what we heard

As part of phase 1 community engagement comments were raised about the timing of when new zoning would apply to the Clair-Maltby Secondary Plan area and the rolling hills community. Appendix A contains a summary of all comments from phase 1 community engagement, including staff responses.

10.5 Analysis, Options, and Recommendations

This section outlines options and preliminary recommendations for updating the zoning within the Guelph Innovation District Secondary Plan area, the Clair-Maltby Secondary Plan area, and lands designated Reserve Lands.

10.5.1 Guelph Innovation District Secondary Plan zoning

As outlined in Section 10.2.2, the GID contains many block plan areas which require additional planning studies. For the GID block plan areas it is recommended:

Option 1 for block plan lands: It is recommended that the block plan lands, with the exception of lands that are part of the natural heritage system or floodplain, be zoned urban reserve. This type of zone will only permit uses that currently exist. This approach will require that, prior to the development of any lands, a zoning bylaw amendment occurs, which can include the submission of required studies, together with other applications required by the GID block plan policies. Given that additional planning work is required, it would be premature for zones that implement the GID land uses to be applied to block plan areas through a new zoning bylaw as part of the comprehensive zoning bylaw review. Additionally it is recommended that for the natural heritage system or floodplain lands the same zones recommended to implement these land uses city-wide apply to the GID lands. This ensures that there is clarity between what zones implement each land use, provides consistency across the city within the same land uses, and reduces the overall number of zones.

Option 2 for block plan lands: A zone would be created that would apply to all lands within the block plan areas of the GID Secondary Plan. This zone would permit existing uses and conservation uses to reflect the existing land uses for this area in the Secondary Plan. This approach will require that, prior to the development of any lands, a zoning bylaw amendment occurs, which can include submission of required studies such as an environmental impact study, as part of required block plan applications. It also ensures that the intent of the natural

heritage system lands is maintained through zoning by permitting conservation uses.

Also as outlined in Section 10.2.2, there are several land uses within the GID Secondary Plan that are the same as the land uses within the Official Plan. These land uses are:

- Significant Natural Areas and Natural Areas
- Open Space and Park
- Major Utility
- Industrial
- Service Commercial, and
- Commercial Mixed-use Centre.

Preliminary recommendation for other lands: For lands that are designated in the GID Secondary Plans any of the above land use designations, it is recommended that the same zones recommended to implement these land uses city-wide apply to the GID lands. This ensures that there is clarity between what zones implement each land use, provides consistency across the city within the same land uses, and reduces the overall number of zones.

There are two land use designations that are outside of block plan areas that are unique to the GID. These are Employment Mixed-use 2 and Glenhome Estate Residential. It is recommended that one zone be created for the Employment Mixed-use 2 land use designation and that it permit the uses identified in the GID. Additionally it is recommended that a site specific residential zone apply to lands designated Glenhome Estate Residential and that it only permit single detached dwellings, accessory dwelling units, and home businesses in accordance with the GID secondary plan policies. This site specific zone is recommended to include specific servicing requirements to align with the GID secondary plan policies. Having a zone that is specific to this land use provides clarity between the zoning bylaw and the land use.

10.5.2 Clair-Maltby Secondary Plan Area and Reserve Lands zoning

Option 1: All lands within the Clair-Maltby Secondary Plan area, with the exception of lands within the natural heritage system, and all lands designated Reserve Lands are recommended to be zoned an urban reserve zone. This type of zone will only permit uses that currently exist. This approach will require that, prior to the development of any lands, a zoning bylaw amendment occurs, which can include submission of required studies such as an environmental impact study, together with a plan of subdivision so that appropriate zoning is applied to specific lots or blocks as they are created. For other lands designated Reserve Lands, such as the rolling hills community, additional land use planning work is required to determine appropriate land uses prior to zones other than urban reserve being applied to these lands.

Additionally it is recommended that for the natural heritage system lands the same zones recommended to implement these land uses city-wide apply to the Clair-

Maltby Secondary Plan lands. Depending on the timing of a decision on a new zoning bylaw, the boundaries of a natural heritage system zone would be based on the limits of the significant natural areas land use in the Official Plan or on the limits of the same as refined through the Clair-Maltby Secondary Plan if it is approved prior to a decision on a new zoning bylaw. This ensures that there is clarity between what zones implement each land use, provides consistency across the city within the same land uses, and reduces the overall number of zones.

Option 2: This option retains the current zoning for all lands within the Clair-Maltby Secondary Plan with the exception of the natural heritage system lands, and all lands designated Reserve Lands. This options means that not all lands in Guelph would be pert of a new zoning bylaw. Because of this, the ability to not amend a new zoning bylaw for a period of two years, as allowed by the Planning Act, would not be an option. The two year no zoning bylaw amendment rule only applies to new zoning bylaws that apply to all land within a municipality. This means that once a new zoning bylaw is approved, there could be amendments to it right after it is in effect providing no time to work within the new set of rules to test them out.

Additionally, most of the lands within the Clair-Maltby area and lands designated Reserve Lands are still zoned within the Township of Puslinch zoning bylaw. The Township of Puslinch zoning bylaw that applies to these properties does not conform to Guelph's Official Plan or the recent amendments to the Planning Act, such as rules for accessory dwellings.

For lands within the Clair-Maltby Secondary Plan area that are within the natural heritage system, it is recommended that the lands be zoned the same as in option one.

Option 3: A zone would be created that would apply to all lands within the Clair-Maltby Secondary Plan area. This zone would permit existing uses and conservation uses to reflect the existing land uses for this area in the Official Plan. This approach will require that, prior to the development of any lands, a zoning bylaw amendment occurs, which can include submission of required studies such as an environmental impact study, together with a plan of subdivision so that appropriate zoning is applied to specific lots or blocks as they are created. It also ensures that the intent of the natural heritage system lands is maintained through zoning by permitting conservation uses. For other lands designated Reserve Lands, such as the rolling hills community, additional land use planning work is required to determine appropriate land uses prior to zones other than urban reserve being applied to these lands.

10.6 Questions for You

1. What are your thoughts on applying an urban reserve zone for lands within the Guelph Innovation District Secondary Plan, the Clair-Maltby Secondary Plan areas, and other lands designated Reserve Lands, such as the rolling hills community, that require additional planning work?
2. What are your thoughts on the recommended zoning for the Employment Mixed-use 2 lands within the Guelph Innovation District Secondary Plan?

3. What are your thoughts on the recommended zoning for the Glenholme Estate Residential lands within the Guelph Innovation District Secondary Plan?
4. What are your thoughts on using the same commercial, major utility, industrial, and natural heritage system zones recommended in other chapters of this discussion paper throughout the Guelph Innovation District Secondary Plan?
5. What other comments do you have about the zoning in the GID Secondary Plan area and the Clair-Maltby Secondary Plan area?

You can share your comments with us in person at an upcoming workshop in November 2019. A full listing of workshop events and information about how to register will be available on our [website](#) in early November 2019. As of November you can also share your comments online through our [online engagement platform](#) or via [email](#).

Chapter 11

Downtown Secondary Plan Area



11.0 Downtown Secondary Plan area

11.1 Introduction

This chapter provides an overview of the planning policy framework (provincial and local) for the Downtown Secondary Plan area. The Downtown Secondary Plan includes lands within the boundary shown on Figure 9.

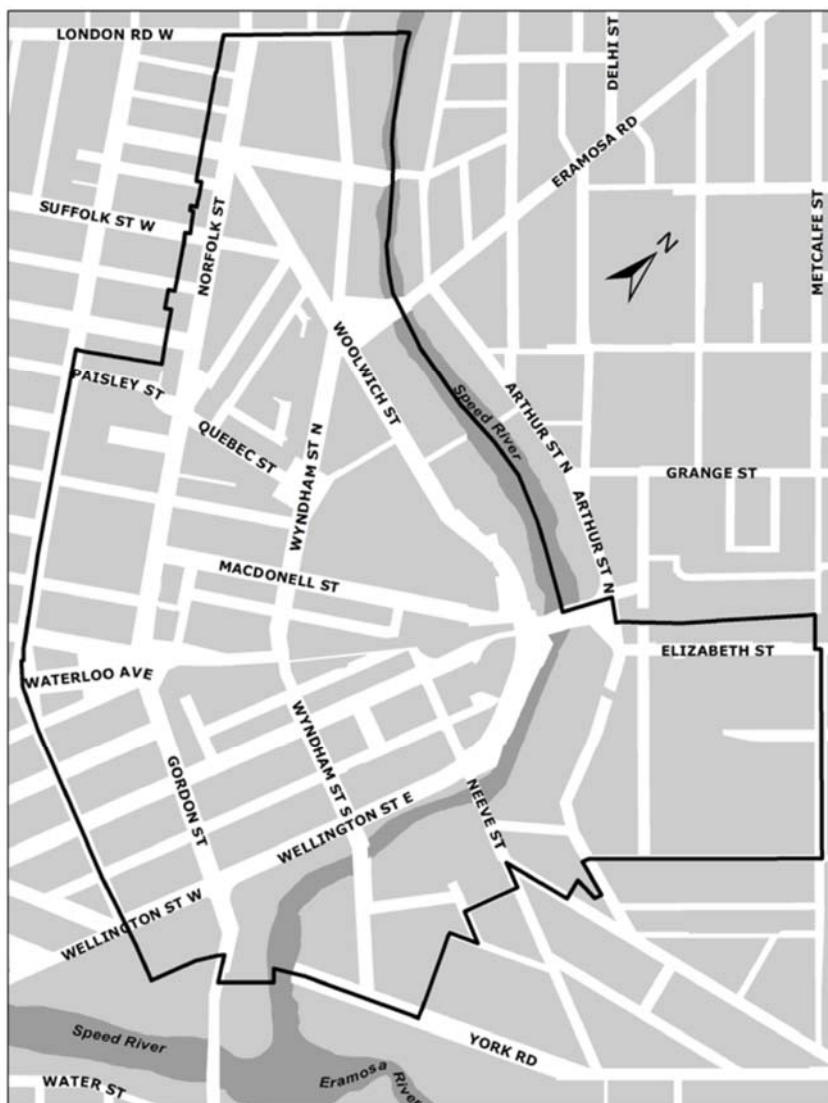


Figure 9: Downtown Secondary Plan Area

An amendment to Guelph's zoning bylaw came into effect in February 2019 for the majority of the Downtown Secondary Plan. This zoning bylaw amendment was initiated by the City in 2015 to update the zoning for downtown to align with the Downtown Secondary Plan. Generally the lands shown in green in the figure below were zoned as part of the downtown zoning bylaw amendment. Specific properties

were deferred from that amendment (75 Farquhar Street/70 Fountain Street, and 128/130 Macdonell Street) and other lands, those show as grey hatched were not included. The lands that were deferred, and the grey hatched lands, are included in the comprehensive zoning bylaw review.

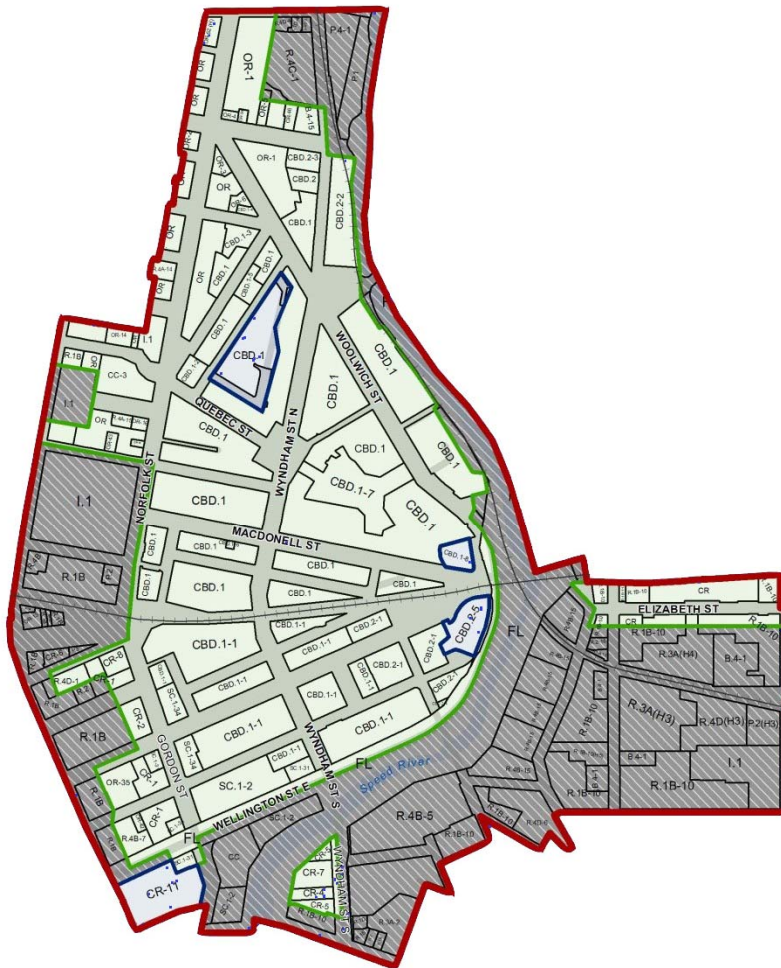


Figure 10: Downtown Lands within the Scope of the Comprehensive Zoning Bylaw Review

Additionally this chapter will review and provide options and recommendations for rules related to building materials within the downtown, and licensed establishments.

In this chapter we are seeking your thoughts on:

- The preliminary recommended zoning for lands designated Institutional or Office, Residential 1, Residential 2, Parks and Open Space, and Future Park Policy C

- Proposed rules for licensed establishments, including restaurants and nightclubs, and
- Proposed rules for building materials.

Specific questions related to these topics can be found in Section 11.6 as well as instructions for how to share your comments.

11.2 Current land use planning policies and zoning bylaw rules

11.2.1 Provincial policies

Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) contains policies regarding the planning of urban areas, which includes considerations of many things such as providing for an appropriate range and mix of housing types and densities, and efficiently using land and resources. The PPS does not provide direction on how urban areas should be zoned. It acknowledges that zoning bylaws are one important tool that should be used for the implementation of the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) identifies downtown Guelph as an urban growth centre. Urban growth centres are to be planned as a focal area for investment and should accommodate significant population and employment growth. While the Growth Plan does not provide specific direction to zoning bylaws, it references that zoning bylaws are important implementation tools to achieve the policies and density targets of the Growth Plan.

11.2.2 Guelph Official Plan – Downtown Secondary Plan

The Downtown Secondary Plan (DSP) (approved in 2012) guides future development within the City's downtown. The DSP includes land uses that are specific to the DSP and the Significant Natural Area land use that is used city-wide. The land use designations that are within the scope of the comprehensive zoning bylaw review are:

- Certain lands designated Institutional or Office
- Certain lands designated Parks and Open Space
- Future Park Policy Area C
- Significant Natural Area. See Chapter 7 for an overview of this land use
- Residential 1, and
- Residential 2.

Institutional or Office land use designation

There are five properties designated Institutional or Office, the Basilica of Our Lady Immaculate (Basilica), Central Public School, the Guelph Youth Music Centre, and two properties that were originally included in the downtown zoning bylaw amendment where a decision was not made. The Institutional or Office land use designation includes properties that are occupied by significant civic, cultural or

other public institutions or significant office buildings. The following uses are permitted:

- Offices, including medically related uses
- Entertainment and commercial recreation uses
- Community services and facilities
- Cultural, educational, civic and institutional uses
- Hotels
- Parks, including urban squares
- Other employment uses that are compatible with surrounding uses, and
- Complementary retail and service uses, including restaurants and personal services, and public parking.

Parks and Open Space land use designation

The Parks and Open Space land use designation within the DSP permits:

- Public and private recreational uses and facilities
- Parks
- Conservation lands, and
- Complementary uses, including cultural facilities.

Lands along the Speed River are also subject to floodplain policies and natural heritage system policies of the DSP and Official Plan.

Future Park Policy Area C land use designation

Future parks are conceptually identified within the DSP. The Future Park Policy Area C land use designation applies to lands along the Speed River east of Gordon Street and south of Wellington Street. These properties currently contain commercial uses. Future Park Policy Area C policies intend for these lands to eventually convert to parkland. Permitted uses on these lands include:

- Public and private recreational uses and facilities
- Parks
- Conservation lands
- Complementary uses, including cultural facilities, and
- Existing commercial plazas and associated uses including restaurants and offices. Similar commercial uses are also permitted. Major expansions and the addition of significant new uses are not permitted.

Residential 1 land use designation

There are approximately 189 properties designated in whole or in part Residential 1. The Residential 1 land use designation applies to portions of residential neighbourhoods that extend into downtown. They are mostly occupied by low-rise forms of housing including detached and semi-detached houses, townhouses, and apartment buildings. The intent of this land use is to maintain the character of these areas. The Residential 1 land use designation permits the same uses as the Low Density Residential land use designation in the Official Plan which includes detached, semi-detached, and duplex dwellings and multiple unit residential

buildings, including townhouses and apartments. Generally buildings heights are permitted between two storeys and four storeys. Building heights may be limited in the zoning bylaw to three storeys to ensure that new development is compatible with the surrounding neighbourhood.

The DSP acknowledges that some properties that are designated Residential 1 in the area east of the Speed River contain existing small-scale employment uses. These uses may be recognized in the zoning bylaw.

There are two properties that are designated Residential 1 that have permissions for additional uses. 5 Ontario Street is also permitted to have a free-standing office and 72 York Road is permitted to have the uses permitted by the Residential 1 land use at a medium density, which is 35 to 100 units per hectare.

Residential 2 land use designation

There are approximately 15 properties designated in whole or in part Residential 2. The Residential 2 land use designation applies to areas within the downtown where, based on location, size and configuration of properties, higher density forms of housing are appropriate. The following uses are permitted:

- Multiple unit residential buildings, including apartments and townhouse dwellings
- Convenience commercial uses not exceeding 500m²
- Artisan studios
- Small-scale offices, including medical offices, not exceeding 500m²
- Live/work uses
- Community services and facilities, and
- Parks, including urban squares.

Generally buildings are permitted at a density of 1.0 floor space index. Floor space index measures the amount of building area on the lot using a multiplier. In this case, buildings can be a maximum size of one times the lot area). Minimum and maximum building heights differ depending on the location and generally reflect the existing building heights.

The Residential 2 land use designation includes policies regarding the built form of buildings. These policies require that buildings taller than six storeys have a stepback, which requires that storeys above the sixth storey be set back farther from the edge of the storey below, that apartment buildings be limited in building length, and that apartments that are taller than four storeys have ground oriented units with front doors, such as townhouses.

Building materials policies

The DSP includes a policy stating that all buildings downtown should be finished with high quality, enduring materials such as stone, brick and glass. Materials that do not age well, including stucco, vinyl, exterior insulation finishing system, and highly reflective glass is discouraged and may be limited through bylaws.

11.2.3 Guelph's Zoning Bylaw

There are approximately 234 properties within the DSP that are within the scope of the comprehensive zoning bylaw review. These properties are currently zoned one or more of the following:

Table 60: Existing zoning of properties within the Downtown Secondary Plan

Existing zone name	Number of properties
Industrial (B.4)	5
Commercial Residential (CR)	3
Floodway (FL)	24
Educational, Spiritual and Other Services (I.1)	7
Office Residential (OR)	2
Conservation Land (P.1)	2
Neighbourhood Park (P.2)	3
Regional Park (P.4)	1
Residential Single Detached (R.1B)	176
Residential Single Detached (R.1D)	4
Residential Semi-Detached/Duplex (R.2)	7
Residential Townhouse (R.3A)	3
High Density Apartment (R.4B)	9
Central Business District Apartment (R.4C)	2
Infill Apartment (R.4D)	8
Service Commercial (SC.1)	3

Most of these zones are zones that are used throughout the city and not just downtown.

The zoning bylaw includes rules for licensed establishments, which includes bars, nightclubs, and restaurants. These rules were put in place in 2005 as a result of a 2003 Downtown Bar Zoning Study. The purpose of the Downtown Bar Zoning Study was to review the adequacy of zoning bylaw provisions for licensed establishments in the downtown. The zoning bylaw defines a licensed establishment as "means a place, including an arena, club, public hall, recreation centre, restaurant, tavern and the like that sells, provides or serves liquor pursuant to a licence issued by the Alcohol and Gaming Commission of Ontario or a successor agency/board thereto, but does not include a place for which only a special occasion permit or permits are issued, or a place owned or operated by the City."

The zoning bylaw defines a tavern as "means a place used or designed to be used for the gathering of persons in which liquor is offered for sale or sold and includes a bar, nightclub and the like and includes a restaurant in which liquor is offered for sale or sold beyond 12:01 a.m.".

The zoning bylaw rules for licensed establishments include:

- A maximum floor area of 230 square meters for the portion of the building that is used for the licensed establishment
- A maximum licensed capacity of 190 persons
- A licensed establishment may only locate on the first floor of a building, and
- Interconnections between adjacent licensed establishments are not permitted.

The zoning bylaw also includes rules for exterior building materials within the downtown. These rules require that any visible walls be constructed of transparent glass and coursed masonry or similar materials.

11.3 Review of municipal zoning trends

11.3.1 Methodology

When examining zoning trends in the chapter we were looking to understand what rules other municipalities had in zoning bylaws for licensed establishments and building materials. As the DSP land uses are the same or similar to those within the Official Plan, zoning trends were not reviewed specifically for DSP land uses. To answer these questions, municipalities that met the following criteria were examined:

- The municipality must be an Ontario municipality either with a new zoning bylaw that was approved between 2013 and 2019 or one with a new zoning bylaw in progress that has proceeded to a statutory public meeting between 2016 and 2019. A municipality with a zoning bylaw that is older than 2013 but where an amendment that dealt with rules for building materials or rules for licensed establishments could also be considered
- Although not required, priority was placed on municipalities that were on Guelph's municipal comparison list which also met the above criteria, and
- The zoning bylaw must contain rules for building materials and/or rules for licensed establishments.

The zoning bylaws that met the above criteria for licensed establishments and were reviewed were:

- The City of Waterloo
- The City of Mississauga, and
- The City of Barrie.

There were no zoning bylaws that met the above criteria for rules for building materials. However, the City of Hamilton's zoning bylaw contains proposed rules for building materials which were approved by Hamilton City Council but are not yet in effect. A summary of these rules is included in Section 11.3.2.

11.3.2 Summary of zoning trends

Licensed establishments

All the zoning bylaws reviewed differ in the way that they treat licensed establishments. None of the zoning bylaws reviewed have rules for all licensed establishments but all define and permit nightclubs. Nightclubs are a similar use to

Guelph's existing "tavern" use. No zoning bylaws reviewed use the term "tavern". Waterloo, Mississauga and Barrie have separate rules for nightclubs.

Table 61 summarizes the definitions of nightclub from the various municipal zoning bylaws reviewed.

Table 61: Waterloo, Mississauga, Barrie, and Kitchener's Zoning Bylaw Definitions of Nightclub

Municipality	Zoning bylaw nightclub definition
Waterloo	Means a building or part thereof used for commercial entertainment with an open floor area and where seating is not provided for the majority of patrons; the principal function of which is dancing to the pre-recorded or amplified music, viewing live musical performances, and or viewing other forms of live entertainment. Food and beverages may be offered for sale as an ancillary use. Excludes restaurant, banquet hall, auditorium, and adult entertainment parlour.
Mississauga	Means a building, structure or part thereof, used primarily for the provision of theatrical performances, pre-recorded music, or live musical entertainment, whether such pre-recorded or live music is provided for listening or dancing by the patrons, or any combination of the above functions, and whose secondary function is the sale and consumption on the premises of food and alcoholic beverages.
Barrie	Shall mean an establishment that provides alcoholic refreshments and dancing for any period of time during its hours of operation. This shall include establishments which for a majority of their operational hours function as restaurants and convert to offer alcoholic beverages and dancing after the dinner hour, late at night and into the early hours of the morning.

Waterloo, Mississauga and Barrie have minimum distance separations for nightclubs. A minimum distance separation is the distance that one use is required to be from another use. Waterloo requires that nightclubs be a minimum distance of 100 meters from any other nightclub. Mississauga requires that nightclubs be 800 meters from any residential zone. Barrie has both minimum distance separations requiring 200 meters from any residential zone and 200 meters from any other nightclub.

Mississauga and Barrie have a maximum sizes for nightclubs. Mississauga limits a nightclub to a maximum gross floor area, which is the maximum building area, of 1,115 square meters. Barrie limits their nightclubs to a maximum capacity, which is the maximum number of people in the building, of 600 persons except within their city centre revitalization area where the maximum capacity is 350 persons. This maximum capacity also applies to restaurants.

Building materials

The City of Hamilton's zoning bylaw contains proposed rules for exterior building materials within an area of their downtown called a "Heritage Character Zone". Where construction and/or alteration to the exterior walls of a building are proposed, the materials that may be used for the first three storeys are limited to brick, concrete panels, stone block/veneer/artificial stone, stucco, or metal and metal panels. For properties designated under the Ontario Heritage Act, alternative building materials may be permitted through an approved Heritage Permit.

11.4 Phase 1 community engagement – what we heard

As part of phase 1 community engagement we heard the following about downtown zones:

- Licensed establishments (bars/nightclubs) should have rules. There should be rules restricting access to liquor, and
- Consideration should be given to how outdoor patios are regulated.

11.5 Analysis, options, and recommendations

This section outlines options and preliminary recommendations for a new zoning bylaw about:

- The zoning that should apply to properties designated Institutional or Office, Residential 1, Residential 2, Parks and Open Space, and Future Park Policy C
- Rules for licensed establishments, including restaurants and nightclubs, and
- Rules for building materials.

The Downtown Secondary Plan, comments from phase 1 community engagement, and zoning trends were considered in the development of the options and preliminary recommendations put forward in this chapter.

11.5.1 Downtown Secondary Plan zoning

Institutional or Office lands

Preliminary recommendation: there are five properties designated Institutional or Office that were not zoned as part of the downtown zoning bylaw amendment. These include the Basilica of Our Lady Immaculate (Basilica), Central Public School, the Guelph Youth Music Centre, 75 Farquhar Street/70 Fountain Street, and 128-130 Macdonnell Street. It is recommended that the Basilica and Central Public School be zoned the same institutional zone as places of worship and schools sites city-wide. These sites are an important part of the City's institutional land base. Continuing to recognize and permit them in a new zoning bylaw will help to ensure that they are retained.

Additionally it is recommended that the Guelph Youth Music Centre be zoned D.3. This zone will continue to permit the range of retail, service, and office uses that exist on this property and is consistent with the Institutional/Office land use designation. Portions of this property are also within a floodplain. This portion of the property is proposed to be zoned the same as the rest of the city's floodplain areas.

Finally, it is recommended that the two properties that were originally included in the downtown zoning bylaw amendment where a decision was deferred, 75 Farquhar Street/70 Fountain Street, and 128-130 Macdonnell Street, be zoned D.3-2. This was the zone that was recommended through the downtown zoning bylaw amendment. This proposed zoning is consistent with the Downtown Secondary Plan.

Residential 1 lands

Option 1 (preliminary recommendation): It is recommended that the preliminary recommendation for the low density residential lands, as described in Chapter 4, also apply to lands designated Residential 1. This is similar to the existing zoning for these properties and will reduce the number of zones within a new zoning bylaw. Properties that are currently zoned for and have existing small-scale employment uses are recommended to be zoned residential with a site specific provision to recognize the existing employment use. This option is consistent with the policies of the DSP.

Additionally, it is recommended that properties that are currently zoned to permit neighbourhood scale commercial or institutional uses, which are currently zoned commercial residential (CR) or educational, spiritual and other services zone (I.1), continue to be zoned to permit neighbourhood scale commercial or institutional uses. An updated convenience commercial (C.1) zone or educational, spiritual and other services zone (I.1) is recommended to apply to these properties. This will reduce the number of zones within a new zoning bylaw and will ensure that these neighbourhood commercial and institutional uses are retained.

Option 2: This option is the same as option one but includes a site specific provision for residentially zoned lands to permit a maximum building height of four storeys. Although the DSP permits building heights up to four storeys, additional policies require that new development generally maintain the character of these areas. Zoning the residential properties with permissions for building heights of a maximum of four storeys does not take into consideration, in all cases, compatibility with adjacent properties.

Residential 2 lands

Option 1 (preliminary recommendation): It is recommended that a medium density residential zone that is proposed city-wide also apply to the properties designated Residential 2. There are approximately 15 properties that are designated Residential 2. These properties are either already developed, are under development, or have special policies within the DSP that apply which would require site specific considerations. For these reasons a new zone to implement this land use is not recommended. A series of site specific provisions or other appropriate zoning rules are recommended to permit the heights and densities that are permitted for these lands in accordance with the DSP. This option reduces the number of zones within a new zoning bylaw, permits the range of residential uses contemplated within the land use designation, and recognizes the differences between this land use designation and the medium density residential Official plan land use, which is height and density.

Option 2: The option includes a new medium density residential zone that would apply to lands designated Residential 2. This zone would permit the residential uses and non-residential uses allowed by the Residential 2 land use designation within one zone. As mentioned in option one, there are only approximately 15 properties that are designated Residential 2, some of which are subject to special policies that will require site specific zoning to implement the DSP directions. This option would create an additional zone that would still require site specific zoning rules. However, this option would permit non-residential uses on these properties without the need for an amendment to the zoning bylaw.

Parks and Open Space lands

Preliminary recommendation: It is recommended that the same zones that are recommended to implement the Parks and Open Space land use across the City be used within the downtown. This will reduce the overall number of zones in a new zoning bylaw and will align with the Parks and Open Space policies in the DSP. See Chapter 7 for detailed recommendations on zoning for the Parks and Open Space land use designation.

Future Park Policy Area C lands

Preliminary recommendation: To align with the policies in the DSP, it is recommended that an area specific commercial zone apply to these lands that will permit existing commercial uses and open space and parks uses. A rule is also recommended that will ensure that there are no major expansions to existing buildings permitted.

Significant Natural Area lands

Preliminary recommendation: It is recommended that the same zones that are recommended to implement the Significant Natural Areas land use across the city be used within the downtown. This will reduce the overall number of zones in a new zoning bylaw and provide consistency with the way that the significant natural areas of the City are zoned. See Chapter 7 for detailed recommendations on zoning for the natural heritage system.

11.5.2 Rules for licensed establishments

Since 2005, when the zoning rules for licensed establishments were put in place, downtown has seen a shift in its core function. Downtown Guelph has seen a reduction in larger nightclubs and has seen growth in its retail and restaurant sectors. There may not be the need to regulate licensed establishments for the same purpose as there was in 2005.

The objectives of the DSP include expanding the role of downtown as a retail, dining and entertainment destination and encouraging small and mid-sized business to locate in downtown. Additionally, downtown is planned to accommodate a significant share of Guelph's future population. There may be benefit in retaining rules for licensed establishments to ensure that there continues to be a mix of

commercial and residential uses within downtown. Retaining rules for licensed establishments will help to ensure that the desired mix of uses continues.

Preliminary recommendation: It is recommended that the existing maximum gross floor area of 230 square meters be retained. The maximum size of licensed establishments was determined to be appropriate through the 2003 Downtown Bar Zoning Study as it represented the largest restaurant at that time. This is still true today. It is also recommended that the existing rules that prohibit interconnections between licensed establishments be retained. This rule ensures that adjacent licensed establishments are operating as individual units maintaining the intent of the maximum gross floor area rules.

It is also recommended that the maximum occupancy be deleted. Typically zoning bylaws have rules for the maximum gross floor area or maximum occupancy but not both. Some zoning bylaws don't have any rules for the size of the licensed establishment. Typically zoning bylaws have rules for the size of uses by establishing a maximum gross floor area. This is a recommended approach for other uses and zones in a new zoning bylaw for Guelph. For these reasons it is recommended that the maximum occupancy rule be deleted and the maximum gross floor area be retained.

Additionally it is recommended that the existing rule that restricts licensed establishments to only the first storey of a building be modified to allow for these uses on any storey of a building as long as there are no residential uses located on that same storey or any storey below it. Modifying this rule provide flexibility for the location of uses while still ensuring that licensed establishments are not located directly adjacent to residential uses.

Finally, it is recommended that the existing tavern use be replaced with a nightclub use and that no reference to the time that liquor is served be included within the definition. This is consistent with zoning trends. Additionally, the preliminary recommended rules for licensed establishments are sufficient to ensure that licensed establishments are not the predominant use within downtown. Referencing the time that liquor is served is redundant.

11.5.3 Rules for building materials

Preliminary recommendation: It is recommended that the existing rule regarding building materials for buildings within the downtown be retained. The DSP includes a policy stating that all buildings downtown should be finished with high quality, enduring materials such as stone, brick and glass. Retaining the existing zoning rule is consistent with the DSP.

11.6 Questions for You

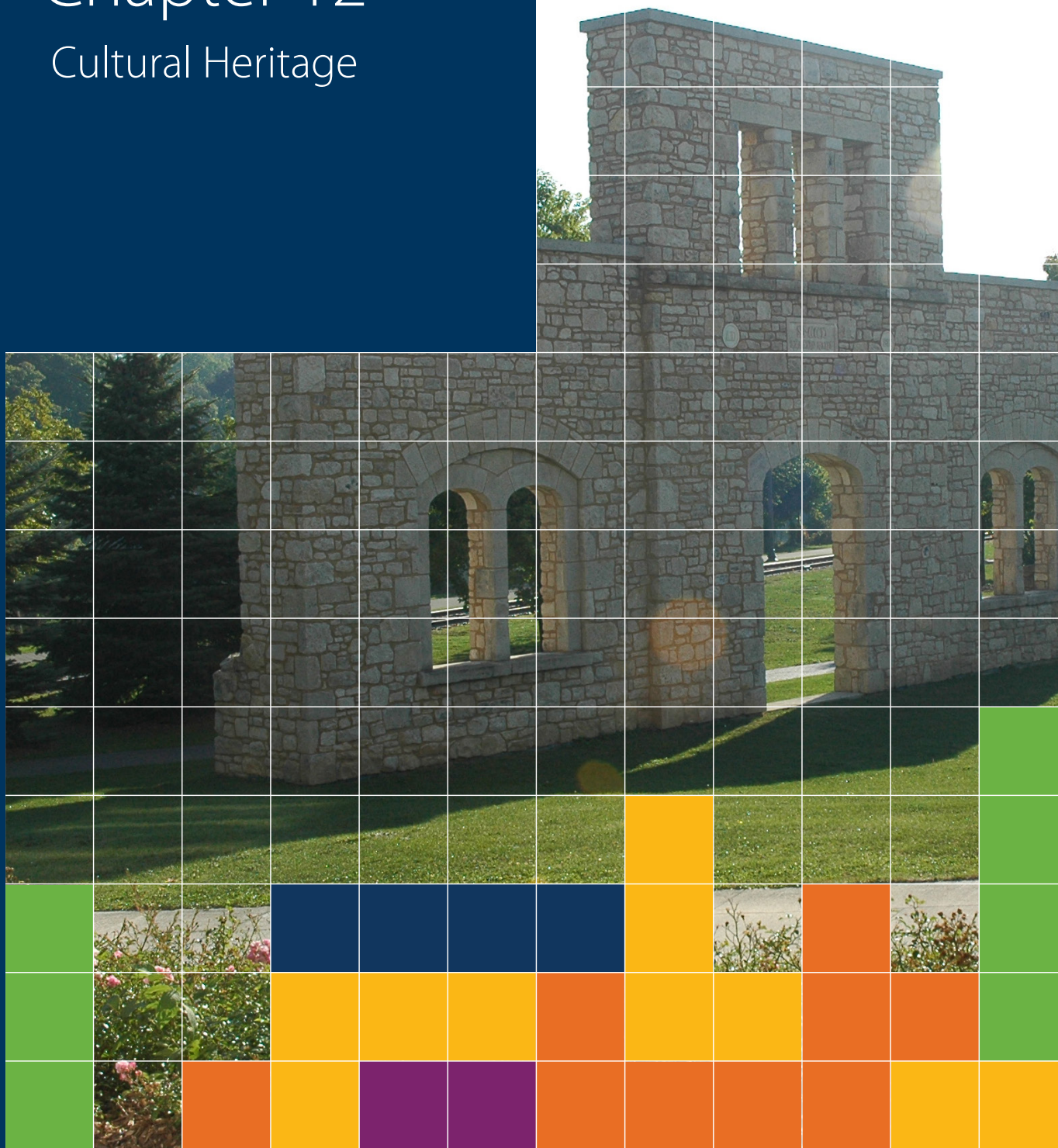
1. Staff has recommended zoning for properties designated Institutional or Office. What are your thoughts on the recommendation?
2. Staff has proposed options for zoning properties that are designated Residential 1 and Residential 2. What are your thoughts on the proposed approach?

3. Staff has recommended zoning for properties designated Parks and Open Space, and Future Park Policy Area C. What are your thoughts on the recommendations?
4. Do you agree or disagree with the preliminary recommended rules for licensed establishments' downtown? Why or why not? Are there other rules that should be considered?
5. Do you agree or disagree that the existing rules for building materials should be retained? Why or why not?
6. What other comments do you have about downtown zoning?

You can share your comments with us in person at an upcoming workshop in November 2019. For a full listing of workshop events and information about how to register please visit our [website](#). As of November you can also share your comments online through our [online engagement platform](#) or via [email](#).

Chapter 12

Cultural Heritage



12.0 Cultural heritage

12.1 Introduction

This chapter provides an overview of the policy framework (provincial and local) for the cultural heritage resources. Zoning bylaws in other municipalities are reviewed to understand emerging trends. Options and recommendations for a new zoning bylaw are explored.

In this chapter we are seeking your thoughts on:

- How a zoning bylaw can be used to conserve cultural heritage resources and when it may be appropriate to use zoning for this purpose
- How the maximum building height recommendations for the Brooklyn and College Hill Heritage Conservation District should be implemented in a new zoning bylaw, and
- Whether the elevation data used to formulate the protected view area rules for the Basilica of Our Lady should be verified.

Specific questions related to these topics can be found in section 12.6 as well as instructions for how to share your comments.

12.2 Current land use planning policies other Guelph standards and studies, and zoning bylaw rules

12.2.1 Provincial policies

Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) recommends that long term economic prosperity should be supported by encouraging a sense of place, by promoting well-designed built form and cultural planning. It provides direction for the conservation of significant built heritage resources and significant cultural heritage landscapes. Development shall not be permitted on lands adjacent to protected heritage properties unless it has been evaluated and demonstrated that the heritage attributes will be conserved.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) contains policies that are similar to the PPS regarding conservation of cultural heritage resources that contribute to a sense of identity, support a vibrant tourism industry, and attract investment based on cultural amenities. The Growth Plan encourages growth that protects and maximizes the benefits of these resources that make communities unique and attractive places to live.

12.2.2 Guelph Official Plan and Downtown Secondary Plan

The City of Guelph Official Plan recognizes the importance of built heritage resources, cultural heritage landscapes and archaeological resources. It also

provides a policy framework to allow a zoning bylaw to implement rules for the protection of cultural heritage resources. The city's urban design policies recognize and provide direction for landmarks, public views, and public vistas including the Basilica of Our Lady. The Downtown Secondary Plan further recognizes the existing protected view areas of the Basilica of Our Lady and identifies that the zoning bylaw should precisely define and protect these views.

12.2.3 Brooklyn and College Hill Heritage Conservation District

The Brooklyn and College Hill Heritage Conservation District Plan (HCD) came into effect on November 30, 2015. The HCD provides guidance in the management, care and protection of the heritage character the area, notably the Speed and Eramosa riverscapes and associated open space, the Gordon Street corridor and residential areas of Brooklyn and College Hill. The HCD reviewed the existing zoning bylaw rules and the objectives for the HCD and determined that there were no major conflicts, with the exception of building heights. Based on this review the HCD recommended a maximum three storey and nine meter building height across the area.

12.2.4 Cultural Heritage Action Plan

The city is developing a Cultural Heritage Action Plan (CHAP) to create an implementation framework for cultural heritage resource policies of the Official Plan. The primary purpose of the draft CHAP is to identify cultural heritage landscapes (CHLs) and to recommend priority candidate CHLs for protection. The CHAP also recommends financial incentives and promotional efforts to assist in the conservation of all designated cultural heritage resources. The draft CHAP identifies 29 cultural heritage landscapes in the city that are candidates for protection and has identified methods to conserve the heritage character of them. The draft CHAP identifies the zoning bylaw as a tool to have rules about building height, front/rear/side yard setbacks and lot coverage, with an intent to better define the character and protection of the City's cultural heritage resources.

12.2.5 Guelph's Zoning Bylaw

Defined area map 63 and Section 4 (General Provisions) of Guelph's zoning bylaw has rules for the maximum geodetic elevation, which establishes maximum building heights, within five protected view areas of the Basilica of Our Lady Immaculate (Basilica). No part of any building or structure constructed within any of the protected view areas shall exceed the elevations specified. The intent of the protected view areas are to preserve identified views of the Basilica as people are travelling towards the downtown along major streets.



The Zoning Bylaw also provides a parking incentive under the General Provisions; designated structures are permitted to have a 20% reduction in the number of required parking spaces, to a maximum of 5 parking spaces.

12.3 Review of municipal zoning trends

12.3.1 Methodology

When examining zoning trends for this chapter, we were looking to understand whether municipalities are using zoning bylaws as a tool for the conservation of cultural heritage resources and landscapes. To answer this question municipalities that met the following criteria were examined:

- The municipality must be an Ontario municipality either with a new zoning bylaw that was approved between 2013 and 2019 or one with a new zoning bylaw in progress that has proceeded to a statutory public meeting between 2016 and 2019. A municipality with a zoning bylaw that is older than 2013 but where an amendment that dealt comprehensively with cultural heritage could also be considered
- Although not required, priority was placed on municipalities that were on Guelph's municipal comparison list which also met the above criteria, and
- The municipality must have at least one heritage conservation district, have considered cultural heritage rules in zoning, or have completed a cultural heritage landscape study.

The zoning bylaws that met this criteria and were reviewed were:

- The City of Cambridge
- The City of Kitchener, and
- The City of Burlington

12.3.2 Summary of zoning trends

The zoning bylaws reviewed, with the exception of Ottawa, do not contain specific rules for built heritage resources or cultural heritage landscapes. As none of these zoning bylaws contained specific rules regarding cultural heritage, Ontario zoning bylaws that were older than 2013 in municipalities that have a heritage conservation district or have completed a cultural heritage landscape study were reviewed. Only the City of Ottawa's zoning bylaw contains rules specifically for cultural heritage resources.

Ottawa's zoning bylaw includes a heritage overlay that applies to most designated heritage properties and districts. Generally the overlay:

- Requires a removed or destroyed building to be rebuilt with the same character and at the same scale, massing, volume, floor area, and in the same location as the building that previously existed
- Requires that additions not locate in a front yard and do not exceed the height of existing buildings
- Provides for different setbacks for additions, and
- Provides for parking exemptions.

Ottawa planning staff have noted challenges with the heritage overlay advising that it is too restrictive and has caused many minor variances and legal non-conforming situations.

12.4 Phase 1 community engagement – what we heard

As part of phase 1 community engagement, we heard the following about cultural heritage:

- There are challenges with the interpretation and implementation of the existing rules for the protected view areas for the Basilica.

Appendix A contains a summary of all comments from the phase 1 community engagement, including staff responses.

12.5 Analysis, options, and recommendations

This section outlines preliminary recommendations for incorporating rules about cultural heritage resources in a new zoning bylaw. Preliminary recommendations are considered for:

- Cultural heritage conservation in general
- Building heights in the College and Brooklyn Heights Heritage Conservation District, and
- The existing protected view areas of the Basilica.

12.5.1 Implementing cultural heritage landscapes in zoning

Preliminary recommendation: It is recommended that there be no specific rules for cultural heritage resources or landscapes as part of a new zoning bylaw at this time. It is recommended that rules related to cultural heritage landscapes (CHLs) be considered once individual studies have been completed. The Cultural Heritage Action Plan (CHAP) identifies a list of candidate CHLs to be studied and conserved as appropriate. A zoning bylaw amendment could occur after the individual studies have been completed to implement area specific recommendations if needed. This approach allows additional work outlined in the CHAP to occur. It also ensures that zoning, which is only one tool that can be used for cultural heritage conservation, is assessed and evaluated for all identified CHLs as they are studied further.

12.5.2 Implementing the Brooklyn and College Hill Heritage Conservation District

Preliminary recommendation: It is recommended that an area specific rule be included in a new zoning bylaw that establishes a maximum building height of nine metres and three storeys for the entire heritage conservation district. This ensures that the recommendations on building height from the Brooklyn and College Hill Heritage Conservation District plan are implemented in a new zoning bylaw.

12.5.3 Protected view areas

Preliminary recommendation: It is recommended that the existing rule for the five protected view areas of the Basilica be retained. Retaining this rule ensures

conformity with the Official Plan and Downtown Secondary Plan. It is further recommended that the existing elevations within the protected view areas be verified for technical accuracy to ensure that the intent of the rule, which is to provide for and protect identified views of the Basilica from specific vantage points, are maintained.

12.6 Questions for you

1. Staff are recommending that general rules not be included in a new zoning bylaw to conserve cultural heritage landscapes at this time. It is recommended that the additional studies occur first. Do you agree or disagree with this recommendation? Why or why not?
2. Do you agree or disagree with the recommended zoning rule for maximum building heights within the Brooklyn and College Hill Heritage Conservation District (HCD)? Why or why not? Are there other ways that the maximum building height recommendation from the HCD could be implemented in zoning?
3. To comply with the Official Plan and Downtown Secondary Plan, it is recommended that the existing rules for the five existing view areas of the Basilica be retained. Do you agree or disagree with this recommendation? Why or why not? If you agree that the rules for the existing view areas should be retained, what are your thoughts on verifying the existing elevation data in these rules for technical accuracy?
4. What other comments do you have about the topics covered in this chapter?

You can share your comments with us in person at an upcoming workshop in November 2019. A full listing of workshop events and information about how to register will be available on our [website](#) in early November 2019. As of November you can also share your comments online through our [online engagement platform](#) or via [email](#).

Chapter 13

Other Existing Zones— Urban Reserve and Aggregate Extraction



13.0 Other existing zones – Urban Reserve and Aggregate Extraction

13.1 Introduction

This chapter provides an overview of the planning policy framework (provincial and local) for the Urban Reserve and Aggregate Extraction zones within the city's existing zoning bylaw. These zones are compared to relevant Official Plan policies and land uses to understand where changes are required to conform to these policies within a new zoning bylaw. Unlike other chapters, zoning bylaws in other municipalities are not reviewed in the chapter. The Official Plan provides specific direction for the use of an urban reserve zone, and the preliminary recommendation for the aggregate extraction zone did not require the review of other zoning bylaws. Preliminary recommendations are explored.

In this chapter we are seeking your thoughts on:

- How best to use an urban reserve zone, or similar zone, to implement the Official Plan urban reserve policies and Urban Reserve land use designation.

Specific questions related to this topic can be found in section 13.5 as well as instructions for how to share your comments.

13.2 Current land use planning policies and zoning bylaw rules

13.2.1 Provincial policies

Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) contains policies regarding the planning of urban areas, which include considerations for many things, such as providing for an appropriate range and mix of housing types and densities and efficiently using land and resources. The City's Reserve Lands land use designation includes the City's newest urban areas. The PPS does not provide direction on how urban areas should be zoned. It acknowledges that zoning bylaws are one important tool that should be used for implementation of the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

While A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) does not provide specific direction to zoning bylaws, it references that zoning bylaws are important implementation tools to achieve the policies and density targets of the Growth Plan.

13.2.2 Guelph Official Plan

Urban Reserve policies

The Official Plan contains a specific policy that outlines the use of an urban reserve zone. It provides for an urban reserve zone, or other suitable zone, to apply to

lands when there is insufficient information to determine a specific zoning category, such as lands designated Urban Reserve, or where the development of the lands is considered premature because of lack of adequate services. A description of the Urban Reserve land use designation is within Chapter 10.

Mineral aggregate operation land use designation

There are lands south of the Speed River, west of the Hanlon Expressway, and north of College Avenue in the city that are within the licensed area of an existing mineral aggregate operation. These lands are designated Reserve Lands in the Official Plan. There is no aggregate extraction land use within the Official Plan.

13.2.3 Guelph's Zoning Bylaw

Urban Reserve zone

The existing zoning bylaw contains an urban reserve zone that applies to 168 properties either in whole or in part. This zone permits:

- Agriculture
- Conservation areas
- Flood control facilities
- Outdoor sportsfield facilities
- Recreation trails, and
- Wildlife management areas.

Within the urban reserve zone there are rules for building setbacks, and the location of parking.

Aggregate Extraction zone

The existing zoning bylaw contains an aggregate extraction zone that applies to one property. This property is located on Stone Road East and is no longer used for aggregate operations. The aggregate extraction zone permits aggregate extraction operations and storage areas. It prohibits an aggregate transfer stations, and asphalt and concrete plants. Interim uses are also permitted where an aggregate extraction operation has not been developed. These interim uses include, but are not limited to, golf courses, conservation areas, and trails. Setbacks to buildings and aggregate storage areas are required, and buffer strips are required around the property.

13.3 Phase 1 community engagement – what we heard

As part of phase 1 community engagement there were no comments received about major utility uses, or rules. Appendix A contains a summary of all comments from the phase 1 community engagement, including staff responses.

13.4 Analysis, options, and recommendations

This section outlines preliminary recommendations for a new zoning bylaw about the existing urban reserve zone and aggregate extraction zone. The Official Plan was considered in the development of the preliminary recommendations.

13.4.1 Urban reserve zone

Preliminary recommendation: It is recommended that an urban reserve zone be retained and that it apply to lands where additional planning work is required, such as the lands designated Reserve Lands in the Clair-Maltby Secondary Plan area and the block plan areas of the Guelph Innovation District Secondary Plan area. Additionally, it is recommended that an urban reserve zone apply to lands where servicing is not yet available, with the exception of lands designated high density residential. For recommendations for lands designated high density residential, please see chapter 4. An urban reserve zone is contemplated by the Official Plan which provides for its use for the above-motivated reasons. All lands that are currently zoned urban reserve will be reviewed to determine if the lands should remain zoned urban reserve or whether a zone that aligns with the Official Plan land use designations is now appropriate.

13.4.2 Aggregate extraction zone

Preliminary recommendation: As there is no aggregate extraction Official Plan land use designation, it is recommended that the aggregate extraction zone be deleted.

13.5 Questions for You

1. In consideration of the Official Plan policies for an urban reserve zone, do you agree or disagree with the preliminary recommendation for the use of an urban reserve zone in a new zoning bylaw? Why or why not?
2. What other comments do you have about the topics covered in this chapter?

You can share your comments with us in person at an upcoming workshop in November 2019. A full listing of workshop events and information about how to register will be available on our [website](#) in early November 2019. As of November you can also share your comments online through our [online engagement platform](#) or via [email](#).

Chapter 14

Conclusions and Next Steps



14.0 Conclusions and next steps

14.1 Conclusions

The discussion paper reviews Guelph's Official Plan as well as any relevant local or provincial policies, regulations, or guidelines. Each chapter explores trends in zoning by reviewing relevant zoning bylaws selected through a set of criteria. Based on a review of policies and zoning trends, and in consideration of input gathered through phase one community engagement, each chapter provides a series of options and preliminary recommendations for zoning related to that topic.

The options and preliminary recommendations put forward in this discussion paper align a new zoning bylaw with the Official Plan. This will ensure that there are rules in place for all properties within Guelph providing certainty to property owners, neighborhoods, and the development community. The preliminary recommendations will also create a new zoning bylaw that is streamlined, such as providing broader categories of uses and fewer zones, transparent and built form oriented.

14.2 Next Steps

In November, staff will hold a series of workshops to discuss the options and preliminary recommendations outlined in this discussion paper as well as the recommendations from the [Guelph Parking Standards Review Discussion Paper](#). Each workshop will focus on one specific zoning topic, such as zoning for residential areas or parking standards and driveway rules. The content discussed at these in-person workshops will also be made available for online discussion through the City's [online engagement platform](#).

The preliminary recommendations from this discussion paper and the Guelph Parking Standards Review Discussion Paper, together with comments received through community engagement will be considered as part of the preparation of a first draft new zoning bylaw.

Attachment A – Summary of phase one community engagement comments

General comments

Comment	Preliminary staff response
Language of Zoning By-law is hard to understand and interpreting regulations are difficult, reduce the need for cross-referencing.	A new zoning bylaw will include fewer zones, and be restructured to provide for ease of reading. Purpose statements will be included for each zone to clearly identify the zone's intent. Illustrations will be used for certain terms and rule to assist with explanations. A user's guide will also be prepared as a companion to a new zoning bylaw to explain to readers how to use the zoning bylaw. See Chapter 3 for more information.
Regulations surrounding the 2 Year Moratorium	It is recommended that generally no amendments be permitted to the new zoning bylaw for a period of two years following Council's approval. This option does not preclude Council from considering site specific exemptions to this moratorium. See Chapter 3 for more information.
Provide greater flexibility and eliminate variances that are being processed due to the fact that existing zoning by-law provisions are outdated - ie. Variances that are required for separation distances between buildings were one or both have windows to habitable rooms	All existing zoning rules have been reviewed and, where recommended will be updated based on Official Plan conformity and zoning trends. Additionally, minor variances for the past five years have been reviewed and will be considered as a new zoning bylaw is written. See Chapter 3 for more information on the minor variance analysis that we conducted as part of this discussion paper
Implement the OP land use designations. Pre-zoning sites for development will make housing more affordable and is encouraged	The primary purpose of the comprehensive zoning bylaw review is to produce a new zoning bylaw that aligns with the Official Plan. Throughout the discussion paper are recommendations on new or updated zones to better align the City's zoning bylaw with its Official Plan.
Provide more flexibility with permitted uses in site specific zones. Allow these zones to take on full range of permitted uses from the parent zone it belongs to unless it went through an OMB or LPAT settlement.	Generally, it is recommended that broader categories of uses be permitted to provide for flexibility. Additionally, new uses are proposed to permit uses that have been occurring through site specific zoning.

Comment	Preliminary staff response
Site specific zones which resulted from a zoning by-law amendment application to be recognized going forward	All existing specialized zones will be reviewed as part of the development of a new zoning bylaw. Each existing specialized zone will be evaluated together with the Official Plan and draft new zones to determine whether it should be retained, deleted, or modified. The key determining factor will be whether or not the specialized zone conforms to the Official Plan. See Chapter 3 for more information.
Uses permitted in a land use designation in the OP should be reflected in the zoning by-law. Each zone should clearly state the land use designation it applies to, this will reduce incorrect interpretation	The new Zoning Bylaw will provide purpose statements for each zone to clearly indicate the intent of each zone and how each zone connects to the relevant official Plan land use designation.
Zoning by-law terminology and uses need to be updated to align with recent changes in the development industry	All definitions in the existing zoning bylaw have been reviewed and considered together with the Official Plan and zoning trends. Recommendations for each existing definition and new terms to be included are within Appendix B to the discussion paper.
Use colour for zoning regulations and permitted uses	Several options were considered about how a new zoning bylaw could be easier to read and understand. It is recommended that a new zoning bylaw include fewer zones, and that it be restructured to provide for ease of reading. Purpose statements will be included for each zone to clearly identify the zone's intent. Illustrations will be used for certain terms and rule to assist with explanations. A user's guide will also be prepared as a companion to a new zoning bylaw to explain to readers how to use the zoning bylaw. See Chapter 3 for more information.
The Holding Provisions zone in the by-law needs to be condensed and made more clear	It is recommended that a separate section be created for holding provisions to provide clarity and ease of reading of the zoning bylaw. See Chapter 3 for more information.
The general sightline triangle regulations are antiquated and contradict urban design efforts	It is recommended that a new zoning bylaw contain rules for sight line triangles. These rules will be updated for clarity and to ensure that they do not conflict with other

Comment	Preliminary staff response
	existing or proposed zoning bylaw rules. Clarification will also be provided on how to measure a sight line triangle.
Simplify current terms and definitions i.e. too many terms and definitions for the vehicle related uses	All definitions in the existing zoning bylaw have been reviewed and considered together with the Official Plan and zoning trends. Recommendations for each existing definition and new terms to be included are within Appendix B to the discussion paper.
Bring lands in the Puslinch zoning into the Guelph By-law;	It is recommended that all lands that are currently zoned within the Puslinch zoning bylaw be zoned to align with the Official Plan.
Complete a Minor Variance analysis for the last 10 years to identify any trends that are occurring	A minor variance analysis was conducted for all approved Committee of Adjustment applications from 2014 to 2018. For a summary of this analysis please see Chapter 3.
Properties that don't have a land use designation should have zoning that recognizes existing use	All properties within the City have an Official Plan land use designation. In some cases some properties are designated "Reserve Lands". This land use means that additional studies or secondary planning processes are required before urban land uses can be determined. Generally, lands that are designated "Reserve Lands" are recommended to be zoned urban reserve. This zone will permit legally existing uses.
Zoning infractions should be significant	The Planning Act provides for the ability to charge and collect fines for violations. It is not within the scope of this project to review the amount that is collected for zoning violations.
Permit temporary sales trailers as of right to avoid variances	It is recommended that temporary sales trailers be included as an occasional/temporary use.
Engineering standards that are not in zoning - 7 meter drive aisle - driveway visibility triangle zoning different than engineering;	It is recommended that the Site Plan Procedures and Guidelines continue to be used to provide direction for drive aisle requirements within the City of Guelph. Drive aisle dimensional requirements are defined in Section 6.0 Vehicle Parking Design of the Site Plan Procedures and Guidelines.

Comment	Preliminary staff response
	We note that these dimensions generally align with those of comparable municipalities based on our review. Please see the Guelph Parking Standards Review Discussion Paper for more information.
Review definitions and uses to consolidate uses that are out-dated	Uses in all zones were reviewed and assessed. Recommendations to consolidate certain uses into broader categories of uses are recommended. Additionally, uses that are no longer relevant are recommended to be deleted.
Current regulation for maximum number of dwelling units is hard to understand	Thank you for your comment. Regulations for maximum number of dwelling units will be further considered as a new zoning bylaw is developed.
Heights and densities of zones to be aligned with Official Plan land use designations	The primary purpose of the comprehensive zoning bylaw review is to produce a new zoning bylaw that aligns with the Official Plan. Throughout the discussion paper are recommendations on new or updated zones to better align the City's zoning bylaw with its Official Plan included recommended heights and densities.
provide more clarity on definitions	Most definitions are recommended to be updated to reflect direction in the Official Plan and/or zoning trends. Some definitions are recommended to be deleted as they are no longer necessary.
make zone boundaries more clear	The rules for zoning boundaries are recommended to be updated to provide clarity in how to interpret a boundary
Size regulations for accessory apartments	To comply with recent amendments to provincial legislation it is recommended that an accessory dwelling (accessory apartment) be permitted in any zone that permits a single detached, semi-detached, and on-street townhouse dwelling. It is further recommended that accessory dwellings be permitted in both the same building as the other dwelling unit and in a separate building on the same lot. Rules for maximum dwelling size, setbacks, and direct

Comment	Preliminary staff response
	access from the street are also recommended. Please see Chapter 3 for more information.
Provide definition for retirement home, nursing home and assisted living	It is recommended that a new use, long term care facility, be included in a new zoning bylaw. This use would replace the existing nursing home use and home for the aged use and will include an assisted living facility. Additionally it is recommended that a retirement residential facility continue to be permitted.
Make zoning bylaws more flexible. Rank zones by impact on ecosystems and surrounding neighbourhoods	Several options were considered about how a new zoning bylaw could be easier to read and understand. It is recommended that a new zoning bylaw include fewer zones, and that it be restructured to provide for ease of reading. Purpose statements will be included for each zone to clearly identify the zone's intent. Illustrations will be used for certain terms and rule to assist with explanations. A user's guide will also be prepared as a companion to a new zoning bylaw to explain to readers how to use the zoning bylaw. See Chapter 3 for more information.

Residential Comments

Comment	Preliminary staff response
Recognize that current requirements for Common Amenity, Private Amenity and Landscaped Open Space Areas are excessive. New ZBL should update these zoning regulations to reflect a reduced, more urban size and location requirements	It is recommended that the current rules for common and private amenity area be retained. Additionally, it is recommended that the rules for landscape open areas be retained. Additionally, it is recommended that a green roof be allowed to contribute to a portion of the landscape open space requirements.
Encourage development of stacked townhouses, will help meet the housing requirements of the aging population	A new zone is recommended that would allow for stacked townhouse dwellings, stacked townhouse dwellings, and back-to-back townhouse dwellings.
Accessory apartment parking standards	To comply with recent amendments to provincial legislation, a minimum parking rate of 1 space per accessory dwelling is recommended. This parking space will be allowed to locate in tandem. Please see Chapter 3 for more information.
Reduce development charges for coach houses	Review of development charges is not within the scope of the comprehensive zoning by-law review.
Servicing requirements for coach houses	Coach houses are not recommended to be a use in a new zoning bylaw. An accessory dwelling will be permitted to locate in a detached building on a lot which is essentially the same use as a coach house. Requirements for servicing a detached accessory dwelling are determined by City Engineering.
Garbage Dimensions - storing garbage bins	It is recommended that interior garage dimensions be increased to accommodate for refuse storage. Please see the Guelph Parking Standards Review Discussion Paper for more information.
Home based business regulations are good	Thank you for your comment.
Concerned about variances to 460 sq. m lot size R1.B	New residential zones are proposed to implement the low density residential Official Plan land use designation. Two zones are proposed with different minimum lot frontages

Comment	Preliminary staff response
	that would permit single detached, duplex and semi-detached dwellings. The minimum lot areas are recommended to remain the same. See Chapter 4 for more information.
Townhouse driveways - ability to park side by side, others seem to be able to	The current driveway width rules are recommended to be retained. Please see the Guelph Parking Standards Review Discussion Paper for more information.
Lodging houses and accessory apartments	<p>It is recommended that the definitions of dwelling unit and lodging unit be clarified to distinguish between a single detached dwelling (for example) and a lodging house. The existing uses of 'lodging house type 1' and lodging house type 2' are recommended to be retained. The existing minimum distance separation rules are recommended to be removed. Please see Chapter 3 for more information.</p> <p>To comply with recent amendments to provincial legislation it is recommended that an accessory dwelling (accessory apartment) be permitted in any zone that permits a single detached, semi-detached, and on-street townhouse dwelling. It is further recommended that accessory dwellings be permitted in both the same building as the other dwelling unit and in a separate building on the same lot. Rules for maximum dwelling size, setbacks, and direct access from the street are also recommended. Please see Chapter 3 for more information.</p>
Waste bin locations	It is recommended that interior garage dimensions be increased to accommodate for refuse storage. Please see the Guelph Parking Standards Review Discussion Paper for more information.
Affordable Housing	Thank you for your comment.
Legal apartments - consider consulting neighbourhoods	Thank you for your comment.

Comment	Preliminary staff response
Zoning for condominium blocks need to provide for flexibility to accommodate variety (townhouse, stacked towns, etc.) - consider a zoning category that permits similar levels of intensification or density when, for example, stacked towns or mid-rise apartments are being proposed. This would eliminate need to amend the ZBL.	A series of residential zones are recommended each of which will permit more than one dwelling type. New townhouse types, such as stacked and back-to-back townhouses are recommended to be permitted in one new zone. Please see Chapter 4 for more information.
Reduce minimum exterior side yard setback, 4.5m regulation is too high (R.1, R.2, and R.3 Zones)	It is recommended that the minimum exterior side yard setbacks remain the same.
Reduce or eliminate landscaped open space and common amenity area requirements in the R.4 zones to allow for more flexibility (e.g. Oakville 10% landscaping and no requirement for common amenity)	It is recommended that the current rules for common and private amenity area be retained. Additionally, it is recommended that the rules for landscape open areas be retained. Additionally, it is recommended that a green roof be allowed to contribute to a portion of the landscape open space requirements.
Restructure the R.3A zoning regulation for townhouse to simplify ie. Minimum distance between buildings is an outdated regulation.	The minimum distance between townhouse blocks rule is recommended to be retained. A new rule is proposed with a lesser setback for situations where the rear of one townhouse block is adjacent to the side yard of another townhouse block. See Chapter 4 for more information.
Review density and height requirements in the townhouse and apartment zones to ensure that they align with the OP	It is recommended that all minimum and maximum densities and maximum building heights for all residential zones be updated to align with the Official Plan. See Chapter 4 for more information.
Current residential ZBLs do not reflect the Smart Guelph Principles as found in the OP. The City should amend R.1 and R.2 zoning to permit up to 3 units of housing as of right. This will create conditions of neighbourhoods to evolve incrementally in density and allow for greater diversity to support affordability, accessibility, multi-gen housing and aging in place	To comply with recent amendments to provincial legislation it is recommended that an accessory dwelling (accessory apartment) be permitted in any zone that permits a single detached, semi-detached, and on-street townhouse dwelling. It is further recommended that accessory dwellings be permitted in both the same building as the other dwelling unit and in a separate building on the same

Comment	Preliminary staff response
	lot. Rules for maximum dwelling size, setbacks, and direct access from the street are also recommended. Please see Chapter 3 for more information.
Zoning by-law that prohibits multi-residences on one property is outdated and needs to be removed. There is an increasing demand and need for housing supply which can be met if regulations aren't as stringent	<p>A series of residential zones are recommended each of which will permit more than one dwelling type. New townhouse types, such as stacked and back-to-back townhouses are recommended to be permitted in one new zone.</p> <p>Additionally, to comply with recent amendments to provincial legislation it is recommended that an accessory dwelling (accessory apartment) be permitted in any zone that permits a single detached, semi-detached, and on-street townhouse dwelling. It is further recommended that accessory dwellings be permitted in both the same building as the other dwelling unit and in a separate building on the same lot. Rules for maximum dwelling size, setbacks, and direct access from the street are also recommended. Please see Chapter 3 for more information.</p>
Provide the right housing supply in appropriate locations to create compact, complete communities with access to jobs and transit while revitalizing the inner suburbs. A mix of housing types will shorten commutes, reduce fossil fuel use and also protect natural areas and farmland.	A series of residential zones are recommended each of which will permit more than one dwelling type. New townhouse types, such as stacked and back-to-back townhouses are recommended to be permitted in one new zone.
The City should look at how residential zoning can proactively support building inclusive communities that support multi-family living, intergenerational housing and co-housing areas	<p>A series of residential zones are recommended each of which will permit more than one dwelling type. New townhouse types, such as stacked and back-to-back townhouses are recommended to be permitted in one new zone.</p> <p>Additionally, to comply with recent amendments to provincial legislation it is recommended that an accessory dwelling (accessory apartment) be permitted in any zone</p>

Comment	Preliminary staff response
	<p>that permits a single detached, semi-detached, and on-street townhouse dwelling. It is further recommended that accessory dwellings be permitted in both the same building as the other dwelling unit and in a separate building on the same lot. Rules for maximum dwelling size, setbacks, and direct access from the street are also recommended. Please see Chapter 3 for more information.</p> <p>Multi-family living, intergenerational housing and co-housing are different tenures of housing rather than different types of housing. The range of dwelling types recommended to be permitted could potentially accommodate the tenures suggested.</p>
Review noise and size allowance of large vehicles in residential neighborhoods. Truck is disturbing residents on Sweeney drive with disruptive noises throughout the night	Thank you for your comment. The existing rules about the parking and storage of commercial type vehicles on residential properties is recommended to be retained. The zoning bylaw does not apply to vehicles located/parked on streets and is therefore not within the scope of the comprehensive zoning bylaw review.
Remove 15 metre distance regulation between residential blocks in condos	The minimum distance between townhouse blocks rule is recommended to be retained. A new rule is proposed with a lesser setback for situations where the rear of one townhouse block is adjacent to the side yard of another townhouse block. See Chapter 4 for more information.
Semis that predate '95 bylaw; the new zoning bylaw in older neighbourhood should reflect what is currently there;	It is recommended that two low density residential zones be created that permit single detached, duplex, and semi-detached dwellings. See Chapter 4 for more information.
New By-law needs to recognize what currently exists in older neighborhoods and zone accordingly	It is recommended that two low density residential zones be created that permit single detached, duplex, and semi-detached dwellings. There may be instances where the land use of a particular property has changed in the Official Plan. Where a land use has changed, this can sometimes result in existing uses no longer being permitted in the future. In

Comment	Preliminary staff response
	these instances the existing use may be considered legal non-conforming or may be recognized. The Official Plan prescribes criteria for determining when an existing use should be recognized or become legal non-conforming. See Chapter 3 for more information.
Driveways - semi-detached 3.5 m wide driveway; current way of regulating isn't working; preference is tied to lot width; should be base on width of RID lot	It is recommended that the maximum width of driveways be limited to 50% of the width of a dwelling to a maximum width of 3.5 metres to 7.5 metres depending on the zone. Specifically the maximum width of a driveway in the existing R.1D zone is recommended to be 50% of the width of the dwelling or 6 metres, whichever is less. Please see the Guelph Parking Standards Review Discussion Paper for more information.
New built apartments don't have enough visitor parking	A geographic parking approach is proposed with less parking required within the City's nodes and corridors and more required elsewhere in the City. A visitor parking rate of 0.1 space per unit for apartments within nodes and corridors is recommended. Additionally a visitor parking rate of 0.25 for the first 20 units and 0.15 for each unit thereafter is recommended for apartments elsewhere in the City. Please see the Guelph Parking Standards Review Discussion Paper for more information.
Accelerate registration of accessory apartments	This is not within the scope of the Comprehensive Zoning Bylaw Review.
Residential parking rate regulations are too high	Generally residential parking rates are proposed to be lower. Please see the Guelph Parking Standards Review Discussion Paper for more information.
S.5.3 R3A R4A zones common amenity regulations are difficult to understand	It is recommended that the current rules for common and private amenity area be retained and update to provide clarity.
Hybrid medium density - stacked towns, apartments; min lot area for stacked towns when it's a condo	Two zones are recommended to implement the medium density residential Official Plan land use that are

Comment	Preliminary staff response
	recommended to permit a range of townhouse types and apartment buildings. See Chapter 4 for more information.
Outdoor storage requirements in multi-residential areas	Generally outdoor storage within residential areas is not permitted. The outdoor storage rules for residential areas are recommended to be retained.
Parking requirements for residential areas are too high	Generally residential parking rates are proposed to be lower. Please see the Guelph Parking Standards Review Discussion Paper for more information.
Allow larger driveway widths	It is recommended that the maximum width of driveways be limited to 50% of the width of a dwelling to a maximum width of 3.5 metres to 7.5 metres depending on the zone. Specifically the maximum width of a driveway in the existing R.1D zone is recommended to be 50% of the width of the dwelling or 6 metres, whichever is less. Please see the Guelph Parking Standards Review Discussion Paper for more information.
Reduce/remove common amenity landscape requirements, or leave it up to the discretion of developers	It is recommended that the current rules for common and private amenity area be retained. Additionally, it is recommended that the rules for landscape open areas be retained. Additionally, it is recommended that a green roof be allowed to contribute to a portion of the landscape open space requirements.
R3A - cluster towns - complete re-write - increased densities - narrower lot sizes - not much needs to change for street towns;	Three zones are recommended to implement the medium density residential Official Plan land use. These zones will permit a range of townhouse types and apartment buildings. See Chapter 4 for more information.
stacked towns - densities should be slightly higher 27-29 upa - cluster towns 37.5 currently should be higher 15, 17-19 upa; private amenity areas - above grade (on top of garage) - be more like balcony depth rather than yard sized	The zones recommended to implement the Medium Density Residential Official Plan land use will align with the minimum and maximum densities and building heights permitted in the Official Plan.
Stacked configuration units may need private amenities out front	Thank you for your comment.

Comment	Preliminary staff response
Increased permitted height for the R3 zone (stacked/cluster) to 3.5 storeys	The residential land uses within the Official Plan prescribe maximum building heights for low density, medium density, and high density residential areas. Generally, building heights within low density residential areas are limited to 3 storeys, within medium density residential areas to 6 storeys, and within high density residential areas to 10 storeys. The recommended residential zoning aligns with the maximum permitted building heights in the Official Plan.
definition of stacked back-to-back towns	A definition of stacked back-to-back townhouse dwellings is recommended to be included in a new zoning bylaw.
need to differentiate between different types of townhouse dwelling	Back-to-back, stacked, cluster, and on-street townhouses are recommended to be included as permitted uses within a new zoning bylaw. Each of these uses will be defined.
maisonette no longer needed as a use	Maisonette is recommended to be deleted as a use as this dwelling type is no longer relevant.
create a zone that permits apartments and townhouses	Three zones are recommended to implement the medium density residential Official Plan land use. These zones will permit a range of townhouse types and apartment buildings. See Chapter 4 for more information.
laneway townhouses	Thank you for your comment
limit needed on the number of townhouse units in a row or the length of a block of townhouses	The minimum distance between townhouse blocks rule is recommended to be retained. A new rule is proposed with a lesser setback for situations where the rear of one townhouse block is adjacent to the side yard of another townhouse block. See Chapter 4 for more information.
definition of storey needs to be clarified	It is recommended that the definition of storey be consistent with the Ontario Building Code definition.
have a front facing pedestrian door as a requirement	It is recommended that a rule be included in a new zoning bylaw that requires a front door on the first storey of a building facing a street.
concerned about the permitted garage door width and projections	The existing zoning bylaw has rules for garage projections within the older built up area. It is recommended that

Comment	Preliminary staff response
	maximum garage projection rules apply city-wide in a new zoning bylaw. See the Guelph Parking Standards Discussion Paper for more information.
create one zone that permits singles or semis	The preliminary recommended zones for low density residential areas include a zone that permits both single detached dwelling and semi-detached dwellings. See chapter 4 for more information.
servicing capacities for pre-zoning to full OP potential	It is generally recommended that new residential zones apply to residential properties to align with the density and height permissions in the Official Plan. It is acknowledged that in certain areas of the city, especially with some high density residential sites, there may be servicing constraints. As part of the preparation of the first draft zoning bylaw these sites will be assessed for servicing capacity. Should it be determined that there are servicing capacity constraints a holding provision will be included in a new zoning bylaw that limits heights and/or densities on these sites until adequate capacity is provided.
tiny houses/coach house regulations	Coach houses are not recommended to be a use in a new zoning bylaw. An accessory dwelling will be permitted to locate in a detached building on a lot which is essentially the same use as a coach house or possibly a tiny house. Requirements for servicing a detached accessory dwelling are determined by City Engineering.
front yard setbacks for landscaping	Generally the existing front yard setbacks are recommended to be retained as they provide sufficient space to accommodate landscaping.
smaller lot widths are challenging for infrastructure	The preliminary recommendation for low density residential zones includes varying minimum lot frontages that range from 6 meters to 30 meters depending on the residential use on the property. See chapter 4 for more information

Comment	Preliminary staff response
permitted projections into front yard can be problematic	The existing rules for portions of buildings or structures that are permitted to project into required yards are recommended to be retained.
commercial and institutional uses in residential zones	The Official Plan provides for commercial and institutional uses that are allowed within residential areas. It is recommended that two zones be retained, one that permits specific commercial uses, and one that permits specific institutional uses within residential areas. The uses are generally smaller scale and neighbourhood oriented.
exterior side yard regulations related to fences and sheds	It is recommended that the existing exterior side yard setback rules for fences and sheds be retained.
2-3 storey houses and altering the character of neighborhoods	Thank you for your comment.
Map 66 - is it still required?	It is recommended that map 66, which is a map that shows the older built up area of the city, be retained and that the rules for setbacks, lot sizes for properties within map 66 also be retained. See chapter 4 for more information.
4.5 m side yard - maybe lower (R3A cluster towns, stacked towns) currently street trees are only provided on private property - requires larger setbacks	It is recommended that the existing side yard setbacks be retained for townhouses.
Indoor and outdoor amenity space regulations are too difficult to meet and results in unnecessary CofA applications. In comparison to other municipalities, Guelph's requirements are excessive. In addition, higher density projects are often on smaller lots, making it hard to achieve amenity space requirements while balancing the financial feasibility of the project, i.e. land costs vs. units yielded	It is recommended that the current rules for common and private amenity area be retained. Additionally, it is recommended that the rules for landscape open areas be retained. Additionally, it is recommended that a green roof be allowed to contribute to a portion of the landscape open space requirements. See chapter 4 of the zoning discussion paper for more information.

Employment comments

Comment	Preliminary staff response
major office - size in Growth Plan versus size in OP, versus current zoning permissions	To align with the 2019 Growth Plan, a rule is recommended to be included for office uses outside of intensification areas that establishes a maximum office size of 4,000 square meters
differences between medical office and personal service	The personal service use is recommended to be incorporated into a broader use category called 'service establishment'. Medical office is recommended to be retained. Each use will include a definition that will clarify the difference between a medical office and a service establishment.
structure of zones for employment and manufacturing	It is recommended that four zones be created to align with the four employment Official Plan land uses. See chapter 6 for more information.
new industrial uses - vertical farming, distilleries, cannabis manufacturing, indoor agriculture	It is recommended that the definition of manufacturing be modified to clarify that uses such as the ones that are referenced may be considered manufacturing.
The permitted uses in industrial malls	The Official Plan prescribes uses that are permitted only as complementary uses within employment areas. To ensure that these uses do not become the primary use on employment lands, it is recommended that a rule be included in a new zoning bylaw that requires complementary uses to locate in a multi-unit building with at least one unit occupied by a primary employment use.
is a definition required for shared office space?	An office use will be permitted in certain employment zones. Generally, zoning does not provide rules for the tenure of buildings, so whether a singular office building is occupied by one user or more is not something that a zoning bylaw would prescribe.
More flexibility required in the B4.2 Zone, it currently functions more like a service commercial zone than industrial.	Specialized zones will be reviewed as part of the preparation of a first draft zoning bylaw to determine whether the zone should be retained, deleted, or modified.

Comment	Preliminary staff response
	The recommended zoning of properties must align with the Official Plan land use.
Permit office use as a stand alone use in an industrial zone or a certain percentage permitted within a building	It is recommended that an office use be permitted in certain employment zones to align with the Official Plan. Please see chapter 6 of the zoning discussion paper for more information.
commercial schools that are commercial recreation in industrial areas	It is recommended that a commercial recreation school be deleted as a permitted use in the industrial areas as it is not a permitted use as per the Official Plan employment land uses (with the exception of the business park lands east of the Hanlon Expressway).

Natural Heritage System, floodplain, open space, and parks comments

Comment	Preliminary staff response
NHS/Open Space/Parks in Clair-Maltby	Three options are presented to zone the natural heritage system in the Clair-Maltby Secondary Plan area. Please see chapter 10 for more information.
Preserve NHS features	It is recommended that a natural heritage conservation zone be included in a new zoning bylaw that applies to the city's natural heritage features consistent with the Official Plan.
Speedvale underpass - boardwalk in floodplain, continuity of boardwalk, retaining walls/structures	The Official Plan does not permit buildings or structures in the floodway portions of the floodplain areas. This Official Plan policy is consistent with provincial policies and Grand River Conservation Authority rules. A review of other zoning bylaws show that despite certain uses being permitted within floodway areas, for example recreation uses, generally structures associated with these uses are not permitted outright. Based on this, it is recommended that structures that meet the Ontario Building Code definition of structure, with the exception of structures that are used for flood control measures, continue to not be permitted within the floodway portions of the city's floodplain areas.
Introduce a passive recreation zone	It is recommended that in addition to three parks zones, one zone be included in a new zoning bylaw for the city's open spaces. The lands that would be zoned open space include parts of the city's trail system that are not located within parks or the natural areas.
incorporate dog parks in park planning	It is recommended that three park zones be included in a new zoning bylaw to align with the neighbourhood, community and regional parks hierarchy in the Official Plan. The programming of parks is not within the scope of the comprehensive zoning bylaw review.
Tree requirements in ZBL	Review of tree-requirements was not within scope of this zoning by-law review.

Comment	Preliminary staff response
Zoning of the Speedvale underpass	The Official Plan does not permit buildings or structures in the floodway portions of the floodplain areas. This Official Plan policy is consistent with provincial policies and Grand River Conservation Authority rules. A review of other zoning bylaws show that despite certain uses being permitted within floodway areas, for example recreation uses, generally structures associated with these uses are not permitted outright. Based on this, it is recommended that structures that meet the Ontario Building Code definition of structure, with the exception of structures that are used for flood control measures, continue to not be permitted within the floodway portions of the city's floodplain areas.
Permit construction of Speedvale Bridge underpass with connections to the north and south trail	The Official Plan does not permit buildings or structures in the floodway portions of the floodplain areas. This Official Plan policy is consistent with provincial policies and Grand River Conservation Authority rules. A review of other zoning bylaws show that despite certain uses being permitted within floodway areas, for example recreation uses, generally structures associated with these uses are not permitted outright. Based on this, it is recommended that structures that meet the Ontario Building Code definition of structure, with the exception of structures that are used for flood control measures, continue to not be permitted within the floodway portions of the city's floodplain areas.
Provide clear intents for structures in Section 12 Floodplain Lands and not limit by listing permitted uses and structure types. This will avoid unnecessary delays on similar future projects in Floodplains such as the planned Hanlon Bridge underpass at Wellington Street	The Official Plan does not permit buildings or structures in the floodway portions of the floodplain areas. This Official Plan policy is consistent with provincial policies and Grand River Conservation Authority rules. A review of other zoning bylaws show that despite certain uses being permitted within floodway areas, for example recreation uses, generally structures associated with these uses are not permitted outright. Based on this, it is recommended that structures that meet the Ontario Building Code definition of

Comment	Preliminary staff response
	structure, with the exception of structures that are used for flood control measures, continue to not be permitted within the floodway portions of the city's floodplain areas.
Get the Speedvale Underpass Built	The Official Plan does not permit buildings or structures in the floodway portions of the floodplain areas. This Official Plan policy is consistent with provincial policies and Grand River Conservation Authority rules. A review of other zoning bylaws show that despite certain uses being permitted within floodway areas, for example recreation uses, generally structures associated with these uses are not permitted outright. Based on this, it is recommended that structures that meet the Ontario Building Code definition of structure, with the exception of structures that are used for flood control measures, continue to not be permitted within the floodway portions of the city's floodplain areas.
Prioritize the zoning bylaw review of simple structures in floodplains to allow the Speedvale Underpass Trail to be constructed at the same time as the new Speedvale Bridge in 2022	The Official Plan does not permit buildings or structures in the floodway portions of the floodplain areas. This Official Plan policy is consistent with provincial policies and Grand River Conservation Authority rules. A review of other zoning bylaws show that despite certain uses being permitted within floodway areas, for example recreation uses, generally structures associated with these uses are not permitted outright. Based on this, it is recommended that structures that meet the Ontario Building Code definition of structure, with the exception of structures that are used for flood control measures, continue to not be permitted within the floodway portions of the city's floodplain areas.
Parks - recreational trails - should include utilitarian purpose - connectivity to walkways & sidewalks;	This is not within the scope of the comprehensive zoning bylaw review.
Provide better access to parks and greenspace	This is not within the scope of the comprehensive zoning bylaw review.

Comment	Preliminary staff response
How will programmed uses be treated in natural areas?	It is recommended that a natural heritage conservation zone be included in a new zoning bylaw for the city's natural areas and that this zone permit conservation uses and existing uses. A definition of conservation is also recommended that will include accessory passive recreation uses that maintain the intent of the conservation use.
How will linkages and wildlife crossing be zoned?	If the wildlife crossings and linkages are designated as part of the city's natural heritage system, it is recommended that they be zoned natural heritage conservation.
NHS boundaries need refinements if they are zoned	Chapter 7 includes a set of criteria for the mapping of natural heritage features in a new zoning bylaw.
Speedvale bridge - would like it built in 2020 with bridge; both live near Speedvale bridge; recreation activities in parks and floodplains; definition of "development" in Conservation Authorities Act; no definition of "structure" in conservation; would like permission to construct a anchored boardwalk; Hanlon Creek underpass; North of Woodlawn - Guelph to trail (wetland); bike parking and access; space for pedestrians; cycling amenities; snowing and change facilities	The Official Plan does not permit buildings or structures in the floodway portions of the floodplain areas. This Official Plan policy is consistent with provincial policies and Grand River Conservation Authority rules. A review of other zoning bylaws show that despite certain uses being permitted within floodway areas, for example recreation uses, generally structures associated with these uses are not permitted outright. Based on this, it is recommended that structures that meet the Ontario Building Code definition of structure, with the exception of structures that are used for flood control measures, continue to not be permitted within the floodway portions of the city's floodplain areas.

Commercial and mixed use comments

Comment	Preliminary staff response
Zoning along Gordon Street intensification corridor	Gordon Street is identified within the Official Plan as an intensification corridor. Within the Official Plan land uses along this corridor include mainly medium density residential with some high density residential and commercial. A new zoning bylaw will include updated zoning for Gordon Street to align with the Official Plan.
Are there any community benefits associated with drive-through facilities	Thank you for your comment. Drive-throughs are a permitted use throughout the city. Through a new zoning bylaw it is recommended that drive-throughs be permitted in specific commercial and mixed use zones with a set of rules for setbacks when adjacent to residential and institutional areas as well as a minimum number of stacking spaces required.
Allow the commercial zones to be more permissive when possible.	It is recommended that the number of commercial and mixed use zones be reduced and that broader categories of uses be permitted, such as 'retail establishment' and 'service establishment'.
Reduce the number of mixed use zones, try to collapse zones together	It is recommended that the number of commercial and mixed use zones be reduced and that broader categories of uses be permitted, such as 'retail establishment' and 'service establishment'.
Introduce a mixed-use zone which implements relevant OP designations. Both mixed and freestanding buildings should be permitted, commercial uses to also be permitted but not required.	It is recommended that a specific commercial mixed use corridor zone, a specific residential mixed use corridor zone, and a specific institutional mixed use corridor zone be included in a new zoning bylaw. To align with the draft Official Plan amendment which is a result of the commercial policy review, minimum and maximum commercial floor area rules will be included within the commercial zone. Residential uses will be permitted on commercially zoned land within mixed-use corridors both in freestanding and mixed-use buildings. However a commercial use must be located on each lot zoned commercial.

Comment	Preliminary staff response
Provide a proactive planning framework to allow for the re-use of commercial and institutional lands in the future, specifically commercial and religious institutions.	Thank you for your comment.
Harmonize zoning permissions for 83 Dawson and 89 Dawson, they function as one development and should not be viewed as two different specialized zones	The specialized zones will be reviewed as part of the preparation of a first draft zoning bylaw.
Requiring a minimum floor area has financial requirements tied to it	Thank you for your comment.
Definition of commercial schools - too broad	It is recommended that the definition of commercial school be aligned with zoning trends.
What are catering establishments considered?	It is recommended that the use catering establishment be deleted as a catering establishment is considered a manufacturing use.
Pre-zone intensification corridors and mixed-use areas (e.g. Gordon St - developers should have to go through and arduous zoning process to implement the OP, should just be SPA	It is generally recommended that all intensification corridors, including Gordon Street, be zoned to align with land uses in the Official Plan, including the density and height permissions. It is acknowledged that in certain areas of the city, especially with some high density residential sites, there may be servicing constraints. As part of the preparation of the first draft zoning bylaw these sites will be assessed for servicing capacity. Should it be determined that there are servicing capacity constraints a holding provision will be included in a new zoning bylaw that limits heights and/or densities on these sites until adequate capacity is provided.
Update definition of commercial school	It is recommended that the definition of commercial school be aligned with zoning trends.
Distinguishing between commercial school and recreation centre	It is recommended that the definition of commercial school be aligned with zoning trends.
Drive-through stacking regulations	It is recommended that a new zoning bylaw include rules for the location of stacking lanes associated with drive-through facilities.

Comment	Preliminary staff response
Provide a clear definition of drive-through facilities	It is recommended that a drive through facility be a use in a new zoning bylaw and that it be defined.
maximum gross floor area doesn't align between zoning and official plan	It is recommended that the new zoning bylaw include maximum commercial gross floor area rules that align with the proposed Official Plan amendment to implement the commercial policy review.
Is it necessary to differentiate between restaurant, bake shop and coffee shop?	It is recommended that a restaurant include both a bake shop and a coffee shop.
Minimum ceiling heights in commercial buildings	It is recommended that a rule be included in a new zoning bylaw that requires a minimum first storey building height to allow for residential buildings to be converted to commercial uses later.
Concerns from service commercial land owners if retail is removed as permitted use	To align with the uses permitted in the Official Plan for service commercial lands, it is recommended that specific types of retail be permitted. General retail establishments are not recommended to be permitted
Bars/Nightclubs - densities of bars creates "harms"; regulating physical access; distance between alcohol outlets	It is recommended that a nightclub be included as a permitted use in a new zoning bylaw and that this use be permitted in the downtown zones (as it currently is) and also within certain commercial zones (as it currently is). Within the downtown zones rules for licensed establishments are recommended including rules for maximum size, and not permitting interconnections between adjacent licensed establishments.
How licensed establishments will be regulated	It is recommended that a nightclub be included as a permitted use in a new zoning bylaw and that this use be permitted in the downtown zones (as it currently is) and also within certain commercial zones (as it currently is). Within the downtown zones rules for licensed establishments are recommended including rules for maximum size, and not permitting interconnections between adjacent licensed establishments.

Comment	Preliminary staff response
How will outdoor patios be regulated?	The rules for outdoor patios are proposed to be retained.
Don't distinguish uses based on what is permitted in a mall for properties between Elizabeth and York	Depending on the Official Plan land use of properties, certain uses are only permitted as complementary uses. The current zoning bylaw has rules for complementary uses to locate in a multi-unit building, or a mall. Within chapter 3 of the zoning discussion paper options are provided for how complementary uses can be permitted in a new zoning bylaw.

Parking and driveway comments

Comment	Preliminary staff response
Driveway widths	The parking discussion paper proposed maximum driveway widths based on lot frontage for R.1A, R.1B, R.1C and R. 1D zones. 12 metres or less would be subject to a 3.5m driveway width, 12.1m to 20.0m would be subject to 50% of the building width or 6.5m (the lesser amount), and beyond 20.1 metres would be 50 of building width or 9.5m whichever is less. Driveway widths for townhouses has been recommended at 3 metres.
Underground parking encouraging max. number above-ground	Generally the minimum parking required is recommended to be reduced. Rules for maximum number of parking spaces is recommended for intensification areas.
Parking requirements (Goodwin Drive), concerned about impact to on-site parking, fire trucks, and plows	Generally the minimum parking required is recommended to be reduced.
Provide clear regulations that school parking requirements can't be interpreted under "Assembly Use" because of its gymnasium	A specific minimum parking rate is recommended for schools.
Provide energy electrical? charging stations on streets	A zoning bylaw cannot provides rules for public streets. Electric vehicle parking minimums are recommended to be included in a new zoning bylaw
Dedicated parking spots for residents without driveways	Thank you for your comment. A zoning bylaw cannot provide rules for public streets.
Permeable pavers to deal with storm water to allow wider driveways	Thank you for your comments. The Guelph Parking Standards Discussion Paper provide some recommendations for driveway materials as well as recommendations for maximum driveway widths.
Allow parking spaces to occupy areas in front of living space	Generally this is not recommended in a new zoning bylaw.

Comment	Preliminary staff response
Parking spaces to accommodate multi-generational households	For the most part, recommendations for rate of parking spaces based on a rate per 100 square metres not based on the tenure of a building.
Improved street parking regulations, current regulation of .5space/house makes it challenging for guests to find parking	The rates within a zoning bylaw are generally minimum rates. Additional parking can be provided over the minimum provided that all other zoning rules (such as the maximum driveway width and landscape area requirements) are met.
Reduced parking requirements for affordable housing and senior housing development projects	Generally parking rates are recommended to be lowered overall. Separate rates for buildings with affordable housing and senior's housing development projects that are not considered long term care facilities, are not recommended at this time.
Do not include bicycle parking as part of ZBL - more appropriate for Site Plan or Urban Design Guidelines as it varies depending on the development	It is recommended that minimum bicycle parking rates be included city-wide in a new zoning bylaw. For more information see the recommendations within the Guelph Parking Standards Discussion paper.
Need to establish a consistent standard for parking regulations that covers all forms of parking including visitor parking to reduce confusion	Thank you for your comment.
Introduce mandatory bicycle parking requirements for residential and commercial areas all across the City, including parks and playgrounds	It is recommended that minimum bicycle parking rates be included city-wide in a new zoning bylaw. For more information see the recommendations within the Guelph Parking Standards Discussion paper.
Change setback of legal parking space (usually garage) to 5.5 metres from 6 metres and make standard set back for building also to 5.5 metres (some currently at 4.5 metres) to assist with driveway width issue;	It is recommended that the existing 6 meter setback be retained.
Reduce parking requirements for apartments	Generally parking rates are recommended to be reduced for most land uses. The recommended rates for apartments are 1 space permit dwelling unit plus 0.1 spaces of visitor parking spaces per dwelling unit within intensification areas and for other areas of the city, 1 space plus 0.25 spaces of

Comment	Preliminary staff response
	visitor parking per unit for developments with 20 units or less and 1 space plus 0.15 spaces of visitor parking per unit for developments with over 20 units.
Parking requirements for home-businesses should be based on occupancy/usage, rather than square footage of the unit.	It is recommended that parking for home occupations are determined based on square footage of the unit not the occupancy/usage,
Remove minimum off-street parking regulation. Provide developers with ability to provide parking if they think it's necessary.	It is recommended that minimum rates of parking spaces continue to be included in a new zoning bylaw. In addition it is recommended that maximum rates of parking also be included in a new zoning bylaw for the city's intensification areas.
Double parking on Sweeney Drive makes it difficult for residents to get out of their driveway. Residents can't enjoy the park as it's being used for family functions, dog training, skateboarding, etc.	Thank you for your comments. A zoning bylaw cannot provide rules for street parking.
Improve parking stall signs, ensure underground and surface parking signs read similarly	Thank you for your comments. This is not within the scope of the comprehensive zoning bylaw review.
Commercial - parking - limiting surface parking, repurposing on street parking	It is recommended that the minimum parking rates be reduced. Additionally it is recommended that maximum parking rates be included in a new zoning bylaw.
Surface treatment of parking - out?	For driveways, the existing zoning bylaw provides rules for surface treatment. It is recommended that these rules be retained. See the Guelph Parking Standards Discussion Paper for more information.
tandem parking spaces	It is recommended that tandem parking spaces be permitted for certain uses within a new zoning bylaw. See the Guelph Parking Standards Discussion Paper for more information.
garage interior space - need room for car, waste storage, bicycle storage	The recommendations for the parking stall space within a private garage were considered and recommendations are

Comment	Preliminary staff response
	provided to allow for larger spaces to accommodate storage space within a garage.
each use should have its own parking rate	It is recommended that all permitted uses within a new zoning bylaw have minimum parking rates.
structured parking regulations	Through the preparation of the Guelph Parking Standards Discussion paper, separate rules for structured parking were considered. It is recommended that the no separate size requirements for parking spaces located in above or below grade structures be included in a new zoning bylaw.
accessible parking	It is recommended that the existing accessible parking stall dimensions as well as the number of accessible parking stalls be updated to comply with AODA requirements. For more details please see the Guelph Parking Standards Discussion Paper.
parking requirements for residential zones in downtown	It is recommended that separate lower rates be provided for Guelph's intensification areas including the residential neighbourhoods that are within downtown Guelph.
Parking at parks - parking TWT, bike parking requirements	Minimum parking rates are recommended for all uses within the new zoning bylaw. Minimum bicycle parking rates are also recommended.
Use zoning regulations to help encourage active transportation and to introduce more pedestrian and cycling amenities such as rest areas, fountains, secure bicycle parking, public washrooms etc.	It is recommended that minimum bicycle parking rates be included in a new zoning bylaw. Some of the pedestrian and cycling amenities such as those listed are not items that are permitted to be regulated through zoning.
ITE standards for rates	The ITE rates were considered as part of the recommended parking rates for a new zoning bylaw. See the Guelph Parking Standards Discussion Paper for more information.

Cultural heritage comments

Comment	Preliminary staff response
how should view corridors be treated going forward?	It is recommended that the existing rule for the five protected view areas of the Basilica be retained. Retaining this rule ensures conformity with the Official Plan and Downtown Secondary Plan. It is further recommended that the existing elevations within the protected view areas be verified for technical accuracy to ensure that the intent of the rule, which is to provide for and protect identified views of the Basilica from specific vantage points, is maintained.
how will sight line regulations apply to protected view corridors?	It is recommended that the existing rule for the five protected view areas of the Basilica be retained. Retaining this rule ensures conformity with the Official Plan and Downtown Secondary Plan. It is further recommended that the existing elevations within the protected view areas be verified for technical accuracy to ensure that the intent of the rule, which is to provide for and protect identified views of the Basilica from specific vantage points, is maintained.
64 Queen street - severance application to create two R1B lots in a cultural heritage landscape	Review of specific applications is not within the scope of this Zoning By-law Review.

Miscellaneous comments

Miscellaneous comments	Preliminary staff response
Incorporate greenspace requirements into new development projects	Thank you for your comment. This is not within the scope of the Comprehensive Zoning Bylaw Review
Solar panels	Thank you for your comment. This is not within the scope of the Comprehensive Zoning Bylaw Review
Urban Design	The City's Urban Design Manual was reviewed and zoning recommendations from it were considered. Certain rules are proposed that will apply to the built form of buildings
Sidewalk shovelling by-law, more money into City when residents have to shovel	Thank you for your comment. This is not within the scope of the Comprehensive Zoning Bylaw Review
Schools - portable exemptions from site plan	Thank you for your comment. This is not within the scope of the Comprehensive Zoning Bylaw Review
Energy - solar panels	Thank you for your comment. This is not within the scope of the Comprehensive Zoning Bylaw Review
Encourage 100% renewable energy initiatives in conjunction with energy affordability	Thank you for your comment. This is not within the scope of the Comprehensive Zoning Bylaw Review
Improved transit connectivity and reduction of vehicular usage	Generally it is recommended that minimum parking rates be reduced and that maximum parking rates apply in the City's nodes and corridors. Additionally, minimum bicycle parking requirements are proposed to be included in a new zoning bylaw. Please see the Guelph Parking Standards Review Discussion paper for more information.
Property owners consulted when builders change official plans - i.e. adding units and removing guest parking	Thank you for your comment. This is not within the scope of the Comprehensive Zoning Bylaw Review
Encouraging higher levels of built form standards to avoid narrow streets and issues with driveways	The City's Urban Design Manual was reviewed and zoning recommendations from it were considered. Certain rules are proposed that will apply to the built form of buildings.
A sign (mobile) to advertise the meetings for public input out front of where the meeting will be 2 weeks prior	Thank you for your comments.
Inadequate number of parking spaces at Guelph Music Centre, Mayfield park	Thank you for your comments.
Caution against the incorporation of detailed build-to lines and building stepbacks and other urban design regulations	The City's Urban Design Manual was reviewed and zoning recommendations from it were considered. Certain rules

Miscellaneous comments	Preliminary staff response
which limit the creative design of a building and the site. The by-law should allow enough flexibility to allow for a design that responds to a specific property and its context. Every building not be forced through zoning to meet the same urban design regulations.	are proposed that will apply to the built form of buildings. It is the intent of a new zoning bylaw to be built form oriented.
Zoning regulations should implement a more urban and land effective development standards in keeping with provincial policy	The Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe have been considered throughout the discussion paper.
Provide more flexibility to eliminate unnecessary processes/applications/approvals.	Thank you for your comment. This is not within the scope of the Comprehensive Zoning Bylaw Review
Current business/market conditions and practices need to be at the core of the new ZBL to reflect what is being required and built in the marketplace.	New forms of housing, such as back-to-back townhouses, and new and emerging business have been considered as part of the options and recommendations for residential and employment zones. Please see chapters 4 and 6 of the zoning discussion paper for more information.
Review safe zones around City parks. Similar to the safety zones near schools where speeds are reduced, needs to be applied to Riverview drive where speeding is a problem because of the wide roads and no traffic calming measures	Thank you for your comment. This is not within the scope of the Comprehensive Zoning Bylaw Review
Bylaw should reflect climate change awareness and transportation choices such as walking, cycling, public transit and personal vehicles.	Thank you for your comment. The preliminary recommendations within the discussion paper and the Guelph Parking Standards Discussion paper include many rules that will help with transportation choices. For example, it is recommended that minimum bicycle parking rates be included for various uses city-wide.
Add a provision that lines created by phased condos shall not be considered to be a lot line for the purpose of zoning compliance.	It is recommended that rules for condominium development be incorporated into a new zoning bylaw.

Miscellaneous comments	Preliminary staff response
Name the Urban Reserve Zone, "Future Development"	It is recommended that an urban reserve zone be retained and continue to be titled "urban reserve".
Incorporate inclusionary zoning and address the housing affordability issue	The recent amendments to the Planning Act have removed the ability for the use of inclusionary zoning except for lands within major transit station areas. Inclusionary zoning is not within the scope of the comprehensive zoning bylaw review. Please see chapter 4 of the zoning discussion paper for recommendations on residential zoning that will provide flexibility in the residential dwelling types allowed throughout the city as well as chapter 4 for recommendations on accessory dwellings.
Option to pro-rate license fees needs to be provided	Thank you for your comment. This is not within the scope of the Comprehensive Zoning Bylaw Review
How are fences regulated through the zoning by-law?	The fence rules in the existing zoning bylaw are recommended to be retained. It is the current interpretation for properties that have frontages on two streets that both of the yards are front yards. As such the fence heights are restricted to less than that is permitted in a rear yard. It is recommended that a new zoning bylaw provide flexibility for through lots as to which yard is determined to be a front yard and which is determined to be a rear yard. It is recommended that this be determined at the time of site plan approval when the building is designed on the lot and setbacks and yards are determined.
Fence regulations on Jeffrey Drive are problematic, what residents consider the front yard is different from what the zoning considers the front yard. More flexibility required in interpreting "front yard" vs. "side yard"	The fence rules in the existing zoning bylaw are recommended to be retained. It is the current interpretation for properties that have frontages on two streets that both of the yards are front yards. As such the fence heights are restricted to less than that is permitted in a rear yard. It is recommended that a new zoning bylaw

Miscellaneous comments	Preliminary staff response
	provide flexibility for through lots as to which yard is determined to be a front yard and which is determined to be a rear yard. It is recommended that this be determined at the time of site plan approval when the building is designed on the lot and setbacks and yards are determined.
Permit hedges in residential areas to mitigate the sounds of truck traffic and other disturbing noises	Thank you for your comment. This is not within the scope of the Comprehensive Zoning Bylaw Review
Market trends should direct guidance for permitted uses, and allow more flexibility between Edinburgh Road and Dawson Road.	The uses permitted on each property within the city must align with the Official Plan land use. Zoning that is applied to each property through the first draft zoning bylaw will be zoning that aligns with the Official Plan land use for the area.
More details on the York Road Study	Thank you for your comment. An area specific land use review for lands in the vicinity of York Road and Elizabeth Street is planned over the next several years. The purpose of the comprehensive zoning bylaw review is to align the zoning bylaw with the existing Official Plan.
Urban design guidelines, more clarification required on what a guideline is vs. legislation	The City's Urban Design Manual was reviewed and zoning recommendations from it were considered. Certain rules are proposed that will apply to the built form of buildings. It is the intent of a new zoning bylaw to be built form oriented.
angular planes - next to P1 zoned properties - not active parks - are angular planes required - is it the best tool to achieve the intent - is it more appropriate as a guideline?	An angular plane rule is recommended to be retained for certain types of buildings (see chapters 4 and 5 for specific recommendations). Generally an angular plane rule is recommended when properties are adjacent to lower density residential areas, or institutional or park zoned properties. It is not recommended at this time that an angular plane rule apply for properties adjacent to natural heritage zoned lands.
Improve connectivity in the built environment	Thank you for your comment.

Miscellaneous comments	Preliminary staff response
Active transportation/infrastructure	Thank you for your comment.
transportation - sidewalks, connecting neighbourhoods, lighting, trees etc., active trails, bike parking, sheltered bike storage, end of trip amenities, new developments - connections to existing main roads	Thank you for your comment. Bicycle parking rates are recommended to be included in a new zoning bylaw city-wide. Certain items outlined in this comment are not items that are allowed to be regulated in a zoning bylaw.
Specialized zone variances; GWDA ask for list of comparable municipalities	Thank you for your comment.
Remove fence regulations from the Zoning By-law and create a separate fence by-law	The fence rules in the existing zoning bylaw are recommended to be retained in the zoning bylaw.
Concerned with having two front yards and limited in fence height regulations of 0.8m maximum. Fencing reduces noise, provides more privacy as there are high levels of traffic on Jeffrey Drive	The fence rules in the existing zoning bylaw are recommended to be retained. It is the current interpretation for properties that have frontages on two streets that both of the yards are front yards. As such the fence heights are restricted to less than that is permitted in a rear yard. It is recommended that a new zoning bylaw provide flexibility for through lots as to which yard is determined to be a front yard and which is determined to be a rear yard. It is recommended that this be determined at the time of site plan approval when the building is designed on the lot and setbacks and yards are determined.
transportation depot - where is this to be permitted	Transportation depot is proposed to be permitted in the service commercial zone in a new zoning bylaw. The definition is also recommended to be modified to distinguish a transportation depot from a transit terminal and a trucking operation.
concerns about private tree by-law	Thank you for your comment. This is not within the scope of the Comprehensive Zoning Bylaw Review
B4-1 zone is problematic, it permits old factories in the city	All existing specialized zones will be assessed as part of the preparation of a first draft zoning bylaw to determine whether they should be retained, deleted or modified. See chapter 3 for more information.
urban design master plan properties	Thank you for your comment.

Miscellaneous comments	Preliminary staff response
Can building materials continue to be regulated in zoning	<p>It is recommended that the existing rule regarding building materials for buildings within the downtown be retained. The Downtown Secondary Plan includes a policy stating that all buildings downtown should be finished with high quality, enduring materials such as stone, brick and glass. Retaining the existing rule is consistent with the Downtown Secondary Plan.</p>

Attachment B: Summary of existing zoning bylaw definitions and proposed new definitions compared to the Official Plan and zoning trends, and preliminary recommendations

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
100 Year Flood means the flood which has a return period of 100 years on average or which ahs a 1% change of occurring or being exceeded in any given year, as determined by the Grand River Conservation Authority	N/A	Town of Aurora One Hundred Year Flood means the flood, for river, stream and small inland intake systems, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having 1% chance of occurring or being exceeded in any given year.	It is recommended that this term be deleted as is it is no longer necessary to define a 100 year flood in a zoning bylaw.
Abattoir means a place where animals are slaughtered.	N/A	Burlington Abattoir: A building or structure specifically designed to accommodate the penning and slaughtering of live animals and preliminary processing of animal carcasses. Oakville Abattoir means a premises used for the indoor penning and slaughtering of live animals. Not defined by comparator municipalities used by ETWT (Milton, St. Catharines, Waterloo)	It is recommended that this term be retained as this use is a general prohibited use in the City unless permitted through a zoning rule on a specific property.
Accessory Use means a use that is subordinate, incidental and exclusively devoted to a use permitted under this bylaw for any specific place and zone	<p>The Official Plan does not use the term accessory. Instead it uses “ancillary use”.</p> <p>Ancillary Use means a use that is incidental to, but associated with the principle use or a primary function of a site.</p> <p>These definitions are generally consistent.</p>	<p>Cambridge Accessory building or structure: a detached building or structure, the use of which is customarily incidental to, subordinate to, or exclusively devoted to the principal use or building, located on the same lot.</p> <p>Accessory use: a use, which is subordinate to; incidental to; and exclusively devoted to the principal use and located on the same lot.</p> <p>Kitchener Accessory – means a use or building that is commonly incidental, subordinate, and exclusively devoted to the principal use(s) or primary building(s) situated on the same lot.</p> <p>Waterloo ACCESSORY when used to describe a use, BUILDING or STRUCTURE, means a use, BUILDING or STRUCTURE incidental, subordinate and exclusively devoted to the principal use, BUILDING or STRUCTURE situated on the same LOT.</p>	It is recommended that this term be retained as a new zoning bylaw will include accessory uses.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		<p>Oakville Accessory Building or Structure means a building or structure used for an accessory purpose, including a detached private garage, that is: a) located on the same lot as the primary use, building, or structure; and, b) is not used for human habitation or an occupation for gain or profit unless otherwise permitted by this By-law.</p> <p>Accessory Use means a use naturally or normally incidental to, subordinate to, and exclusively devoted to a principal use</p> <p>St. Catharines Accessory Structure: means a detached building, structure or pool that is incidental and secondary to the principal use(s) on the same lot.</p> <p>Accessory Use: means a use subordinate and incidental to the principal use(s) on the same lot.</p>	
Active Entrance means a door that is designed to be the principal entrance or one of the principal entrances facing a public Street or public square and excludes emergency egress doors, garage doors, service doors, loading doors and doors giving access to storage areas.	N/A	N/A	It is recommended that this term be retained as active entrance rules are proposed to be retained.
Active Frontage Area means a Lot or portion thereof that is subject to the Active Frontage Area , as shown on Defined Area Map 65.	N/A	N/A	It is recommended that this term be retained as active entrance rules are proposed to be retained.
Adjacent Land means, in the context of the Provincial Policy Statement on Wetlands, those lands within 120 metres of a wetland and those lands within a wetland complex which have not been subject to a "Comprehensive" Environmental Impact Study, or the area contiguous to a Wetland or a Wetland complex as defined by a "Comprehensive" environmental impact study	Adjacent Lands means: for the purpose of the Natural Heritage System, those lands contiguous to specific natural heritage features or areas, where it is likely that development or site alteration would have a negative impact on the feature, area or ecological functions. The extent of the adjacent lands are defined in Table 6.1 of this Plan.	N/A	It is recommended that this term be deleted as the term is no longer necessary in a zoning bylaw.
Aggregate Extraction Operation means a place where gravel, sand, shale, limestone, dolostone, sandstone, and other mineral	Mineral Aggregate Operation means: i) Land under license or permit, other than a for a wayside pit or quarry,	N/A	It is recommended that this term be deleted as the aggregate extraction zone is proposed

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
materials are removed by means of an open excavation to supply material for construction, industrial, manufacturing or maintenance purposes	<p>issued in accordance with the Aggregate Resource Act, or successors thereto</p> <p>ii) For lands not designated under the Aggregate Resources Act, established pits and quarries that are not in contravention of municipal Zoning Bylaws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and</p> <p>iii) Associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.</p> <p>Mineral Aggregate Resources means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act.</p> <p>These definitions are generally consistent. The Official Plan lists more examples of mineral materials so there may be opportunities to provide more consistency between the definitions.</p>		to be deleted where this use is currently permitted.
Aggregate Storage Area means a place which is associated with an aggregate extraction operation where gravel, rock, sand, earth, clay, or fill is stored prior to distribution	No comparable Official Plan definition. The definition of mineral aggregate operation includes associated facilities but storage isn't listed as one.	Kitchener and Oakville do not define. Oakville does not include it in the definition of Mineral Aggregate Operation.	It is recommended that this term be deleted as the aggregate extraction zone is proposed to be deleted where this use is currently permitted.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
Agriculture, Livestock Based means a place where the grazing, breeding, raising, boarding or training of animals, insects or birds occurs and includes any agricultural use form which animal, insect or bird products are derived	<p>Agriculture Use means the growing of crops, including nursery and horticultural crops; raising of livestock and other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agroforestry; maple syrup production; and associated on-farm building and structures.</p> <p>The zoning definition is generally consistent with the Official Plan definition of agriculture use.</p>	N/A	It is recommended that this term be retained to clarify the types of agricultural uses that may be permitted as existing uses as well as the types of agricultural uses that are permitted associated with the University of Guelph.
Agriculture, Vegetation Based means a place where soil is tilled, or where vegetables, fruits, field crops, berries, trees, mushrooms, flowers, landscaping materials, woodlots, and forest trees are grown and harvested, and includes the packaging, treating, or storage of goods produced on the land, excluding agriculture, livestock based.	<p>Agriculture Use means the growing of crops, including nursery and horticultural crops; raising of livestock and other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agroforestry; maple syrup production; and associated on-farm building and structures.</p> <p>The zoning definition is generally consistent with the Official Plan definition of agriculture use.</p>	N/A	It is recommended that this term be retained to clarify the types of agricultural uses that may be permitted as existing uses as well as the types of agricultural uses that are permitted associated with the University of Guelph.
Agricultural Produce Market means a place where agricultural products are displayed for sale or sold	<p>Agriculture Use means the growing of crops, including nursery and horticultural crops; raising of livestock and other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agroforestry; maple syrup production; and associated on-farm building and structures.</p> <p>The zoning definition is generally consistent with the Official Plan definition of agriculture use as an associated on-farm building and structure.</p>	N/A	It is recommended that this term be retained as it is a permitted use in the downtown zones.
Agricultural Research Institution means a place where agricultural products and practices are researched or developed	There is no associated defined term in the Official Plan for agricultural research institution. However, it is a use that is generally associated with the University of Guelph.	Kitchener defines Agriculture and Agriculture-Related Oakville defines Agriculture	It is recommended that this term be retained as it is a use associated with the University of Guelph.
Amenity Area means a place within a residential development provided for private or common use for the active or passive recreation or enjoyment of the occupants of a residential development, excluding a driveway or any other parking area;	Amenity area is not a defined term in the Official Plan. It is referenced through the Official Plan as a requirement to be provided with certain developments. Therefore defining amenity area and having regulations	Burlington The area situated within the boundaries of a project and intended for recreational purposes, which may include open spaces, patios, balconies, communal play areas, lounges, sundecks and roofdecks but shall not	It is recommended that this term be retained and that it be modified to clarify the types of spaces that are permitted to be included as private and common amenity spaces.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
<p>a) Private amenity area means an amenity area, excluding a walkway, play area or other communal area, which is accessory to and outside of a dwelling unit</p> <p>b) Common amenity area means an amenity area which is located inside or outside a structure including open landscaped areas, building rooftops, patios, terraces, above ground decks, swimming pools, tennis courts and the like</p>	associated with it is consistent with the Official Plan.	<p>include the area occupied at grade by the buildings, service areas, parking and driveways.</p> <p>Milton Means the area situated on a residential or mixed use lot that is intended for recreational purposes, and may include landscaped open spaces, patios, balconies, communal play areas, lounges, decks and other similar uses but shall not include a swimming pool or areas occupied at grade, by service areas, parking areas, aisles or access driveways associated with the development.</p> <p>Ottawa Means the total passive or active recreational area provided on a lot for the personal, shared or communal use of the residents of a building or buildings, and includes balconies, patios, rooftop gardens and other similar features, but does not include indoor laundry or locker facilities.</p> <p>St. Catharines Amenity Space: means an area for outdoor recreation or leisure, and does not include a parking area.</p>	
Amusement Arcade means a place where three or more coin or token-operated machines, devices, contrivances or games are provided for public use, excluding a coin-operated machine which provides musical entertainment, rides, food or drink and includes a video arcade, exhibit or display including the sale of souvenirs or food and beverages, but does not include a gaming establishment or any premises licensed under the Liquor Licence Act, R.S.O. 1990, Chapter L. 19 as amended from time to time or any successor thereof.	Amusement Arcade is not a defined term in the Official Plan. It is an example of a commercial use.	N/A	It is recommended that this term be deleted as it is considered a commercial entertainment use.
Amusement Park means a place where commercial-related recreational, entertainment or amusement activities occur including but not limited to miniature golf, a driving range, a go-kart track, an amusement ride, or a water slide or water sport, and includes an amusement arcade but does not include a gaming establishment	Amusement park is not a defined term in the Official Plan. It is an example of a commercial use.	<p>Hamilton Not a permitted use</p> <p>St. Catharines Service Commercial means a non-retail commercial use and excludes medically related functions and services</p> <p>Oakville</p>	It is recommended that this term be deleted as it is considered a commercial entertainment use

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
Animal Boarding Establishment means a building, structure or part thereof, where dogs and cats and other domesticated animals excluding livestock, are bred, raised, groomed, trained or kept for a fee on a temporary basis and may include overnight accommodation and outdoor facilities	Animal Boarding Establishment is not a defined term in the Official Plan.	Not a permitted use Burlington - defines Kennel Milton Boarding Kennel means a premises for the keeping, breeding, or boarding of domestic animals, and may include accessory training of domestic animals, but shall not include the keeping of animals in a veterinary clinic – small animal for the purpose of observation, and/or recovery necessary to veterinary treatment. Milton also defines Animal Training Facility. St. Catharines Animal Care Establishment means an establishment for the caring, grooming and training of household pets, but does not include a kennel or an animal hospital. Waterloo Animal Care Establishment means any premises for the caring, grooming, and training of household pets without outdoor pens or exercise areas.	It is recommended that this term be modified to clarify that an animal boarding establishment does not allow for the breeding of animals.
Animal Care Establishment means a building, structure or part thereof, where dogs and cats and other domesticated animals, excluding livestock, are groomed and/or kept for a fee on a daily basis, excluding overnight boarding and outdoor facilities.	Animal Care Establishment is not a defined term in the Official Plan. It is an example of a commercial use.	Welland Pet Grooming Establishment: a building or part thereof used for the grooming of pets, but does not include a veterinary clinic, a kennel or any overnight boarding Oakville Pet Care Establishment means a premises used for the grooming of domestic animals. St. Catharines Animal Care Establishment means any premises for the caring, grooming, and training of household pets without outdoor pens or exercise areas	It is recommended that this term be retained as animal care establishment uses will be permitted in a new zoning bylaw.
Angular Plane means an imaginary inclined plane, rising over a Lot , drawn at a specified angle from the horizontal, which together with other Building regulations and Lot size requirements, delineates the maximum bulk and Building Height .	N/A	N/A	It is recommended that this term be retained as rules regarding angular plane are recommended to be retained.
Arena means a place where facilities are provided for athletic, artistic, circus, performance, entertainment, or recreation	Arena is not a defined term in the Official Plan. It is an example of a commercial use or a recreation facility use		It is recommended that this term be deleted as an arena is permitted as part of a community centre or recreation facility.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
activities or events, but does not include an Amusement Park or a Gaming Establishment			
Art Gallery means a place where works of art such as paintings, sculpture, pottery, glass and weaving are displayed for public viewing	Art Gallery is not a defined term in the Official Plan. It is an example of a commercial use.	<p>Oakville Art Gallery means a premises used for any combination of the preservation, production, exhibition, or sale of sculptures, paintings, photographs, or other works of art</p> <p>Welland Art Gallery Means a premises used for any combination of the preservation, production, exhibition, or sale of paintings or other works of art.</p>	It is recommended that this term be modified to reflect zoning trends.
Artisan Studio means a place used as the workplace of a photographer, artist, craftsperson, sculptor or potter, but does not include a repair service or manufacturing	Artisan Studio is not a defined term in the Official Plan. It is an example of a commercial use.	<p>Welland Artist's Studio a building, or part thereof, used for purposes such as commercial photography, painting, artwork, needlework, tapestry making, pottery making, handweaving, or sculpting and may include an area for displaying or selling goods provided that such area is ancillary to the production process.</p> <p>Hamilton Artists Studio shall mean a workplace of an artist and shall include but not limited to a painter, sculptor or photographer</p>	It is recommended that this term be modified to include retail to reflect zoning trends..
Assembly means the fitting or putting together of parts into a complete, or more complete products.	N/A.	N/A	It is recommended that this term be deleted as it is no longer necessary in a new zoning bylaw.
Assisted Living Unit	N/A	<p>Kitchener – Independent Living Facility means a multiple dwelling that is part of a continuing care community, and where personal support services may be provided.</p> <p>Continuing Care Community means the use of a premises that is planned, developed, managed, and operated as a continuum of accommodations and care, and is comprised of a large residential care facility and may contain an independent living facility.</p>	It is recommended that this term be added as this is a use recommended to be permitted within a long term care facility use within a new zoning bylaw.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		<p>Oakville – Assisted Living Unit means a place of residence with one or more habitable rooms containing separate bathroom facilities for private use as a single housekeeping unit and where personal support services may be provided.</p> <p>Ottawa – Residential Care Facility means an establishment providing supervised or supportive in-house care for those who need assistance with daily living, that may also provide on-going medical or nursing care or counselling and social support services and which may include services such as medical, counselling, and personal services.</p> <p>St. Catharines – Special Needs Housing means any housing, including dedicated facilities in whole or in part, that is used by people who have specific needs beyond economic needs including, but not limited to, needs such as mobility requirements or support functions required for daily living.</p> <p>Waterloo – Assisted Living Facility means a multi-unit residential BUILDING where: a) individuals reside who require minimal to moderate assistance with daily living activities such as bathing, toileting, ambulating, and self-administration of medications; and b) residents are provided meals. Cooking facilities within the dwelling unit shall be limited to a kitchenette.</p>	
<p>Attic means the space between the roof of a building and the ceiling of the top storey of the building or the space between a dwarf wall of a building and the sloping roof of the building.</p>	N/A	<p>Oakville Attic means the space between the roof and the ceiling of any storey or between a dwarf wall and a sloping roof.</p> <p>Kitchener Attic – means the uninhabitable portion of a building or structure that is immediately below the roof and wholly or partially within the roof framing, having an interior height of 1.8 metres or less. A habitable or finished attic, or an uninhabitable or unfinished attic with an interior height greater than 1.8 metres, is considered to be a storey.</p>	<p>It is recommended that this term be modified to align with Building Code and to reflect zoning trends.</p>

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
Auction means the sale of or putting up for sale to the public goods, wares, merchandise, effects of the like which are intended to be sold to the highest bidder.	Auction is not a defined term in the Official Plan. It is an example of a commercial or retail use.	N/A	It is recommended that this term be retained or incorporated into the definition of the term “auction centre”.
Auction Centre means a place where an auction is conducted.	N/A	N/A	It is recommended that this term be retained as auction centre uses will be permitted within a new zoning bylaw.
Automated Banking Machine means an automated machine operated by a financial establishment designed to be used for financial transactions including deposits and withdrawals of currency and credit.	N/A	N/A	It is recommended that this term be deleted as it is no longer necessary
Automated Parking System means a mechanical system, wholly contained within an enclosed Building or Structure , which moves motor Vehicles to a Parking Space without the Vehicles being occupied or operated by a human being.	N/A	N/A	It is recommended that this term be retained as it is referenced within rules for the downtown zones.
Auto-oriented Department Store means a retail establishment that has the sale of vehicle accessories and parts and vehicle repair facilities encompassing over 25 per cent of the total gross floor area of the building or unit within a mall.	Auto-oriented department store is not a defined term in the Official Plan. It is an example of a retail use.	N/A	It is recommended that this term be deleted because this use is not recommended to be a use within a new zoning bylaw. It is recommended to be consolidated with vehicle repair establishment and vehicle service establishment.
Balcony means a platform, projecting from the face of a wall, cantilevered or supported by columns or brackets and usually surrounded by a balustrade or railing.	N/A	<p>Cambridge Balcony: a partially enclosed platform attached to or extending horizontally from one or more main walls of a building that is not accessed by stairs from the outside.</p> <p>Oakville Balcony means an unenclosed or partially enclosed attached platform projecting from the face of a wall that is only directly accessible from within a building, surrounded by a balustrade, partial wall, or railing where required and without direct exterior access to grade.</p> <p>St. Catharines Balcony: means a platform projecting from the facade of a wall or walls, cantilevered or supported by columns or brackets, located above the grade of the ceiling height of the first storey above the basement and may be covered.</p>	It is recommended that this term be retained as a new zoning bylaw will continue to permit balconies and in some instances they may be permitted to project into required yard setbacks.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
Bakery means a place where bread, biscuits, cakes, pastry or other bakery products are produced, mixed or baked, to be used for gain or profit, and may include a factory sales outlet, but shall not include a restaurant or other premises where such products are made for consumption on the premises.	Bakery is not a defined term in the Official Plan. It is an example of a manufacturing use.	Oakville Food Production means a premises for the specialized production or preparation and packaging of a limited number of food and beverage products for sale to the public primarily for consumption off the premises such as catering establishments, make-your-own wine and beer establishments, test kitchens, bulk meal preparation, bakeries, and butchers Welland Food Production Means a premises for the specialized production or preparation and packaging of a limited number of food and beverage products for sale to the public primarily for consumption off the premises such as catering establishments, makeyour-own wine and beer establishments, test kitchens, bulk meal preparation, bakeries and butchers.	It is recommended that this term be deleted because this is not recommended to be a use within a new zoning bylaw. An industrial bakery would be considered a manufacturing use and a small-scale bakery, currently permitted as a bake shop, would be considered a restaurant.
Bake Shop means a retail establishment where bakery products are offered for sale, but does not include a restaurant or other premises where such products are made for consumption on the premises.	Bake shop is not a defined term in the Official Plan. It is an example of a retail use.	N/A	It is recommended that this term be deleted because this is not recommended to be a use within a new zoning bylaw. A bake shop can could be considered a restaurant or retail establishment.
Barrier Free Access Ramp means an uncovered, included ramp providing access to the main floor/entry level of a building to allow a continuous unobstructed path for persons with disabilities.	N/A	N/A	See Guelph Parking Standards Discussion Paper for recommendations.
Basement means that portion of a building partially below ground level and having 50% or more of its exterior wall are above the average finished grade.	N/A	St. Catharines Basement: means the portion of a building partly underground having more than one half its height below grade at the principal entrance. Oakville Basement means that portion of a building below the first storey. Waterloo BASEMENT means one (1) or more storeys of a BUILDING located below the FIRST STOREY. Cambridge	It is recommended that this term be modified to align with Building Code and to reflect zoning trends.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		Basement: one or more storeys of a building located below the first storey.	
Bed and Breakfast means a single detached, semi-detached or duplex dwelling in which the owner resides and where, for gain, is provided 3 or fewer rooms for overnight accommodation and breakfast for the travelling public, but does not include a restaurant, hotel, tourist home, lodging house, nursing home, or any other home licensed, approved or supervised under any general or special Act.	Bed and Breakfast is not a defined term in the Official Plan. It is an example of a home occupation use.	<p>Burlington An owner-occupied detached dwelling offering short term lodging for compensation to the travelling and vacationing public. Guest rooms or suites may include a private bath but shall not include cooking facilities. Breakfast and other meals, services, facilities or amenities may be offered exclusively to guests.</p> <p>Milton Means an owner-occupied dwelling unit or part of a dwelling unit offering short term lodging for compensation to the travelling and vacationing public. Guest rooms or suites or bedrooms may include a private bath, but shall not include cooking facilities. Breakfast and other meals, services, facilities, or amenities may be offered exclusively to guests. A bed and breakfast does not include a group home, or rooms in a boarding or lodging house.</p> <p>Oakville Means the provision of lodging units within a dwelling with or without means for the temporary lodging of the travelling public.</p> <p>St. Catharines Means a home based business wherein rooms or beds are rented for a period not exceeding 28 consecutive days, and meals are served to overnight guests.</p>	It is recommended that this term be modified to remove reference to a number of units and making breakfast optional to reflect zoning trends.
Bicycle Parking Space means a Bicycle Parking Space, Long Term and/or a Bicycle Parking Space, Short Term	N/A	See Guelph Parking Standards Discussion Paper.	It is recommended that this term be retained as bicycle parking spaces are recommended to be required in a new zoning bylaw.
Bicycle Parking Space, Long Term means an area that is equipped with a bicycle rack or locker that is accessible, secure, weather-protected and for use by occupants or tenants of a Building and is not provided within a Dwelling Unit , suite, or on a Balcony	N/A	See Guelph Parking Standards Discussion Paper.	It is recommended that this term be retained as bicycle parking spaces are recommended to be required in a new zoning bylaw.
Bicycle Parking Space, Short Term means an area for the purpose of parking and securing bicycles with a bicycle rack that is accessible for visitors to a Building and is located outdoors or indoors but not within a	N/A	See Guelph Parking Standards Discussion Paper.	It is recommended that this term be retained as bicycle parking spaces are recommended to be required in a new zoning bylaw.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
commercial suite, Dwelling Unit , secured room, enclosure or bicycle locker			
Block Face means land fronting on one side of a street between the nearest streets, intersecting, meeting, or crossing the aforesaid street.	N/A	N/A	It is recommended that this term be retained as it relates to rules that are specific to the older built up area that are recommended to be retained.
Body Rub means the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, of a person's body or part thereof as a service designed to appeal to erotic or sexual appetites or inclinations, but does not include medical or therapeutic treatment given by persons otherwise duly qualified, licensed or registered to do so under the laws of the Province of Ontario.	N/A	Waterloo BODY-RUB means one or more of the following: • kneading • manipulating • rubbing • massaging • touching • stimulating by any means, of a person's body or any part thereof. Excludes medical or therapeutic treatment given by a registered MASSAGE THERAPIST.	It is recommended that this term be retained as it is recommended that generally that a body rub parlour not be permitted within the city.
Body Rub Parlour means a place where a body-rub is performed, offered or solicited in pursuance of a trade, calling, business or occupation as a service designed to appeal to erotic or sexual appetites or inclinations, but does not include any place where medical or therapeutic treatment is given by persons otherwise duly qualified, licensed or registered to do so under the laws of the Province of Ontario.	N/A	St. Catharines Body Rub Parlour: means premises used for services involving the kneading, manipulating, rubbing, massaging, touching or stimulating by any means of a person's body for the purpose of appealing to erotic or sexual appetites or inclinations. Oakville Adult Entertainment Establishment means any premises or part thereof used in the pursuance of a business, if: a) entertainment or services that are designed to appeal to exotic or sexual appetites are offered or provided in the premises or part of the premises, and without limiting the generality of the foregoing, includes services or entertainment in which a principal feature or characteristic is nudity or partial nudity of any person; or, b) body rubs, including the kneading, manipulating, rubbing, massaging, touching or stimulating by any means of a person's body are performed, offered or solicited in the premises or part of the premises, but does not include premises or part thereof where body-rubs performed, offered or solicited are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or	It is recommended that this term be retained as it is recommended that generally that a body rub parlour not be permitted within the city.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		<p>registered to do so under the laws of the Province of Ontario; or, c) adult videos are sold, rented, or offered or dis - played for sale or rental, where the proportion of adult videos to other videos exceeds a ratio of 1:10.</p> <p>Waterloo BODY-RUB PARLOUR means any premises or part thereof where a BODY-RUB is performed, offered, or solicited.</p> <p>Cambridge Body-rub establishment: as defined in By-law 157-12.</p>	
Boutique means a retail establishment with a maximum gross floor area of 100 square metres.	Boutique is not a defined term in the Official Plan. It is an example of a retail use.	N/A	It is recommended that this use be deleted as it is no longer recommended to be a permitted use. A boutique is considered a retail establishment.
Buffer Strip means land area used to visibly separate one use from another use to shield or block noise, lights, or other nuisances.	N/A	N/A	It is recommended that this term be retained as rules for buffer strips are recommended to be retained.
Building means any structure or building as defined in the Ontario Building Code, S.O. 1992, Chapter 23 as amended from time to time or any successor thereof, but does not include a vehicle.	N/A	<p>Cambridge A structure consisting of a wall, roof and floor or any of them, or a structural system serving the function thereof, including all plumbing, works, fixtures and services system appurtenant thereto.</p> <p>Kitchener Means a structure occupying an area equal to or greater than 10 square metres and consisting of any combination of walls, roof, and floor, but shall not include a shipping container. Kitchener also defines Building, Low-rise, Building, Mid-Rise and Building, Tall</p> <p>Oakville Means a structure consisting of any combination of walls, roofs and floors, or a structural system serving the function thereof.</p> <p>St. Catharines Means any structure, used for the shelter of persons, animals, goods or equipment and having a roof which is supported by columns or walls.</p> <p>Waterloo</p>	It is recommended that this term be retained as it is a term that is used throughout a zoning bylaw.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		Means any structure used or intended to be used for the shelter, accommodation, or enclosure of persons, animals, or chattels. Excludes a boundary wall and fence.	
<p>Building Height means the vertical dimension between the average finished grade of a building and the top part of such building or:</p> <ul style="list-style-type: none">(a) In the case of a flat roof, the highest point of the roof's surface or parapet, whichever is greater;(b) In the case of a mansard roof, the deck roof line;(c) In the case of a gabled, hip, gambrel or one-slope roof, the average height between the eaves and ridges; or <p>Where an exterior wall, other than a required fire wall, extends above the top of the roof of a building, the topmost part of such exterior wall</p>	N/A	<p>Kitchener Means the vertical distance between the highest finished grade level at the perimeter of the building and the uppermost point of the building. For all uses except a single detached dwelling with or without a second dwelling unit (attached, at no point shall the vertical distance between the lowest finished grade and the uppermost point of the building exceed 110% of the maximum building height in the applicable zone.</p> <p>Waterloo For a SINGLE DETACHED BUILDING, SEMI-DETACHED BUILDING, FREEHOLD SEMI-DETACHED BUILDING, DUPLEX BUILDING, TRIPLEX BUILDING, TOWNHOUSE BUILDING, FREEHOLD TOWNHOUSE BUILDING, STACKED TOWNHOUSE BUILDING, MAISONETTE BUILDING, and ACCESSORY BUILDING / STRUCTURE, means the vertical distance measured from the finished average ground level abutting the FRONT BUILDING FAÇADE to:</p> <ul style="list-style-type: none">a.) for a flat roof, the highest point of: □ the roof's surface; or □ the parapet, where the parapet exceeds 1.2 metres in height, whichever is higher;b.) for a mansard roof, the roof deck line;c.) for a gable, hipped, cottage, gambrel, or peaked roof, the mid-point measured between the eaves and the ridges. <p>For all other BUILDINGS and STRUCTURES, means the vertical distance from the finished ground level abutting the FRONT BUILDING FAÇADE, measured as the average of five (5) points equally spaced apart adjacent to the entire FRONT BUILDING FAÇADE to: a.) for a flat roof, the highest point of: □ the roof's surface; or □ the parapet, where the parapet exceeds 1.2 metres in height, whichever is higher; b.) for a mansard roof, the roof deck line; c.) for a gable, hipped, cottage, gambrel, or peaked</p>	It is recommended that this term be retained as building heights will continue to be regulated in a new zoning bylaw.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		roof, the mid-point measured between the eaves and the ridges. . The following shall be disregarded when calculating BUILDING HEIGHT: <input type="checkbox"/> chimney <input type="checkbox"/> church spire, church steeple, church belfry, and the like <input type="checkbox"/> mechanical and service equipment penthouse <input type="checkbox"/> rooftop architectural feature (see section 3.A.5) <input type="checkbox"/> mechanical and service equipment noise barriers <input type="checkbox"/> elevator penthouse <input type="checkbox"/> stairway structure <input type="checkbox"/> non-habitable and unenclosed rooftop amenity structures <input type="checkbox"/> safety guards <input type="checkbox"/> ornamental domes, skylights, and cupolas <input type="checkbox"/> telecommunication equipment	
Building Supply means the wholesale or retail sale of building or construction supplies and accessories, including the outdoor storage of building materials which may include lumber, millwork, cement, siding, roofing, plumbing or electrical supplies, heating, cooling or ventilating construction supplies, fireplaces, windows, paints, wall coverings, and floor coverings, but does not include the sale of appliances, audio-visual equipment, home furnishings or furniture.	<p>Building Supply is not a defined term in the Official Plan. It is an example of a service commercial use.</p> <p>Service Commercial means uses that support highway-oriented or service-oriented commercial activities that cannot be readily located within the downtown area or within a shopping centre location. The following list characterizes the main features of a service commercial use:</p> <ul style="list-style-type: none">a) A use that requires a large site area and outdoor display area to accommodate the sale or large commodities such as cars, recreational vehicles, building supplies;b) A use that primarily relies on business from tourists and inter-urban traffic such as a hotel, gas bar, fast-food restaurant;c) A use that supplies goods and services that are not normally found within the downtown or a shopping centre such as auto repair and service facilities; <p>A use that requites substantial showroom area because of the bulky or large size nature of the principal commodities that are being marketed, and the requirement for a large showroom makes it economically difficult to provide the space in the downtown or shopping centre location.</p>	<p>Welland</p> <p>Landscape Contracting Establishment Means the use of land, buildings or structures, where soil, mulch, rock, screening and other similar landscape materials are stored and offered for sale on a wholesale basis and which may include but not be limited to the storage of related equipment. Accessory snow removal equipment shall also be permitted</p> <p>Hamilton</p> <p>Building and Lumber Supply Establishment Shall mean the use of land, building or Supply Establishment structure, or part thereof, for a retail store and any associated outdoor storage which predominantly sells lumber and a wide range of building and home construction materials along with ancillary sales of construction tools, gardening products, and home design products.</p>	It is recommended that this term be retained as building supply uses will be permitted in a new zoning bylaw in service commercial areas.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
Bulk Fuel Depot	N/A	Milton Means a premises where petroleum, gasoline, fuel, oil, gas or flammable liquid or fluid is stored, warehoused and/or kept for retail sale.	It is recommended that this term be added as this use is recommended to be prohibited in the city
Bylaw means this Bylaw and any amendments thereto including any and all Schedules forming any part of this Bylaw and any amendments thereto.	N/A	Waterloo Means this by-law, all schedules attached hereto, and every amendment which amends, modifies or supplements this by-law. Other comparator municipalities do not define.	It is recommended that this term be retained.
Campground means a place used or maintained as an overnight tenting or camping area, where people are temporarily accommodated in tents, trailers or similar facilities, whether or not a fee is paid for the rental thereof, but does not include a mobile home or a mobile home park.	N/A	N/A	It is recommended that this term be deleted as a campground is not recommended to be a permitted use in a new zoning bylaw
Carport means an unenclosed, roofed structure with less than 60% of the total perimeter enclosed by walls, doors or windows attached to a wall of a building and used for the storage or parking of motor vehicles	N/A	See Guelph Parking Standards Discussion Paper.	It is recommended that this term be retained as a carport will continue to be a place to park cars.
Car wash, Automatic means a place used for the automated washing or drying of a vehicle.	Automatic car wash is not a defined term in the Official Plan. It is an example of a commercial use	Hamilton Motor Vehicle Wash Facility mean a building or structure or part thereof, used for either the mechanical or manual cleaning or washing of motor vehicles and shall include motor vehicle detailing St. Catharines Car Wash: means premises used for washing vehicles. Welland Motor Vehicle Washing Establishment Means a premises used for the mechanical or manual washing, cleaning or polishing of motor vehicles. Oakville Motor Vehicle Washing Facility means a premises for the mechanical or hand washing of motor vehicles.	It is recommended that this term be retained as it will continue to be a permitted use in specific commercial zones.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
Car wash, Manual means a place used for the washing of a vehicle by means of a hand operated pressurized wand connected to the water system of the place	Manual car wash is not a defined term in the Official Plan. It is an example of a commercial use	<p>Hamilton Motor Vehicle Wash Facility mean a building or structure or part thereof, used for either the mechanical or manual cleaning or washing of motor vehicles and shall include motor vehicle detailing</p> <p>St. Catharines Car Wash: means premises used for washing vehicles.</p> <p>Welland Motor Vehicle Washing Establishment Means a premises used for the mechanical or manual washing, cleaning or polishing of motor vehicles.</p> <p>Oakville Motor Vehicle Washing Facility means a premises for the mechanical or hand washing of motor vehicles.</p>	It is recommended that this term be retained as it will continue to be a permitted use in specific commercial zones.
Catalogue Sales Outlet means a retail establishment in which orders are accepted for the purchase of goods listed in a catalogue provided by the establishment and in which goods so listed may be provided within the establishment for sale	Catalogue Sales Outlet is not a defined term in the Official Plan. It is an example of a retail use.	N/A	It is recommended that this term be deleted because this use is not recommended to be a use in the new zoning bylaw.
Catering Service means a place where food and beverages are prepared for consumption off-site, but are not served on the premises or for take-out.	Catering Service is not a defined term in the Official Plan. It is an example of a ???		It is recommended that this term be retained as catering service use is recommended to be permitted in service commercial zones in a new zoning bylaw.
Cellar means any enclosed portion of a building that has more than 50% of its height, from floor to ceiling, located below average finished grade.	N/A	N/A	It is recommended that this term be retained as it is needed for the definitions of floor area.
Cemetery includes a crematorium, mausoleum or columbarium.	Cemetery is not a defined term in the Official Plan. It is a permitted use within the Open Space and Parks land use designation.	N/A	It is recommended that this term be retained as existing cemeteries will continue to be permitted in a new zoning bylaw.
Centre Line means the point which equally divides the width of the original road allowance of a street.	N/A	<p>Cambridge (a) With reference to a street or highway - a line drawn parallel to and equidistant from the limits of the street or highway or designated road allowance; or (b) With reference to a private street - a line that is drawn parallel to and equidistant from the edges of the paved surface of the private street.</p>	It is recommended that this term be retained as there are rules that use this term.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
City means the Corporation of the City of Guelph	N/A	Cambridge the corporation of the City of Cambridge, and includes its Council and any tribunal, licensing officer or employee of the City responsible for, or whose duties include, the administration or enforcement of this By-law, or the exercise of any duty or power to which this By-law relates. Kitchener City – means the Corporation of the City of Kitchener City – means the geographic area comprising Kitchener Waterloo Means The Corporation of the City of Waterloo and where the context so implies includes its council, employees, solicitors, officers and agents.	It is recommended that this term be retained.
Cleaning Establishment means a placed used for the cleaning, dyeing, or pressing of clothing or other articles including rugs, carpets, linens and draperies	Cleaning Establishment is not a defined term in the Official Plan. It is an example of a commercial use.	Milton – Dry Cleaning Establishment Means a premises in which the business or laundry of dry-cleaning is housed and where the cleaning, drying, ironing and finishing of such goods is conducted St. Catharines – Industry, Light means premises used for: a) the manufacture, processing, assembly, or packaging of finished parts or products from previously prepared materials; b) the repair or servicing of products. c) building supply storage and wholesale d) warehouse and storage Light Industry does not include obnoxious, dangerous or offensive trades. Waterloo Dry Cleaning and Laundry Depot means a service commercial establishment where articles of clothing are received for: a) cleaning elsewhere; or b) cleaning on the premises if the cleaning process is restricted to closed unvented dry cleaning equipment. Could also be a Commercial Service means a commercial establishment that primarily serves businesses by providing services that support the operations of businesses, such as delivery service, copy centre, printing facility, data centre, document shredding, post office. Could also be a Custom Service Shop which is	It is recommended that this term be deleted as it is considered a service establishment.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		connected with the building industry and includes carpet cleaning service.	
Club means a place used for social, literary, cultural, political, educational or recreational purposes, but does not include an Amusement Park, Arena, or Public Hall or a Gaming Establishment	A club is not defined in the Official Plan. It may be an example of a commercial use.	N/A	It is recommended that this term be deleted as this use is considered a conference and convention facility.
Commercial Entertainment means the use of a place, for a fee, for the provision of entertainment or amusement without the necessity of active participation by the user and includes a theatre, playhouse, bingo hall and other public hall, but does not include a parlour, adult entertainment, or gaming establishment.	Commercial Entertainment is not defined in the Official Plan. It is an example of a commercial use.	<p>Oakville Place of Entertainment means a premises devoted to the offering of facilities for the entertainment of the public including a cinema, live theatre, concert hall, planetarium, or other similar use, as well as facilities for the playing of games for the amusement of the public including an arcade, billiard room, bowling alley, electronic or laser game, indoor miniature golf, indoor paintball facility, and bingo hall.</p> <p>Welland Place of Entertainment Means a premises used for facilities for the entertainment of the public including a cinema, live theatre, concert hall, planetarium, or other similar use, as well as facilities for the playing of games for the amusement of the public including billiard rooms, bowling alleys, laser games, arcades, electronic games, indoor miniature golf courses and bingo halls but does not include casinos or any other establishment accommodating gambling services, an adult entertainment establishment, nightclub, or a sports facility.</p> <p>Hamilton Commercial Entertainment Shall mean a use of an establishment for the general purpose of providing entertainment or amusement for a fee and shall include, for example, but not be limited to cinemas, bingo halls, dance club, cultural events but shall not include an Amusement Arcade, Adult Entertainment Parlour, or Casino.</p>	It is recommended that this term be retained as it will continue to be a permitted use in a new zoning bylaw.
Commercial School means a school, operated for gain or profit, in which is provided instruction in a trade, skill or service including secretarial skills, vocational skills,	Commercial school is not defined in the Official Plan. It is an example of a commercial use.	<p>Hamilton Commercial School Shall mean a) an establishment used for the study or instruction of a performing or visual art, such</p>	It is recommended that this term be retained and modified to reflect zoning trends.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
aviation, banking, commercial arts, automobile driving language, modelling, business, hairdressing, beauty, culture, dancing or music.		<p>as but not limited to, dancing, singing, acting or modelling and which is operated on a financial profit basis; and,</p> <p>b) a school where academic, vocational or technical subjects are taught and which is operated on a financial profit basis. But shall not include an Educational Establishment.</p> <p><u>Oakville</u> Commercial School means a premises where non-sports related specialized instruction or life skills training is provided.</p> <p><u>Welland</u> Commercial School Means a building, or part thereof, where instruction of a skill is provided for profit and may include instruction in a trade, business, art, music, dance, cooking, athletic skill or any other specialized instruction but does not include an educational establishment including a college or university.</p> <p><u>Milton</u> Commercial School - Skill Means a premises where students are taught a skill (e.g. music, dancing, gymnastics, adult/children learning centers, cultural related activities, etc.), but does not include a Day Nursery or a School.</p> <p>Commercial School – Trade/Profession Means a premises conducted for profit or gain, where students are taught a trade or profession (e.g. business schools, technology, hair dressing schools, specific trade training, etc.), but does not include a School.</p> <p><u>Waterloo</u> School, Commercial School means a service commercial establishment which provides instruction to one or more PERSONS for gain or profit. COMERCIAL SCHOOLS do not operates in accordance with the requirements of the Education Act, R.S.O. 1990, c.E.2 as amended. Includes a driving school, art school, drama school, dancing</p>	

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		<p>school, music school, modeling school, golf school, and business school. Excludes PUBLIC SCHOOL and PRIVATE SCHOOL.</p> <p>Training Facility means a commercial service establishment where instruction is provided for employment-related skills required to: a) fulfill the training requirements of a profession; b) improve job performance; and or c) enhance career development. TRAINING FACILITIES do not operate in accordance with the requirements of the Education Act, R.S.O. 1990, c.E.2 as amended.</p>	
Community Centre			It is recommended that this term be added to as it is recommended to be a permitted use in specific zones.
Computer Establishment means a building, or part thereof, used for data processing, the design and distribution of a computer programs, and computer training for persons.	Computer Establishment is not defined within the Official Plan. It is permitted in the Official Plan as a computer, electronic and data processing enterprise.	<p>Milton, St. Catharines and Waterloo do not define the term.</p> <p>Milton treats it as a Research and Technology Use.</p> <p>St. Catharines treats it as a Research Facility.</p> <p>Waterloo has the following defined terms that align with the use: Advanced Tech, Data Centre, Tech Office, Training Facility and Commercial School.</p>	It is recommended that this term be modified to improve alignment with Official Plan.
Conforming Use means a use which complies with the uses permitted in this bylaw for the zone in which such use is located.	<p>The Official Plan does not define conforming use but defines legal-non conforming use which is the opposite of a conforming use.</p> <p>Legal-non Conforming means a use of land, building or structure that is not recognized in the Zoning bylaw but which lawfully existed on the day the zoning bylaw was passed.</p> <p>The existing zoning bylaw definition of conforming use works with the Official Plan definition of legal non-conforming use and is therefore consistent with the Official Plan.</p>	<p>St. Catharines</p> <p>Conforming means a use which is permitted by this By-Law in the zone category in which the use is located.</p>	It is recommended that this term be deleted as it not necessary to define conforming use in a zoning bylaw.
Conservation Area means a place designated by the Ministry of Natural Resources or the Ministry of Energy and Environment as environmentally sensitive and includes any Place owned by the Grand River Conservation Authority.	N/A	N/A	It is recommended that this term be modified to define the Grand River Conservation Authority as there are recommended rules that reference the Grand River Conservation Authority.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
Conservation Use	The Official Plan does not define conservation use specifically but references “no negative impact” and permits specific types of conservation uses	Kitchener Means the use of land, water, and/or structures for the protection, management, and conservation of the natural heritage system. Natural heritage conservation may include the preservation, maintenance, sustainable utilization, restoration, and/or enhancement of the natural environment, and may include forest, fish, and wildlife management. Cambridge Means an area of land that is generally left in its natural state and which is used for any combination of preservation, protection, or improvement of components of the natural heritage system and which may include, as an accessory use, passive recreational uses (such as hiking trails and cross country ski trails), and buildings and structures (such as nature interpretation centres and public information centres). Aurora Means uses undertaken solely for the purpose of preserving, maintaining and/or enhancing the natural environment. Permitted uses are limited to stream bank protection works. Fish, wildlife, forestry, wetlands and conservation management practices, and trails.	It is recommended that this term be added to a new zoning bylaw as the use is recommended to be permitted in a natural heritage conservation zone.
Contractor’s Yard means a place used by a construction company or contractor as a depot for the storage and maintenance of equipment used by the company or contractor, but does not include the wholesale or retail sale of construction materials or supplies, home improvement supplies or a place used by a plumbing, heating, air conditioning or electrical contractor.	The Official Plan does not define contractor’s yard. It is a permitted use within the Official Plan as contractor’s yards.	Milton Means a premises of any general contractor or builder where equipment and or raw or processed materials are stored, including, but not limited to, sand, soil, stone, rock, mulch, concrete block, wood, wood pallets, and/or other similar material(s), or where a contractor and/or tradesman performs shop and assembly work, and/or offers a trade service, including, but not limited to landscaping services, general construction services, cabinetry services, plumbing services and welding services, or other similar services. St. Catharines The term is not defined. Waterloo The term is not defined.	It is recommended that this term be retained as contractor’s yard uses will be permitted in a new zoning bylaw.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
Convenience Store means a retail establishment with a maximum gross floor area of 400 square metres which is used for retailing daily household or grocery needs of neighbourhood consumers and includes a variety store, confectionery, pharmacy or a tobacco shop but does not include supermarket, hardware store or the like.	<p>The Official Plan defines convenience commercial as:</p> <p>Convenience Commercial means a small-scale operation and personal service that has a planning function of serving the day-to-day convenience shopping needs of an immediately surrounding residential population. Examples of uses include a convenience food store, a dry cleaner or a small-scale restaurant.</p>	<p>Oakville No definition of convenience retail/store or equivalent. Uses retail store.</p> <p>St. Catharines No definition of convenience retail/store or equivalent. Uses retail store</p> <p>Welland No definition of convenience retail/store or equivalent. Uses retail establishment.</p> <p>Hamilton No definition of convenience retail/store or equivalent. Uses retail as permitted use.</p> <p>Milton Convenience Store means a retail store that provides a variety of household necessities, groceries and other convenience items primarily to the immediate neighbourhood.</p> <p>Burlington Convenience/Specialty Food Store A retail establishment with a floor area of up to 1800 m², selling various convenience, delicatessen and/or food items, such as meat, fish and seafood, fruit and vegetables, bakery items, candy/nuts, health food, etc.</p>	<p>It is recommended that this term be modified to align with the Official Plan.</p>
Conversion means the alteration or change of use of any place from the existing use of such place (for the purposes of section 12 only)	N/A	N/A	<p>It is recommended that this term be deleted as it is no longer necessary in a new zoning bylaw.</p>
Courier Service means a place in which is provided courier pick-up or drop-off services, but does not include a postal service.	<p>The Official Plan does not define courier services. It is an example of a service commercial use.</p> <p>Service Commercial means uses that support highway-oriented or service-oriented commercial activities that cannot be readily located within the downtown area or within a shopping centre location. The following list characterizes the main features of a service commercial use:</p> <p>d) A use that requires a large site area and outdoor display area to accommodate the sale or large</p>	<p>No other comparison ZBLs include courier service as a specific use.</p> <p>Milton Warehouse/Distribution Centre Means a premises used for the storage and/or distribution of goods, wares, merchandise, substances, articles or things, within a building and may include a commercial storage facility or facilities for an accessory wholesale or retail outlet, but does not include a transportation terminal.</p> <p>Welland</p>	<p>It is recommended that this term be deleted because this use is not recommended to be a use within the new zoning bylaw. A courier service is considered a service establishment.</p>

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
	<p>commodities such as cars, recreational vehicles, building supplies;</p> <p>e) A use that primarily relies on business from tourists and inter-urban traffic such as a hotel, gas bar, fast-food restaurant;</p> <p>f) A use that supplies goods and services that are not normally found within the downtown or a shopping centre such as auto repair and service facilities;</p> <p>A use that requires substantial showroom area because of the bulky or large size nature of the principal commodities that are being marketed, and the requirement for a large showroom makes it economically difficult to provide the space in the downtown or shopping centre location.</p>	<p>Warehouse Means a building or structure, or part thereof, used for the bulk storage or distribution of goods and equipment to industrial, commercial or institutional business users or other wholesalers, but shall not include the retailing of goods to the general public. A warehouse including selfstorage units and mini-warehouses but shall not include a waste management facility, salvage yard or towing establishment.</p> <p>Kitchener</p> <p>Truck Transport Terminal – means the use of a premises for the storage of commercial vehicles for the purpose of dispatching as common carriers, or where goods and materials are temporarily stored in bulk quantities at a transfer point for further shipment, and shall include the rental or leasing of trucks, and a courier distribution facility.</p>	
<p>Day Care Centre means a place in which is provided, for more than five children who are not of common parentage, temporary care or guidance for a continuous period not exceeding 24 hours, but does not include:</p> <p>i) Any part of a public school, separate school, private school or any school for trainable retarded children under the Education Act, R.S.O. 1990, Chapter E.2 as amended from time to time or any successor thereof;</p> <p>ii) Any place that is used for a program or recreation operated and supervised by the City; or</p> <p>iii) A children’s mental health centre.</p> <p>Children means, for the purposes of a day care centre, developmentally handicapped persons under 18 years of age; or persons under ten years of age.</p>	<p>Day care centre is defined in the Official Plan as</p> <p>Day Care Centre means a premise licensed under the Day Nurseries Act, that receives more than five children who are not of common parentage primarily for the purpose of providing temporary care or guidance, or both temporary care, for a continuous period not exceeding twenty-four hours, when the children are under eighteen years of age in the case of a day nursery for children with developmental handicap and under ten years of age in all other cases.</p>	<p>Hamilton</p> <p>Day Nursery Shall mean a facility licensed under the Day Nurseries Act which receives more than 5 children who are not of common parentage, primarily for the purpose of providing temporary care and/or guidance for a continuous period not exceeding 24 hours, where children are,</p> <p>a) Under eighteen years of age in the case of a day nursery for children with a development disability, and</p> <p>b) Under ten years of age in all other cases, but shall not include part of a school provided for under the Education Act;</p> <p>Welland</p> <p>Day Care Centre Means a premises, including outdoor areas that is licensed in accordance with the Day Nurseries Act, as amended, where more than five children or elderly persons are provided with temporary care and/or guidance for a continuous period not exceeding twenty-four hours.</p> <p>St. Catharines</p>	<p>It is recommended that this term be modified to align with the Official Plan and Day Nurseries Act.</p>

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		<p>Day Care: means premises used for caring for one or more persons for a portion of a day.</p> <p>Oakville Day Care means: a) a premises, including outdoor areas, where children are provided with temporary care and/or guidance for a continuous period not exceeding 24 hours and are licensed in accordance with the Child Care and Early Years Act; or, b) indoor and outdoor premises in which care is offered or supplied on a regular schedule to adults for a portion of a day but does not provide overnight accommodation</p>	
<p>Designated Structure means a place designated by the City under Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter).18, as amended from time to time or any successor thereof.</p>	<p>The Official Plan defines Designated Property as</p> <p>Designated Property for the purpose of cultural heritage, property designated by a municipality under Part IV of the Ontario Heritage Act or within a Heritage Conservation District designated under Part V of the Ontario Heritage Act.</p>	<p>Burlington Cultural Heritage Resource: Means a building, structure, monument, natural feature [including those that have been modified by humans, such as parks, gardens, rows of trees, etc.], an archaeological and historical site, or remains, either individually or in groups, which is considered to be of architectural and/or historical significance.</p> <p>Kitchener Cultural Heritage Resources: means buildings, structures and properties designated under the Ontario Heritage Act or listed on the Municipal Heritage Register, protected by a heritage easement or covenant, properties identified on the Heritage Kitchener Inventory of Historic Buildings, built heritage resources, and cultural heritage landscapes as defined in the Provincial Policy Statement.</p>	<p>It is recommended that this term be modified to consider a change to name of the term and potential reference to Part V of the Ontario Heritage Act to reflect provincial legislation and direction in the Official Plan.</p>
<p>Development means:</p> <ul style="list-style-type: none">i. the construction, erection or placing of one or more buildings of structures on lands;ii. activities such as site grading, excavation, removal of top soil or peat and the placing or dumping of filliii. drainage works, except for the maintenance of existing municipal and agricultural drains; and;	<p>N/A</p>	<p>N/A</p>	<p>It is recommended that this term be deleted as it is no longer necessary to define in a new zoning bylaw.</p>

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
<p>iv. various forms of intensification (for the purposes of section 12 only but not the SPA)</p> <p>Development means the construction, erection or placing of one or more buildings or structures on lands, or an addition or alteration to a building or structure which adds more than 50% of the existing ground floor area to a building or structure (for the purposes of the SPA regulations within section 12 only)</p>			
<p>Donation Centre shall mean an establishment owned and operated by a registered non-profit charitable organization which is attended by employees to receive donations from the public of primarily used or second hand housewares, furniture, appliances, equipment, toys and clothing and where these goods are sorted and re-used in part.</p>	N/A	N/A	It is recommended that this term be deleted as it is no longer proposed to be a separate use.
<p>Drive-Through Facility means a Place Used to provide or dispense products or services through an attendant, a window, or an automated machine to persons remaining in Vehicles in a designated stacking lane(s), which may or may not include an order box and menu boards, but does not include a Parking Facility</p>	N/A	<p>Hamilton Shall mean a facility that is designed to allow drivers to remain in their vehicles before and during an activity on the site, an may include drive-in or drive-through restaurants, retail and service uses, but shall not include a motor vehicle washing establishment and a motor vehicle service station.</p> <p>Oakville means the use of land, buildings, or structures, including an order box with or without voice communication, or parts thereof, to provide or dispense products or services through an attendant, a window, or an automated machine to persons remaining in motor vehicles in a designated stacking lane.</p> <p>St. Catharines Means a premises which includes stacking lanes and service areas which provides or dispenses products or services to persons remaining in motorized vehicles.</p> <p>Welland Means a premises used to provide or dispense products or services through an attendant or</p>	It is recommended that this term be retained as drive-through facility uses will be permitted in a new zoning bylaw.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		a window or an automated machine, to persons remaining in vehicles that are in a designated queuing space, and may be in combination with other land uses. Kitchener means the use of a premises including stacking lanes and an order station with or without voice communication, where products or services are provided through a service window or an automated machine to patrons remaining in their motor vehicle. Waterloo means a facility that enables customers to order and obtain goods or money while remaining in their motor vehicle. Excludes CAR WASH.	
Driveway (Non-Residential)	N/A	See Guelph Parking Study Discussion Paper for comparisons.	See Guelph Parking Study Discussion Paper for recommendations.
Driveway (Residential)	N/A	See Guelph Parking Study Discussion Paper for comparisons.	See Guelph Parking Study Discussion Paper for recommendations.
Dry Cleaning Outlet means a placed used for the purpose of receiving or distributing articles of clothing to be subjected elsewhere or having been subjected elsewhere to the processes of dry cleaning, dry dyeing or cleaning or pressing.	Dry cleaning outlet is not defined in the Official Plan. It is an example of a commercial or service use.	This was replaced with “Service Establishment” new use through Downtown ZBA.	It is recommended that this term be deleted because this use is not recommended to be a use within a new zoning bylaw. A dry-cleaning outlet is considered a service establishment.
Dwelling Unit means a room or group of rooms occupied or designed to be occupied exclusively as an independent and separate self-contained housekeeping unit including a house	The Official Plan defines dwelling unit as: Dwelling Unit means a room or group of rooms occupied or designed to be occupied as an independent and separate self-contained housekeeping unit.	N/A	It is recommended that this term be retained as it is a term that is used throughout the zoning bylaw.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
Accessory Apartment means a dwelling unit located within and subordinate to an existing single detached dwelling, semi-detached dwelling or a link dwelling	<p>The Official Plan defines Accessory Apartment as:</p> <p>Accessory Apartment means a dwelling unit located within and subordinate to an existing single detached dwelling or semi-detached dwelling.</p> <p>To be consistent with the Planning Act, an Official Plan amendment is required to update the definition of accessory apartment to permit an accessory apartment with a townhouse dwelling. The zoning bylaw definition of accessory apartment is consistent with the Planning Act.</p>	N/A	It is recommended that this term be modified to align with provincial legislation and the Official Plan. It is also recommended that this term be called “accessory dwelling”.
Apartment Building means a building consisting of 3 or more dwelling units, where access to each unit is obtained through a common entrance or entrances from the street level and subsequently through a common hall or halls, but does not include a maisonette building	An apartment building is not defined in the Official Plan but is referred to as an example of multi unit residential building.	N/A	It is recommended that this term be retained as apartment building uses will be permitted in a new zoning bylaw.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
Duplex Dwelling means a building that is divided horizontally into 2 separate dwelling units	Duplex Dwelling is not defined in the Official Plan but is referred to as a permitted use in certain land use designations.	N/A	It is recommended that this term be retained as duplex dwelling uses will be permitted within a new zoning bylaw.
Garden Suite includes a coach house and means a dwelling unit which may be designed to be portable and which is located on the same lot of, and fully detached from, an existing dwelling unit, such garden suite is clearly ancillary to the existing dwelling and shall be independently serviced with municipal water and sanitary services	The Official Plan defines Garden Suite as: Garden Suite means a one-unit detached residential structure containing bathroom and kitchen facilities that is separate from and subordinate to an existing residential dwelling and that is designed to be portable.	N/A	It is recommended that this term be retained and modified to be consistent with the Official Plan
Link Dwelling means 2 single detached dwellings sharing a common foundation wall below ground level, but does not include a semi-detached dwelling	A link dwelling is not defined in the Official Plan but is an example of a single detached dwelling.	N/A	It is recommended that this term be deleted because this use is not recommended to be a use within a new zoning bylaw.
Maisonette means a building that is divided vertically into 4 or more separate dwelling units, each of which has 2 independent entrances; one to a common corridor and the other directly to an outside yard adjacent to the said dwelling unit and a one-storey maisonette is a cluster maisonette and a two-storey maisonette is a stacked maisonette	A maisonette is not defined in the Official Plan and may be considered a type of multi-unit residential building.	N/A	It is recommended that this term be deleted because this use is not recommended to be a use within a new zoning bylaw.
Semi-Detached Dwelling means a building that is divided vertically into 2 separate dwelling units	Semi-detached dwelling is not defined within the Official Plan but is a permitted use within certain land use designations.	N/A	It is recommended that this term be retained as semi-detached dwelling uses will be permitted in a new zoning bylaw.
Single Detached Dwelling means a free-standing, separate, detached building consisting of 1 dwelling unit	A single detached dwelling is not defined within the Official Plan but is a permitted use within certain land use designations.	N/A	It is recommended that this term be modified to include "it shall not include a Lodging House".
Townhouse means a building that is divided vertically into 3 or more separate dwelling units and includes a row house	A townhouse is not defined within the Official Plan but is a permitted use within certain land use designations	N/A	It is recommended that this term be retained as townhouse uses will be permitted in a new zoning bylaw.
Cluster Townhouse means a townhouse situated on a lot in such a way that at least 1 dwelling unit does	A townhouse is not defined within the Official Plan but is a permitted use within certain land use designations	N/A	It is recommended that this term be retained as cluster townhouse uses will be permitted in a new zoning bylaw.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
not have legal frontage on a public street			
On-Street Townhouse means a townhouse where each dwelling unit is located on a separate lot and has legal frontage on a public street	A townhouse is not defined within the Official Plan but is a permitted use within certain land use designations	N/A	It is recommended that this term be retained as on-street townhouse uses will be permitted in a new zoning bylaw.
Stacked Townhouse means 1 building or structure containing 2 townhouses divided horizontally: one atop the other	A townhouse is not defined within the Official Plan but is a permitted use within certain land use designations	<p>Burlington Townhouse (Stacked) A residential building containing a minimum of four and a maximum of twenty units, provided that: (a) stacked townhouse buildings shall have a maximum length of 60m; (b) not more than half of all dwelling units shall be on the ground floor; (c) dwelling units shall be fully attached to adjoining units; (d) access to all second level units shall be from an interior stairway within the stacked townhouse building.</p> <p>Milton Stacked Townhouse Means a three or four-storey building divided horizontally and vertically by common walls with more than 5 dwelling units and each unit having an individual entrance directly from the outside and no common corridor. Stacked townhouses may have a common rear wall.</p> <p>Oakville Stacked Townhouse Means a dwelling unit within a building divided into a minimum of three non-communicating dwelling units, each dwelling unit being separated from the other vertically and horizontally</p> <p>Vaughan (First Comprehensive Zoning By-law Draft April 2019) Dwelling, Stacked Townhouse: Means a townhouse dwelling consisting of at least four dwelling units, where individual dwelling units are separated both vertically and horizontally from other attached dwelling units.</p>	It is recommended that this term be retained as stacked townhouse uses will be permitted in a new zoning bylaw.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
Back-to-Back Townhouse: means a Building where each Dwelling Unit is divided vertically by common walls, including a common rear wall and common side wall, and has an independent entrance to the Dwelling Unit from the outside accessed through the Front Yard, Side Yard or Exterior Side Yard and does not have a Rear Yard . (R.4A-39 Definition)	A townhouse is not defined within the Official Plan but is a permitted use within certain land use designations	Burlington Townhouse (Back to Back) A residential building containing a minimum of 4 and a maximum of 16 units, and with a maximum length of 55 metres, having attached units separated by a common or party wall above grade, including a common or party rear wall without a rear yard setback, and whereby each unit has an independent entrance to the unit from the outside accessed through the front elevation or exterior side elevation of the dwelling unit. Milton Back-to-back Townhouse Means a building where each unit is divided vertically by common walls, including a common rear wall, and has an independent entrance to the unit from the outside accessed through the front yard or exterior side yard. Oakville Back-to-back Townhouse means a dwelling unit within a building containing four or more dwelling units divided by vertical common walls above grade, including a common rear wall Vaughan (First Comprehensive Zoning By-law Draft April 2019) Dwelling, Back-to-Back Townhouse: Means a dwelling containing four or more dwelling units divided by vertical common walls and a common rear wall, and the individual dwelling units do not have rear yards. Each dwelling unit is accessed by an independent entrance.	It is recommended that this use be retained as back-to-back townhouse uses will be permitted in a new zoning bylaw.
Podium Townhouse	A townhouse and multi unit building is not defined within the Official Plan but is a permitted use within certain land use designations	Vaughan (First Comprehensive Zoning By-law Draft April 2019) Dwelling, Podium Townhouse: Means a townhouse dwelling that is located within the podium of a building.	It is recommended that this term be added because this use will be recommended to be included as a use within a new zoning bylaw to reflect zoning trends.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
Rear-Access On-Street Townhouse ”: means a Townhouse where each Dwelling Unit is located on a separate Lot and has legal frontage on a private or public Street and has an independent entrance to the Dwelling Unit from the outside accessed through the Exterior Side Yard or Rear Yard . (R.4A-39 Definition)	A townhouse is not defined within the Official Plan but is a permitted use within certain land use designations	N/A	It is recommended that this term be retained as rear-access on-street townhouse uses will be permitted in a new zoning bylaw.
Stacked Back-to-Back Townhouse	A townhouse is not defined within the Official Plan but is a permitted use within certain land use designations	Vaughan (First Comprehensive Zoning By-law Draft April 2019) Dwelling, Back-to-Back Stacked Townhouse: Means a stacked townhouse dwelling where the dwelling units also share a common rear wall, and the individual dwelling units do not have rear yards.	It is recommended that this term be added as stacked back-to-back townhouse uses will be permitted in a new zoning bylaw.
Multiple Attached Dwelling shall mean a building consisting of 3 or more dwelling units which are horizontally and vertically attached, which are entered from an independent entrance directly from the outdoors or from an internal hall or corridor and which share common facilities such as common amenity area, parking and driveways	A multiple attached dwelling is not defined in the Official Plan and may be considered a type of multi-unit residential building.	N/A	It is recommended that this term be deleted because this use is not recommended to be a use within a new zoning bylaw.
Electrical Transformer Station	Electrical Transformer Station is not a defined term in the Official Plan. It is a permitted use under Major Utilities designation. It is a type of Infrastructure which is defined in the Official Plan and means: Physical structures and services (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, stormwater management facilities, septage treatment systems, waste management systems, electrical power generation and transmission, communications/telecommunications, transit and transportation corridors and facilities, and oil and gas pipelines and associated facilities.	Kitchener – means the use of a premises to manage the transmission and distribution of electrical power that is provided to the public. Oakville – Alternative Energy System, Cogeneration, Cogeneration Facility, District Energy Facility, Infrastructure, Power Generation Facility, Renewable Energy System	It is recommended that this term be added to reflect it as a permitted use in the recommended new major utility zone that reflects direction in the Official Plan.
Emergency Shelter means a government subsidized facility which provides lodging and services to meet the personal needs of people experiencing homelessness on a short-term, infrequent basis	Emergency shelter is not defined in the Official Plan but is listed as an example of special needs housing.		It is recommended that this term be retained as emergency shelter uses will be permitted in a new zoning bylaw.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
<p>Environmental Impact Study means a study conducted prior to development to investigate the potential environmental impact of development and such study determines whether a particular development should proceed, and if so, what actions or measures are required to minimize adverse impact on the environment and:</p> <p>For the purposes of implementing the wetlands policy statement regarding provincially significant wetlands, a variety of types of environmental studies are outlined in Appendix B of the Implementation Guidelines Manual to the Wetlands Policy Statement (November 1992), as amended from time to time or any successor thereof to this document shall be made for clarification of what constitutes an Environmental Impact Study</p>	<p>Environmental Impact Study (EIS) means: the form or product a study used in the context of natural heritage features and areas where development provisions on or adjacent to a natural heritage feature have been established through a rigorous ecosystems-analysis approach. This will usually take the form of a (sub) watershed study or environmental overview based on a landscape scale review of a natural features and functions of an area.</p> <p>Scoped Environmental Impact Study (EIS) means: the form of study used in the context of assessing impact on natural heritage features where development within or adjacent to a natural heritage feature or area is contemplated City of Guelph Official Plan 367 March 2018 Consolidation and a comprehensive study (EIS/EA/Subwatershed Plan) has been completed. In this instance an area or site specific study that addresses the issues of particular concern not previously addressed in sufficient detail in the comprehensive studies will be examined for the site specific development proposal. Alternatively, this form of EIS may be used in instances where a Comprehensive EIS has not been undertaken, but the City, via its development approval process, requires a study to be conducted to assess impact on the features and adjacent lands thereto.</p>	<p>Kitchener Not defined but referenced in environmental overlays.</p>	<p>It is recommended that this term be deleted as it is not recommended to be used in a new zoning bylaw.</p>
<p>Factory Sales Outlet means an accessory use to manufacturing in which the goods, wares or merchandise manufactured on the premises are offered for sale</p>	<p>Factory sales outlet is not defined in the Official Plan but is a permitted accessory use in the industrial designation.</p>	<p>N/A</p>	<p>It is recommended that this term be retained as a factory sales outlet is permitted within employment areas as an accessory use.</p>
<p>Fence means a protective, enclosing or visual barrier made of wood, metal or other substances that is constructed for any purpose, such as marking the boundary of a property, enclosing a property, providing privacy, preventing access by people or animals, or dividing a property into sections, and includes every door, gate or other enclosure that forms part of a fence, but does not include a trellis or arbour. When a trellis is</p>	<p>A fence is not defined in the Official Plan.</p>	<p>N/A</p>	<p>It is recommended that this term be retained as fence rules are recommended to be retained.</p>

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
located within 0.6 metres of a lot line, it shall be regulated as a fence.			
Fill, Construction and Alteration to Waterways Regulations means a regulation passed pursuant to Section 28 of the Conservation Authorities Act, R.S.O 1990, Chapter C.27, as amended from time to time or any successor thereof, whereby a Conservation Authority may, among other matters, regulate: <ul style="list-style-type: none"> i. the straightening, changing, diverting, or interfering in any way with the existing channel of a river, creek, stream or watercourse; ii. the construction of any building or structure in or on a pond or swamp or in any area susceptible to Flooding; and iii. the placing or dumping of fill of any kind in any defined part of the area over which the Conservation Authority has jurisdiction in which the opinion of the Conservation Authority, the control of flooding or pollution or the conservation of land may be affected. (for the purposes of section 12 only) 	N/A	N/A	It is recommended that this term be deleted as it is not necessary to define in a zoning bylaw.
Financial Establishment means a place where financial transactions including the borrowing, depositing, exchanging of currency and credit occurs and includes an automated banking machine	Financial establishment is not defined in the Official Plan but is permitted as an ancillary use in some land use designations and is also an example of a service commercial use.	<p>Hamilton Financial Establishment Shall mean a use where money is deposited, kept, lent and exchanged, and shall include but not be limited to banks, credit unions, trust companies or other similar banking services.</p> <p>Welland Financial Establishment Means a use where money is deposited, kept, lent and exchanged, and shall include but not be limited to banks, credit unions, trust companies or other similar banking services.</p> <p>Oakville Financial Institution means a premises where retail financial services are offered to the public.</p>	It is recommended that this term be retained as it is a use the is recommended to be permitted in commercial, mixed-use and employment zones.
Finished Grade means the average elevation of the finished surface of the ground, excluding any artificial embankment,	Finished grade is not defined in the Official Plan.	<p>Cambridge Grade: the average level of proposed or finished ground adjoining a building at all exterior walls.</p>	It is recommended that this term be retained as it is referenced in the definition of building height.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
immediately adjoining the base of the exterior walls or supports of a building or structure		Kitchener Means the elevation of the finished ground or land immediately surrounding such building or structure, and is determined by averaging 6 grade elevations equally spaced apart along the exterior walls of the building. Oakville Means the average level of proposed or finished ground adjoining a building or structure at all exterior walls. St. Catharines Grade means the final elevation of the ground surface of a lot after completion of development or construction. Waterloo Grade means the finished ground level of the land, and when used in reference to a BUILDING or STRUCTURE shall mean the finished ground level of the land adjacent to the exterior walls of the BUILDING or STRUCTURE.	
First Floor means the floor of a building immediately above the cellar or basement or where no basement or cellar exist, the first floor shall be the floor nearest to finished grade	N/A	N/A	It is recommended that this term be retained as rules are recommended that will apply to the first floor of a building.
Fitness Centre		Milton Means a premises in which facilities and activities are provided to obtain physical fitness and shall include weightlifting machinery and equipment and may include exercise classes and associated facilities such as a sauna, retail store, office space and related lounge facilities.	It is recommended that this term be added to as a fitness centre is recommended to be a use in a new zoning bylaw.
Flea Market means a place where goods, wares, merchandise or services are displayed or offered for retail sale by individual vendors from individual stalls or stands	N/A	N/A	It is recommended that this term be deleted as it is no longer proposed to be a permitted use.
Flood means a temporary rise in the water level resulting in the inundation of areas in the flood plain not ordinarily covered by water (for the purposes of section 12 only)	N/A	N/A	It is recommended that this term be deleted as it will no longer be referenced in a new zoning bylaw.
Flooding Hazard – not currently defined or referenced in the zoning bylaw	N/A	Town of Aurora Flooding Hazard means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream	It is recommended that this term be deleted as it will no longer be referenced in a new zoning bylaw.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		system or small inland lake systems, and not ordinarily covered by water: a) the flooding hazard limit is the greater of the flood resulting from the rainfall actually experienced during the major storm such as Hurricane Hazel storm (1954) transposed over a specific watershed and combined with the local conditions, where the evidence suggests that the storm could have potentially occurred over watershed in the general area OR the one hundred year flood	
Flood Fringe means the area in the Two Zone Flood Plan concept which lies between the floodway and the regulatory flood level (for the purposes of section 12 only)	N/A	Waterloo Flood Fringe means, for watercourses and small inland lake systems, the outer portion of the floodplain between the floodway and the limit of the flooding hazard	It is recommended that this term be deleted as it is not necessary to define within a zoning bylaw.
Flood Plain means the area adjoining a watercourse which ahs bene or may be covered by flood water. The Regulatory Flood line delimits the boundaries of the flood plan (for the purposes of section 12 only)	N/A	N/A	It is recommended that this term be deleted as it is not necessary to define within a zoning bylaw.
Floodproofing means a combination of structure changes of adjustments incorporated into the basic design or construction of individual buildings, structures or properties subject to flooding so as to reduce or eliminate flood damage. Various forms of flodproofing area available as outlined in the Implementation Guidelines of the Flood Plain Policy Statement: i. Dry Floodproofing means the use of fill, columns, or design modifications to elevate openings in a building or structure above the regulatory flood level or the use of water-tight doors, seals, berms or floodwalls to prevent water from entering openings below the regulatory flood level; ii. Passive Floodproofing means floodproofing techniques which are permanently in place and do not require advance warning and action in order to make the flood protection effective (for the purposes of section 12 only)	N/A	Town of Aurora Floodproofing means the combination of measures incorporated into the basic design and/or construction of buildings, structures, or lots to reduce or eliminate flooding hazards, wave uprush and other water-related hazards along the shorelines of the large inland lakes, and flooding hazards along river, stream and small inland lake systems. Waterloo Floodproofed means structural changes and or measures incorporated into the design and or construction of a building, structure, or property to protect it from flood damage	It is recommended that this term be retained as there will be rules retained in a new zoning bylaw that reference floodproofing.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
Floodway means the area of the flood plain that is required for the safe passage of flood flow or the area where flood depths or velocities pose a potential threat to life or property. The delimitation of the floodway is calculated by the Grand River Conservation Authority (for the purposes of section 12 only)	N/A	N/A	It is recommended that this term be deleted as it is not necessary to define within a zoning bylaw.
Floodway, Hydraulic means the minimum channel required to pass the regulatory flood, as calculated by the Grand River Conservation Authority	N/A	N/A	It is recommended that this term be deleted as it is not necessary to define within a zoning bylaw.
Flood Control Facility means a channel, dam, dyke or like structure or facility, approved by the GRCA and the MNR, which is used to minimize the potential for damage in the event of a flood	Flood control facility is not defined in the Official Plan	N/A	It is recommended that this term be retained as it will be referenced in the definition of "structure".
Floor Space Index is an index that, when multiplied by the total land area of a lot, indicates the maximum permissible gross floor area for all buildings on such lot, excluding an underground or covered parking structure and floor space located in the cellar or basement	Floor space index is not defined in the Official Plan. It is a term that is used within the Downtown Secondary Plan to regulate maximum floor space within particular land use designations.	Cambridge the gross floor area of all buildings on a lot divided by the area of the lot on which the buildings are developed Kitchener Floor Space Ratio – means the figure obtained when the building floor area on a lot is divided by the lot area. In the case of a building or part thereof located above a street or lane, the calculation of the floor space ration shall include that portion of the building floor area and that portion of the area of the street or lane between the lot line and the centre line of the street or lane. Oakville Means the net floor area of all buildings on a lot divided by the lot area.	It is recommended that this term be retained as there will be rules for floor space index in the new zoning bylaw.
Floorplate means the gross horizontal floor area or a single floor measured from the exterior walls of a Building or Structure and shall not include Balconies .	N/A	N/A	It is recommended that this term be retained as it is a term that is recommended to be referenced in specific rules for tall buildings.
Florist means a retail establishment in which flowers, indoor plants or arrangements thereof are sold.	Florist is not defined in the Official Plan. Retail commercial is defined as Retail Commercial means an enterprise whose purpose is to sell a commodity to the end user. A florist is an example of a retail use.	N/A	It is recommended that this term be deleted because this use is not recommended to be a use within a new zoning bylaw. A florist is considered a retail establishment.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
Fuel Supply Depot shall mean a fuel dispensing operation consisting of fuel pump islands, underground fuel tanks in which the sale of fuel may be available to fleets, trucking operations and industry, but is not available to the public in the manner of a Vehicle Gas Bar	<p>Fuel Supply Depot is not defined in the Official Plan. It is an Industrial type of use not open to the public which is more of a Service Commercial use. It deals with hazardous substances which is defined in the Official Plan as</p> <p>Hazardous substances means: Substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.</p>	Milton – defines Propane Facility, Retail.	It is recommended that this term be renamed “bulk fuel depot”. This use is recommended to be prohibited throughout the city.
Food Vehicle means an outdoor vehicle not permanently affixed to the ground and capable of being moved on a daily basis, from which food intended for immediate consumption is provided for sale or sold, and includes a motorized, self-propelled vehicle (i.e. food truck), a vehicle that is not self-propelled, but can be towed (i.e. food trailer) and a vehicle moved by human exertion (i.e. food cart).	Food Vehicle is not defined in the Official Plan.	N/A	It is recommended that this term be retained as food vehicles are recommended to continue to be a permitted use in a new zoning bylaw
Funeral Home includes a chapel for funeral services	Funeral home is not defined in the Official Plan.	<p>Hamilton Funeral Home Shall mean a building or structure or part thereof, used for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of corpses for interment or cremation, and may include a chapel and a crematorium.</p> <p>Welland Funeral Home Means a premises used for the purpose of furnishing funeral supplies or services to the public and includes facilities intended for the preparation of bodies for interment or cremation off site such as embalming, and includes an ancillary visitation centre and place of worship and may also include a crematorium and cemetery.</p> <p>St. Catharines Funeral Home means premises used for the care and preparation of human remains,</p>	It is recommended that this term be modified to reflect zoning trends and to exclude a crematorium.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		<p>excluding a crematoria, and may include related coordination and provision of rites and ceremonies so that persons may attend and pay their respects.</p> <p>Oakville Funeral Home means a premises used for the purpose of furnishing funeral supplies or services to the public and includes facilities intended for the preparation of bodies for interment or cremation off site such as embalming.</p>	
<p>Gaming Establishment means a Place where any banking or percentage game is played with cards, dice or any mechanical device or machine for money, property or any item of value, and includes a Place such as a casino, or a gambling facility with slot machines or video lottery terminals.</p>	<p>Gaming establishment is not defined in the Official Plan.</p>	<p>Comparator municipalities do not define gaming establishment.</p> <p>Oakville defines Casino Casino means a premises primarily engaged in gambling activities, for money or other items of value, and offering games of chance, such as card games, dice games, wagering, and game machines or devices, but does not include a place of entertainment.</p>	<p>It is recommended to retain this term as it is a use that is prohibited in the city.</p>
<p>Garage means an enclosed, detached accessory Building or an enclosed portion of a residential Building Used for the storage of Vehicles</p>	<p>N/A</p>	<p>See Guelph's Parking Standards Discussion Paper.</p>	<p>See Guelph's Parking Standards Discussion Paper.</p>
<p>Garage Sale means an Occasional Use sale, conducted on a residential property by an occupant of such residential property, of household goods belonging to the occupier thereof and includes a Yard sale and the like</p>	<p>N/A</p>	<p>N/A</p>	<p>It is recommended that this term be retained as a garage sale would be permitted under occasional uses.</p>
<p>Garden Centre means a Place where trees, shrubs or plants are grown or stored for the purpose of transplanting, for use as stocks for building or grafting, or for the purpose of retail or Wholesale, together with the sale of soil, planting materials, fertilizers or similar materials and includes a nursery or greenhouse</p>	<p>Garden Centre is not a defined term in the Official Plan. It is an example of a Service Commercial use.</p> <p>Service Commercial means uses that support highway-oriented or service-oriented commercial activities that cannot be readily located within the downtown area or within a shopping centre location. The following list characterizes the main features of a service commercial use:</p> <ul style="list-style-type: none"> a) A use that requires a large site area and outdoor display area to accommodate the sale or large commodities such as cars, recreational vehicles, building supplies; 	<p>Hamilton Garden Centre Shall mean the use of land, building or structure, or part thereof, for the display and sale of plants, gardening and landscaping supplies and equipment.</p> <p>Welland Garden Centre Means the use of land or a building, or part thereof, for the display and sale of plants, trees, shrubs, and the like and may include the sale of landscaping and gardening supplies such as soils, planting materials, mulch, hand tools, ornamental garden décor, and similar materials used in landscaping and gardening but does not include the cultivation of plants.</p>	<p>It is recommended that this term be retained as garden centre uses will be permitted in a new zoning bylaw.</p>

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
	<p>b) A use that primarily relies on business from tourists and inter-urban traffic such as a hotel, gas bar, fast-food restaurant;</p> <p>c) A use that supplies goods and services that are not normally found within the downtown or a shopping centre such as auto repair and service facilities;</p> <p>d) A use that requires a location convenient to industry as it primarily provides service to industry such as machinery sales and service, electrical supplies; or</p> <p>A use that requires substantial showroom area because of the bulky or large size nature of the principal commodities that are being marketed, and the requirement for a large showroom makes it economically difficult to provide the space in the downtown or shopping centre location.</p>	<p><u>Kitchener</u> Garden Centre, Nursery, and/or Landscape Supply – means the use of a premises for the retail and display of only plants, trees and shrubs, and gardening and landscaping supplies and equipment.</p>	
<p>Golf Course means a Place where golf is played for a fee and may include a Restaurant, driving range, the sale of golf equipment and a Public Hall, but does not include a miniature golf course or the like</p>	<p>Golf Course is not defined in the Official Plan. It is a permitted use in the open space designation in the Official Plan.</p>	N/A	<p>It is recommended that this term be retained as a golf course is recommended to continue to be a permitted use in a new zoning bylaw</p>
<p>Green Roof</p>	N/A	N/A	<p>It is recommended that this term be included in a new zoning bylaw as rules for green roofs are recommended.</p>
<p>Gross Floor Area means the total floor area of a Building measured from the centre line of partition walls and from the exterior face of outside walls, but does not include any floor area of a basement, cellar, Attic, Garage, Porch or any floor area Used for parking, or any floor area which does not have a clear floor to ceiling height of 2.15 metres</p>	<p>Gross Floor Area means: the total floor area of a building that is designed and intended for exclusive use and occupancy by a tenant or owner measured from the centre line of partition walls and from the exterior face of outside walls.</p>	<p>Cambridge Floor area, gross leasable: the total floor area designed for tenant occupancy and exclusive use, including basements, upper floors and mezzanines. It is measured from the centre line of joint partitions and from outside wall faces. Gross leasable area is the area on which tenants pay rent and which produces income for an owner. Kitchener Means the aggregate horizontal area measured from the exterior faces of the exterior walls of all storeys of a building (excluding any portion of a storey devoted exclusively to parking) within all buildings on a lot. St. Catharines</p>	<p>It is recommended that this term be retained as there will be rules for gross floor area in a new zoning bylaw.</p>

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		<p>Means the total of all floor areas of a building(s) or structure(s) measured from the interior wall surface of the exterior walls.</p> <p>Gross Leasable Floor Area (glfa): means the total of all floor areas of a building(s) or structure(s) which is used for any permitted non-residential use measured from the interior surface of the exterior walls, including basements, but excluding the following: a) Any area not capable of being used for any permitted non-residential use which area may include, without restricting the generality of the foregoing, public washrooms, public corridors, utility rooms, utility and service corridors, loading areas, and parking areas provided in a building.</p> <p>b) Areas to which the public cannot nor does not have access to.</p> <p>c) Areas used for no other purpose than the storage of goods, fixtures and equipment.</p> <p>Waterloo</p> <p>Gross leasable area means the floor area designed for tenant occupancy and exclusive use, measured from the outside of exterior wall faces and from the center line of joint partition walls. Includes basements, upper floors and mezzanines. Excludes: a) boiler rooms, maintenance rooms, mechanical and electrical rooms b) common hallways, stairwells, elevators, escalators c) common gathering spaces d) common loading and unloading areas e) parking areas f) common washroom facilities.</p>	
Net Floor Area	N/A	<p>Cambridge</p> <p>Floor area, net: the aggregate total of the floor areas of a building above or below established grade, but excluding: (a) Motor vehicle parking areas within the building; (b) Stairways and common hallways; (c) Elevator shafts and other service and mechanical shafts; (d) Service/mechanical rooms; (e) Washrooms; (f) Waste/recycling rooms; (g) Staff locker rooms, staff restrooms and staff lunch rooms; (h) Bicycle lockers; (i) Loading areas and loading spaces within a building; (j) Any space with a floor to ceiling height of less than 1.8 metres; and,</p>	It is recommended that this term be included in a new zoning bylaw as there may be rules that reference net floor area.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		(k) Any part of a basement that is unfinished. The City also defines floor area, gross leasable commercial and floor area, gross retail commercial.	
Ground Floor Area means the maximum area of a Building measured to the outside walls at Finished Grade , excluding in the case of a residential Building , any Garage , Carport , Porch , sun room that is not habitable at all seasons of the year, unfinished Attic , basement or cellar	Ground Floor Area is not defined in the Official Plan.	Waterloo Means the floor area of the FIRST STOREY of a BUILDING measured to the outside of all exterior walls. In the case of a DWELLING, excludes: PRIVATE GARAGE, porch and veranda, sunroom, unless the sunroom is constructed to be habitable during all seasons of the year.	It is recommended that this term be retained as there are rules that apply only to the ground floor of a building.
Group Home means a Place Used for specialized or group accommodation for 4 to 8 residents under 24 hour supervision consistent with the requirements of its residents, but does not include a Day Care Centre	Group Home means: a single housekeeping unit in a <i>dwelling unit</i> licensed, approved or supervised by the Province of Ontario under any general or specialized or group accommodation with responsible 24 hour supervision consistent with the requirements of its residents. Without limiting the generality of the foregoing, a group home does not include a <i>day care centre</i> , a crisis care centre or a halfway house.	Burlington A single housekeeping unit supervised by staff on a daily basis which provides special care and treatment to persons for physical or mental deficiency, physical handicap or other such cause. A Group Home shall be funded, licensed, approved, or supervised by the Province of Ontario under a general or specific Act, for the accommodation of not less than 6 and not more than 8 residents, exclusive of staff. Where a Group Home is located outside the Urban Improvement Area boundary, the maximum number of residents permitted, exclusive of staff is 10. A Group Home may contain an office provided that the office is used only for the administration of the Group Home in which it is located. Burlington also defines Group Home, Correctional Milton - defines Group Home, Correctional, Group Home Type 1 and Group Home Type 2 Ottawa Means a supervised residential use building in which three to ten persons, exclusive of their dependants and of any staff, live as a group in a single housekeeping establishment, and where residents require support or supervision on a daily basis, but excludes correctional facilities and shelters. Waterloo Means a DWELLING where a HOUSEHOLD ranging from three (3) to eight (8) residents (excluding staff and the receiving family) live under supervision, and who by reason of their emotional, mental, social, physical condition,	It is recommended that this term be modified to reflect zoning trends.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		or legal status require a group living arrangement for their well-being. GROUP HOMES shall be licensed or approved for funding under an Act of the Parliament of Canada or the Province of Ontario. Waterloo also defines Group Home Class A and Group Home Class B	
Habitable Floor Space means any area in a residential Building or the like, including a Hotel, Bed and Breakfast or Tourist Home which is designed to be used for living, sleeping or the preparation of food	Habitable Floor Space means: any room or space in a <i>dwelling unit</i> designed for living, sleeping, the preparation of food and sanitary facilities; and also includes hotels and motels for overnight accommodation.	Waterloo Means the floor area of a BUILDING or part thereof suitable for habitation. Includes a BEDROOM, living room, dining room, family room, finished recreation room, study, den, hallway, stairway, and any room integral for habitation such as a kitchen and bathroom. Excludes areas used for the parking of motor vehicles.	It is recommended that this term be retained as there may be rules for habitable floor space in a new zoning bylaw
Habitable Room means any room in a residential Building which is Used for living, sleeping, eating, food preparation or sanitation purposes, but does not include a garage, unfinished Attic , laundry room, pantry, corridor, stairwell, storage room or any area Used for the service or maintenance of a Building or for common access to two or more Residential Units	Habitable room is not defined in the Official Plan. Currently not connected with Habitable Floor Space definition.	Burlington A room designed for living, sleeping, eating or food preparation.	It is recommended that this term be retained as there may be rules for habitable room in a new zoning bylaw.
Hardware Store means a Retail Establishment in which is provided the indoor sale of hardware and home maintenance and improvement supplies including tools, paints, varnishes, wall coverings, window components, finished and semi-finished lumber products, plumbing supplies, garden supplies and cleaning supplies, but does not include a Building Supply	Hardware store is not defined in the Official Plan. It is a form of retail establishment. It is considered retail commercial in the Official Plan which is defined as Retail Commercial means an enterprise whose purpose is to sell a commodity to the end user.	N/A	It is recommended that this term be deleted because it is not recommended to be a use within a new zoning bylaw. A hardware store is considered a retail establishment.
Home for the Aged means a Building for the aged licensed under the <u>Homes for the Aged and Rest Homes Act</u> , R.S.O. 1990, Chapter H.13, as amended from time to time or any successor thereof, and wherein food, lodging and care are furnished, with or without charge	Home for the Aged is not defined in the Official Plan.	N/A	It is recommended that this term be deleted because this use is not recommended to be a use within a new zoning bylaw and to reflect zoning trends and direction in the Official Plan. A home for the aged is considered a long term care facility in a new zoning bylaw
Home Improvement Warehouse	N/A	N/A	It is recommended that this term be added as home improvement warehouse uses will be permitted in a new zoning bylaw.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
Home Occupation means an occupation, business, trade or craft conducted, for gain or profit, as an Accessory Use carried out within a residential Dwelling Unit by a person who is a permanent resident of such Dwelling Unit	Home Occupation is not defined in the Official Plan.	Cambridge Home Business: an occupation conducted within a dwelling unit by the resident or residents of the dwelling unit and which is an accessory use to the dwelling unit. Kitchener Means the use of a building for a business that is secondary to the principal use of the building as a dwelling. Oakville Means the accessory use of a dwelling for an occupation or business. St. Catharines Home Based Business means a use conducted within a dwelling unit and/or accessory structure thereto, which is secondary to the principal residential use, does not create a public nuisance or adverse effect on abutting lands or the surrounding neighbourhood, and does not include outdoor storage but may include outdoor activities associated with the home based business. Waterloo Means a business conducted within a DWELLING UNIT by a permanent resident of the DWELLING UNIT. HOME OCCUPATIONS shall be ACCESSORY to the principal residential use.	It is recommended that this term be retained as home occupation uses will be permitted in a new zoning bylaw.
Hospice	N/A	Kitchener means the use of a building where terminally ill patients receive palliative care treatment in a home-like setting with a maximum of 10 patients at any given time. Oakville means a premises providing palliative care or respite to resident patients	It is recommended that this term be added to reflect it as a permitted use in residential and major institutional zones and to reflect zoning trends.
Hospital	N/A	Kitchener means the use of a premises for the medical care, observation, supervision, and skilled nursing care of persons afflicted with or suffering from sickness, disease, or injury; or for the convalesce of chronically ill persons, that is approved under the Public Hospitals Act or under the Private Hospitals Act. Milton means any institution, building or other premises established for the treatment of persons afflicted with or suffering from sickness, disease or injury for the treatment	It is recommended that this term be added to reflect it as a separate permitted use in major institutional zone and to reflect zoning trends.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		of convalescent or chronically ill persons that is approved under the Public Hospitals Act as a Public Hospital. Oakville means any public or private institution under Provincial legislation established for the treatment of convalescent or chronically ill persons afflicted with sickness, disease or injury that is approved under the applicable statute, and may include research and educational facilities. St. Catharines means an institution providing medical and surgical treatment and registered professional nursing care for sick and injured people.	
Hotel includes a motel and means a Place in which is provided four (4) or more rooms for overnight accommodation of the travelling public	Hotel is not a defined term in the Official Plan. It is an example of a service commercial use. Service Commercial means uses that support highway-oriented or service-oriented commercial activities that cannot be readily located within the downtown area or within a shopping centre location. The following list characterizes the main features of a service commercial use: <ul style="list-style-type: none">a) A use that requires a large site area and outdoor display area to accommodate the sale or large commodities such as cars, recreational vehicles, building supplies;b) A use that primarily relies on business from tourists and inter-urban traffic such as a hotel, gas bar, fast-food restaurant;c) A use that supplies goods and services that are not normally found within the downtown or a shopping centre such as auto repair and service facilities;d) A use that requires a location convenient to industry as it primarily provides service to industry such as machinery sales and service, electrical supplies; or A use that requites substantial showroom area because of the bulky or large size nature of the principal commodities that are being marketed, and the requirement for a large showroom makes it economically difficult to	N/A	It is recommended that this term be modified to remove number of rooms as the only reason for the reference to the number of rooms is to distinguish a hotel from a tourist home. A tourist home is recommended to be deleted as a use.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
	provide the space in the downtown or shopping centre location.		
Hydro Corridor	<p>Hydro Corridor is not a defined term in the Official Plan.</p> <p>It is a type of Infrastructure which is defined in the Official Plan and means: Physical structures and services (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, stormwater management facilities, septage treatment systems, waste management systems, electrical power generation and transmission, communications/telecommunications, transit and transportation corridors and facilities, and oil and gas pipelines and associated facilities.</p>	Kitchener – a utility corridor used for the transmission and distribution of electricity	It is recommended that hydro corridor be added as a term in the zoning bylaw.
Kennel means a Place where, for profit or gain, 4 or more dogs or cats are boarded or bred	Kennel is not defined in the Official Plan.	<p>Hamilton Kennel Shall mean the use of land, building or structure, or part thereof, for the breeding, raising, training, sheltering or boarding of dogs, cats and other domestic animals, but shall not include Veterinary Service and Veterinary Service – Farm Animal, or the keeping of farm animals as part of an Agricultural operation</p> <p>Welland Kennel Means a building, structure or fenced compound where domestic household pets are kept, raised and/or boarded for commercial purposes.</p> <p>St. Catharines Kennel: means any premises where four or more dogs or cats are maintained, boarded, trained, bred or cared for in return for remuneration or kept for the purposes of sale.</p> <p>Oakville Boarding Kennel means a premises, including outdoor areas, used for the breeding, raising, training, sheltering or boarding on a temporary basis, for dogs, cats, or other household pets.</p>	It is recommended that this term be deleted because this use is not recommended to be a use within a new zoning bylaw.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
Laboratory means a building, or part thereof, used for scientific, medical and/or dental testing, experimentation and/or research	Laboratory is not defined in the Official Plan. It is a type of Industrial use. It is a type of research establishment.	N/A	It is recommended that this term be deleted because this use is not recommended to be a use within a new zoning bylaw. A laboratory is part of a research establishment.
Landscaped Open Space means the area of a Lot which is at grade and Used for the growth and maintenance of grass, flowers, trees, shrubbery, natural vegetation and indigenous species and other landscaping and includes any buffer strip, surfaced walk, surface patio, swimming pool or similar area, but does not include any access Driveway , ramp, Parking Area or any open space beneath, above or within any Building or Structure	N/A	Cambridge an area of land that is the site of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework (that does not include a patio), screening or other architectural elements, and may include lands that are used as walkways, that provide access onto the lot from the street or highway, or as snow storage areas, all of which are designed to enhance the visual amenity of a property and does not include parking areas, decks and patios or any space beneath a building or structure. Kitchener Landscaped Area means any portion of a lot which has no building, that is accessible from a building or street on which the lot is located, and is used for the purpose of landscaping and/or an outdoor swimming pool area. Oakville Landscaping means an outdoor area on a lot comprised of living trees, plants, permeable surfaces, fences and walls, or any combination thereof, without access by motor vehicles (except emergency access by vehicles such as fire trucks or ambulances). St. Catharines Means a space used for the growth and maintenance of grass, flowers, shrubs, or similar landscape material and includes landscape buffers, walkways, platform structures under a certain height above grade, in ground swimming pools, playgrounds and similar facilities but excludes driveways, parking areas, ramps, and curbs. Waterloo Means a portion of a LOT predominantly used for the growth of trees, shrubs, grasses, and or other vegetation. Includes COMMON OUTDOOR AREA and ACCESSORY outdoor hardscapes such as a surface walkway, patio,	It is recommended that this term be retained as there will be rules for landscaped open space.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		or DECK. Excludes: a.) BUILDINGS and STRUCTURES (except for a DECK) b.) parking areas, including parking decks c.) DRIVEWAYS d.) LOADING SPACES e.) covered or enclosed BICYCLE PARKING f.) curbs and retaining walls g.) garbage enclosures h.) rooftop AMENITY AREAS, rooftop decks, rooftop terraces constructed after the effective date of this BY-LAW i.) stairs and ramps j.) utilities	
Laundry means a Place where coin-operated laundry machines are provided for public use	Laundry is not defined in the Official Plan. It is a type of Retail commercial use which is defined in the Official Plan as Retail Commercial means an enterprise whose purpose is to sell a commodity to the end user.	N/A	It is recommended that this term be deleted as this is not recommended to be a permitted use in a new zoning bylaw. A laundry is considered a service establishment
Library means a Place in which is provided for public Use a collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings, digital information, and films	Library is not defined in the Official Plan. It is a type of Public Service Facility which is defined in the Official Plan as Public Service Facilities means Land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. Public Service facilities do not include infrastructure. .	N/A	It is recommended that this term be deleted as this is not recommended to be a permitted use in a new zoning bylaw. A library is considered a community centre.
Licensed Establishment means a Place , including an Arena, Club, Public Hall, Recreation Centre, Restaurant, Tavern and the like that sells, provides, or serves liquor pursuant to a licence issued by the Alcohol and Gaming Commission of Ontario or a successor agency/board thereto, but does not include a Place for which only a special occasion permit or permits are issued, or a Place owned and operated by the City	N/A	N/A	It is recommended that this term be retained as it will be referenced in other terms, such as restaurant and nightclub, and there will also be rules for licensed establishments.
Linkages means natural areas that connect Natural Heritage features. These linkages are important to maintain or establish an interconnected natural heritage system whereby passage of otherwise isolated plants	N/A	N/A	It is recommended that this term be deleted as it is a term that will not be used in a new zoning bylaw.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
and animals of the same species can occur to maintain genetic viability, health, and diversity			
Liquor includes spirits, wine or beer	N/A	N/A	It is recommended that this term be deleted as it is not necessary to define in a zoning bylaw.
Liquor Store means a Retail Establishment and includes a liquor store, beer store or wine store and includes a Place in which is provided materials and equipment for the production and bottling of Liquor by the public	Liquor store is not defined in the Official Plan. It is a form of retail establishment. It is considered retail commercial in the Official Plan which is defined as Retail Commercial means an enterprise whose purpose is to sell a commodity to the end user.	N/A	It is recommended that this term be deleted as a liquor store is not recommended to be a permitted use in a new zoning bylaw. A liquor store is considered a retail establishment.
Live-Work shall mean a unit within a Building , in which a portion of the unit at grade level may be Used as a business establishment and the remainder of the unit shall be a Dwelling Unit and whereby each “live” and “work” component within a portion of the unit has an independent entrance from the outside and an interior access between the “live” and “work” components	N/A	N/A	It is recommended that this term be retained as live-work uses will be permitted in a new zoning bylaw within certain residential and commercial zones.
Loading Space	N/A	N/A	It is recommended that this term be included in a new zoning bylaw as there will be rules for the location of loading spaces should loading spaces be provided.
Lodging House Type 1 means any Place , including but not limited to a Dwelling Unit , that is used to provide 5 or more Lodging Units for hire or gain directly or indirectly to persons	Lodging House means: any place, including but not limited to a <i>dwelling unit</i> , that is used to provide 5 or more lodging units for hire or gain directly or indirectly to persons.	Burlington – Defines Boarding House, Boarder Oakville Lodging House means a building or structure or any portion thereof in which persons are harbored, received or lodged for rent or hire with or without meals. Ottawa – Defines Oversize Dwelling Unit, Rooming House, Rooming Unit Waterloo Lodging House means a BUILDING or part thereof used for residential occupancy where a proprietor offers LODGING ROOMS to five (5) or more persons, with or without meals, in return for remuneration or the provision of a service, or for both. Excludes HOTEL, BED & BREAKFAST ESTABLISHMENT, LONG TERM CARE FACILITY, ASSISTED LIVING FACILITY, and GROUP HOME.I	It is recommended that this term be retained as this use is recommended to continue to be permitted in a new zoning bylaw.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
Lodging House Type 2 means the whole of a Townhouse Building or Apartment Building where one or more Dwelling Units are each used to provide 5 or more Lodging Units for hire or gain directly or indirectly to persons	Lodging House means: any place, including but not limited to a <i>dwelling unit</i> , that is used to provide 5 or more lodging units for hire or gain directly or indirectly to persons.	N/A	It is recommended that this term be retained as lodging house type 2 uses will be permitted within a new zoning bylaw.
Lodging Unit for the purpose of Lodging House Type 1 and Lodging House Type 2 , means a room Used to provide living accommodation which does not have the exclusive use of both a kitchen and a bathroom	N/A.	Oakville Means a room provided for rent or hire, which is used or designed to be used as a sleeping accommodation and may contain bathroom facilities. Waterloo Lodging Unit means a living accommodation which does not include the exclusive use of a kitchen or a bathroom. Lodging Room means a BEDROOM within a LODGING UNIT which is exclusively used by the resident or residents of the BEDROOM, and is not normally accessible to persons other than the resident or residents of the BEDROOM.	It is recommended that this term be retained to assist with the definition of lodging house type 1 and lodging house type 2.
Long Term Care Facility	N/A	Burlington - A residence which provides care to meet the physical, emotional, social, spiritual and personal needs of persons. Long Term Care Facilities include Homes for the Aged established under the Homes for the Aged and Rest Homes Act, as amended, Nursing Homes licensed under the Nursing Home Act, as amended, and Chronic Care facilities. Milton – Means a building containing residential accommodations where a broad range of 24-hour personal care, support and health services are provided for persons requiring these services in a supervised setting and that may contain common facilities, such as but not limited to, the preparation and consumption of food, accessory personal service shop, retail and recreational uses for the residents. Oakville – Means a premises licensed pursuant to Provincial legislation consisting of assisted living units where a broad range of personal care, support and health services are provided for the elderly, disable or chronically ill occupants in a supervised	It is recommended that this term be added as a long term care facility is recommended to be added as a use in a new zoning bylaw.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		<p>setting, and may include one or more amenity areas such as a common dining, lounge, kitchen, and recreational area.</p> <p>St. Catharines – Means a premises containing dwellings which provides care to meet the physical, emotional, social, spiritual and personal needs of persons. Long Term Care Facilities include Homes for the Aged established under the Homes for the Aged and Rest Homes Act, as amended; Nursing Homes licenced under the Nursing Home Act, as amended; and Chronic Care Facilities.</p> <p>Waterloo – Means a BUILDING or part thereof: a.) that is regulated by the Ontario Ministry of Health & Long-Term Care; b.) that is the residence of a PERSON; c.) where residents are provided with twenty four (24) hour nursing care and supervision; and d.) where residents are furnished with meals.</p>	
<p>Lot means a parcel of land which:</p> <p>(i) is the whole of a lot or block on a registered plan of subdivision so long as such registered plan of subdivision is not deemed, pursuant to Section 50 of the <u>Planning Act</u>, R.S.O. 1990, Chapter P.13, as amended from time to time or any successor thereof, not to be a registered plan of subdivision for subdivision control purposes;</p> <p>(ii) is all land held or owned under distinct and separate ownership from the ownership of the fee or equity of redemption in abutting land;</p> <p>(iii) the description of which is the same as in a Deed which has been given consent pursuant to Section 53 of the <u>Planning Act</u>, as amended from time to time or any successor thereof; or</p> <p>(iv) is the whole remnant remaining to an owner or owners after conveyance made with consent pursuant to Section 53 of the <u>Planning Act</u>, as amended from time to time or any successor thereof</p>	N/A	<p>Oakville Lot means one parcel of land that is registered as a legally conveyable parcel of land in the Land Registry Office.</p> <p>St. Catharines Lot: means a contiguous parcel of land under one ownership.</p> <p>Kitchener Lot – means a parcel of land that can be legally conveyed pursuant to Planning Act.</p> <p>Waterloo LOT means: a.) A single parcel or contiguous parcels of land held under one ownership that may be conveyed in compliance with the provisions of the Planning Act. b.) Any condominium unit not located entirely within and comprising part of a building, excluding parking condominium units and units for incidental structures including, but not limited to, signage and entrance features. A LOT may or may not be the land shown as a lot on a registered plan of subdivision.</p>	It is recommended that this term be retained as the zoning bylaw will use this term throughout.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		Cambridge Lot: a parcel of land that is registered as a legally conveyable parcel of land in the Land Registry Office. Below are the three types of lots.	
Lot Area means the total surface area within the boundary lines of a Lot	N/A	Oakville Lot Area means the calculation of the total horizontal area of a lot, but does not include any portion of a lot that is covered by water or below the top of bank as determined by an Ontario Land Surveyor St. Catharines Lot Area: means the total horizontal area within the boundaries of a lot. Kitchener Lot Area – means the total horizontal area of a lot. Waterloo LOT AREA means the total horizontal area within the LOT LINES of a LOT. Cambridge Lot area: the total horizontal area within the lot lines of a lot	It is recommended that this term be retained as there will be rules for lot area in a new zoning bylaw.
Lot Coverage means the percentage of a Lot Area covered by Buildings and Structures , excluding balconies, bay windows, canopies and overhanging eaves of such Buildings and Structures which are 2 metres or more in height above Finished Grade	N/A	Oakville Lot Coverage means the calculation of the total horizontal area of that part of the lot covered by all roofed structures and buildings above grade excluding eave projections to a maximum of 0.6 metres and balconies St. Catharines Lot Coverage: means the percentage of the lot area covered by all buildings and structures, but not including an in-ground pool. Kitchener Lot Coverage – means that percentage of the lot area covered by all buildings. Cambridge Lot coverage: the total horizontal area of a lot covered by the first storey of all buildings	It is recommended that this term be retained as there will be rules for lot coverage in a new zoning bylaw.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		and structures on the lot including the principal building or structure, and all buildings or structures attached to the principal building or structure but does not include decks, patios and porches that do not have a roof	
<p>Lot Depth means the horizontal distance between the Front and Rear Lot Lines, except:</p> <p>(i) where the Front and Rear Lot Lines are not parallel, the Lot Depth is the length of a line joining the midpoints of such lines; and</p> <p>(ii) where two or more Rear Lot Lines exist, Lot Depth shall be the average of the distance from the Front Lot Line to each point where the angle changes measured at right angles to the Front Lot Line</p>	N/A	<p>Oakville Lot Depth means the horizontal distance between the front lot line and the rear lot line. a) If the front and rear lot lines are not parallel, lot depth means the measurement of a straight line joining the mid-point of the front lot line with the mid-point of the rear lot line. b) Where there is no rear lot line, lot depth means the measurement of a straight line joining the mid-point of the front lot line to the apex of the triangle formed by the intersection of the side lot lines</p> <p>Waterloo LOT DEPTH means the horizontal distance between the FRONT LOT LINE and REAR LOT LINE, or in the case of a triangular LOT between the FRONT LOT LINE and the apex of the triangle formed by the intersection of the SIDE LOT LINES.</p>	It is recommended that this term be retained as there may be rules for lot depth in a new zoning bylaw.
<p>Lot Frontage means the horizontal distance between the Side Lot Lines measured along the Front Lot Line, except: where the Front Lot Line is not a straight line or where the Side Lot Lines are not parallel, the Lot Frontage means the distance measured in a straight line between the points where the Side Lot Lines are intersected by the Setback line</p>	N/A	<p>Oakville Lot Frontage means the horizontal distance between the side lot lines of a lot measured parallel to and 7.5 metres back from the front lot line, except in the case of a corner lot where the front lot line and the flankage lot line do not intersect at a 90 degree angle the front lot line and flankage lot line shall be deemed to extend to their hypothetical point of intersection where the horizontal distance between the interior side lot line and hypothetical flankage lot line is measured parallel to and 7.5 metres back from the front lot line.</p> <p>St. Catharines Lot Frontage: means the horizontal distance between interior side lot lines, or the distance between an exterior side lot line and an interior side lot line.</p>	It is recommended that the term be retained as there will be rules for lot frontage in a new zoning bylaw.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		<p>Waterloo LOT FRONTAGE means the width of the LOT measured at the FRONT LOT LINE, except: a.) in the case of a CORNER LOT where the FLANKAGE LOT LINE and SIDE LOT LINE are not parallel; and, b.) in the case of an INTERIOR LOT where the SIDE LOT LINES are not parallel, LOT FRONTAGE shall mean the width of the LOT measures at the FRONT YARD BUILDING LINE.</p> <p>Cambridge Lot frontage: the horizontal distance between two interior side lot lines or between an interior side and exterior side lot line or between two exterior side lot lines with such distance being measured perpendicularly to the line joining the mid-point of the front lot line with the mid-point of the rear lot line at a point on that line that represents the required yard from the front lot line. In the case of a lot with no rear lot line, the point where two side lot lines intersect is the point from which a line is drawn to the mid-point of the front lot line. In the case of a corner lot, the exterior side lot line is deemed to extend to its hypothetical point of intersection with the extension of the front lot line for the purposes of calculating lot frontage.</p>	
Lot Line means any boundary of a Lot	N/A	<p>Oakville Lot Line means a line delineating any boundary of a lot</p> <p>St. Catharines Lot Line: means any line that makes up the legally defined boundaries of a lot.</p> <p>Kitchener Lot Line – means a line formed by the boundary of a lot.</p> <p>Waterloo LOT LINE means the boundary line of a LOT, commonly referred to as the property line.</p> <p>Cambridge</p>	It is recommended that this term be retained as it will be referenced in other terms, such as setback.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		Lot line: a line delineating any boundary of a lot. Below are the four types of lot lines:	
Front Lot Line means the Lot Line abutting a Street Line or, where the Lot Line abuts two or more Street Lines , the shorter of the two lines;	N/A	Oakville Lot Line, Front means the lot line which separates a lot from the road in front of it, but in the case of: a) A corner lot, through lot, or through corner lot, the shortest of the lot lines that divide the lot from the road shall be deemed to be the front lot line; b) A corner lot, through lot, or through corner lot where such lot lines are equal in length or one lot line is no more than 5% shorter than the other lot line, the Town may deem any of the lot lines that divide the lot from the road as the front lot line; c) A through lot or through corner lot where a 0.3 metre reserve abuts one of the lot lines, the front lot line shall be the lot line not abutting the 0.3 metre reserve; d) A lot separated from a road by a public park, the front lot line shall be the shortest lot line abutting the public park; or, e) A lot accessed by a private road that is not in a Registered Plan of Condominium, the Town may deem either of the lot line crossed by the driveway accessing the lot or the shortest lot line to be the front lot line. St. Catharines Lot Line, Front: means the shortest lot line along a public road. Kitchener Lot Line, Front – means the lot line abutting a street with the following exceptions: a) in the case of a corner lot, the shorter lot line abutting a street, not including the lot line forming part of a corner visibility triangle, shall be the front lot line. Where such lot lines are of equal length, the City may deem any of the lot lines abutting a street as the front lot line; b) in the case of a through lot, the City may deem one of the lot lines abutting a street to be the front lot line and the other lot line abutting a street to be the rear lot line; or,	It is recommended that this term be modified to reflect zoning trends and to provide flexibility in which lot line is considered the front lot line for through lots.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		<p>c) in the case of a through corner lot, the City may deem any of the lot lines abutting a street as the front lot line.</p> <p>Waterloo FRONT LOT LINE means the LOT LINE that divides a LOT from the STREET. In the case of a CORNER LOT, the shorter STREET LINE shall be deemed to be the FRONT LOT LINE, and the longer STREET LINE shall be deemed the FLANKAGE LOT LINE. In the case of a THROUGH LOT, both of the LOT LINES abutting a STREET shall be deemed FRONT LOT LINES, except pursuant to Section 3.R.4 (“Reserves – Through Lots”).</p> <p>Cambridge Front lot line: the lot line that divides the lot from the street or highway, provided that in the case of a corner lot, the shorter lot line that abuts a street or highway is deemed to be the front lot line and the longer lot line that abuts a street or highway is deemed to be an exterior side lot line.</p>	
<p>Rear Lot Line means the Lot Line furthest from and opposite to the Front Lot Line or, where the Lot is triangular, the point of intersection of the Side Lot Lines</p>	N/A	<p>Oakville Lot Line, Rear means the lot line opposite to, and most distant from, the front lot line, but where the side lot lines intersect, as in the case of a triangular lot, the rear lot line shall be represented by the apex of the triangle formed by the intersection of the side lot lines.</p> <p>St. Catharines Lot Line, Rear: means the lot line which is opposite to the front lot line.</p> <p>Kitchener Lot Line, Rear – means the lot line farthest from and opposite to the front lot line, or in the case of a triangular lot, shall be that point formed by the intersection of the side lot lines.</p> <p>Waterloo REAR LOT LINE means, in the case of:</p>	<p>It is recommended that this term be retained as it will be used in a new zoning bylaw.</p>

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		<p>a.) a square or rectangular LOT, the LOT LINE opposite the FRONT LOT LINE;</p> <p>b.) a triangular LOT, the point of the apex of the triangle furthest from the FRONT LOT LINE;</p> <p>c.) an irregular shaped LOT, the LOT LINE or LOT LINES furthest from and opposite to the FRONT LOT LINE including any angled contiguous LOT LINE adjoining it</p> <p>Cambridge Rear lot line: the lot line opposite to, and most distant from, the front lot line. For the purpose of this definition, if two side lot lines join at a point, that point shall be deemed as a rear lot line.</p>	
Side Lot Line means a Lot Line other than Front Lot Line or a Rear Lot Line	N/A	<p>Oakville Lot Line, Side means a flankage lot line and an interior side lot line</p> <p>Kitchener Lot Line, Side – means an exterior side lot line and an interior side lot line</p> <p>Waterloo SIDE LOT LINE means a LOT LINE that connects the FRONT LOT LINE to the REAR LOT LINE.</p>	It is recommended that this term be retained and updated to reflect zoning trends.
Flankage Lot Line/Exterior Side Lot Line	N/A	<p>Oakville Lot Line, Flankage means the lot line of a corner lot or through corner lot adjoining a road that is not the front lot line or rear lot line and includes the lot line abutting a daylight triangle.</p> <p>St. Catharines Lot Line, Exterior Side: means the longest lot line along a public road where a lot has two or more lot lines along a public road.</p> <p>Kitchener Lot Line, Exterior Side – means the lot line abutting a street that is not the front lot line or the rear lot line.</p>	It is recommended that this term be added to differentiate between an interior side lot line and side lot line that is next to a street.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		<p>Waterloo FLANKAGE LOT LINE in the case of a CORNER LOT, means the longer LOT LINE that abuts the STREET.</p> <p>Cambridge Exterior side lot line: the lot line of a corner lot, other than the front lot line, which divides the lot from a street or highway.</p>	
Interior Side Lot Line	N/A	<p>Oakville Lot Line, Interior Side means the lot line other than the front, rear or flankage lot line.</p> <p>St. Catharines Lot Line, Interior Side: means a lot line that extends from a front lot line to a rear lot line and does not front on a public road.</p> <p>Kitchener Lot Line, Interior Side – means a lot line other than the front lot line, rear lot line, or exterior side lot line.</p> <p>Waterloo INTERIOR LOT LINE means any LOT LINE not abutting a STREET.</p> <p>Cambridge Interior side lot line: a lot line, other than a rear lot line that does not abut a street or highway.</p>	It is recommended that this term be included in a new zoning bylaw to differentiate between a interior side lot line and a lot line adjacent to a street.
Corner Lot means a Lot situated at the intersection of and abutting two or more Streets or parts of the same Street , including any reserve area, where the inside angle of intersection or projected angle at intersection of the tangents of the Street Lines is less than 135 degrees, except for a Lot located at the commencement of a cul-de-sac where the angle exceeds 135 degrees	N/A	<p>Oakville Lot, Corner means a lot situated at the intersection of two or more roads or upon two parts of the same road having an angle of intersection not exceeding 135 degrees. a) In the case of a curved corner, the corner of the lot shall be that point on the flankage lot line and front lot line nearest to the point of intersection of the continued projections of the flankage lot line and the front lot line. b) Where a lot is adjacent to a corner lot and has two lot lines abutting the same roads as that corner lot, the lot shall be a corner lot.</p> <p>Kitchener</p>	It is recommended that this term be retained.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		<p>Lot, Corner – means a lot at the intersection of and abutting two streets, or parts of the same street, the adjacent sides of which street or streets (or in the case of a curved corner, the tangents of which) contain an angle of not more than 135 degrees. Corner lots shall also include a through corner lot.</p> <p>Waterloo CORNER LOT means a LOT: a.) abutting the intersection of two (2) STREETS, in one or more instances; or, b.) abutting one (1) curved STREET where the angle measured by the STREET LINES is less than one hundred and thirty-five (135) degrees. Where a CORNER LOT has a curve, the FRONT LOT LINE will be distinguished from the FLANKAGE LOT LINE at that point on the STREET LINE nearest to the STREET LINE tangent point of intersection.</p> <p>Cambridge Corner lot: a lot at the intersection of two or more streets or highways or upon two parts of the same street or highway with such streets or highways containing an angle of less than or equal to 135 degrees.</p>	
<p>Through Lot means a Lot bounded on two opposite sides by Streets provided however that if any Lot qualifies as being both a Corner Lot and a through Lot as herein defined, such Lot shall be deemed a Corner Lot for purposes of the By-law</p>	N/A	<p>Oakville Lot, Through means a lot other than a corner lot having separate limits on two separate roads.</p> <p>Kitchener Lot, Through – means a lot bounded by streets on two opposite sides.</p> <p>Waterloo THROUGH LOT means an INTERIOR LOT bounded on two (2) opposite sides by STREETS, but not a CORNER LOT.</p> <p>Cambridge Through lot: a lot that is not a corner lot but has frontage on more than one street or highway. If a lot is a through lot, both of the lot lines abutting the street or highway are</p>	It is recommended that this term be retained.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		deemed to be front lot lines. Notwithstanding the above, where a 0.3 metre wide reserve is located along one of the lot lines abutting the street, the lot is not a through lot	
Through Corner Lot	N/A	Oakville Lot, Through Corner means a lot having separate limits on three or more separate roads. Kitchener Lot, Through Corner – means a lot with lot lines abutting three or more separate streets, or a lot that is a corner lot and a through lot	It is recommended that this term be included in a new zoning bylaw to deal with lots that are both a through lot and a corner lot.
Main Building means a Building located at a Place and in which is contained the permitted Use for which such Place is Zoned and, where more than one residential Building is located at a Place , each Building containing a Dwelling Unit is a Main Building	N/A	N/A	It is recommended that this term be retained as there may be rules that reference main buildings.
Major Equipment Supply and Service	N/A	Kitchener Means the use of a premises for the service, repair, and sale of farm, construction, and large business machines; and commercial vehicles. Milton Equipment Sales and Rental Means a premises in which machinery and equipment are offered or kept for rent or lease.	It is recommended that this term be added because this use will be permitted within a new zoning bylaw.
Mall includes a shopping centre and means a Building or group of Buildings which are planned, developed, managed and operated as a unit in which each Building contains two or more units or spaces for lease or occupancy	N/A	Oakville Premises means the area of a building occupied or used by an individual business or organization. <i>Note: In a multiple tenancy building occupied by more than one business, each business area or tenancy shall be considered a separate premises if the area is divided by walls. A building occupied by only one business or tenant is still a "premises" in this By-law</i> Kitchener Multi-Unit Building – means a building containing two or more non-residential uses within two or more separated spaces for lease or occupancy. A multi-unit building shall be	It is recommended that this term be modified to be called multi-unit/multi-tenant building to reflect zoning trends.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		<p>managed and operated as one unit with shared on-site parking. A multi-unit building shall not include a mixed use building.</p> <p>Milton Premises Means the area of a building and/or lot occupied or used by a business, enterprise or persons. In a multiple tenancy building occupied by more than one (1) business, each business area shall be considered a separate premises.</p>	
<p>Manufacturing includes the production, compounding, processing, packaging, crating, bottling, packing, recycling, or assembling of raw or semi-processed or fully-processed goods or materials and "Manufacture" and "Manufactured" have corresponding meanings</p>	<p>Manufacturing is not defined in the Official Plan. It is a type of Industrial use.</p>	<p>N/A</p>	<p>It I recommended that this term be modified to clarify that an industrial bakery and catering are examples of manufacturing.</p>
<p>Medical Clinic means a Place where 3 or more medical practitioners are located and provide medical, dental, chiropractic, optic or other human health treatment on an out-patient basis and which may include an accessory administrative office, laboratory, dispensary or other similar Use, but does not include a Medical Treatment Facility or other facility in which is provided overnight patient accommodation</p>	<p>Medical Clinic is not defined in the Official Plan.</p>	<p>Hamilton Medical Clinic Shall mean a building, or part thereof, which is used by health professionals for the purpose of consultation, diagnosis and/or treatment of persons and shall include but not be limited to laboratories, dispensaries or other similar facilities, but shall not include overnight accommodation for in-patient care resulting from surgery.</p> <p>Welland Medical Office or Clinic Means a premises designed and used for the diagnosis, examination, and treatment of human patients by a physician, dentist, drugless practitioner, and/or health professional licensed by the Province of Ontario, including pharmacies and dispensaries, waiting rooms treatment rooms and laboratories, but shall not include overnight accommodation for in-patient care.</p> <p>Kitchener Health Clinic – means the use of a premises by health professional(s) for the purpose of consultation, diagnosis, and/or treatment of persons. A health clinic can include medical laboratories, dispensaries, or other similar facilities, but shall not include accommodation</p>	<p>It is recommended that this term be modified to remove the number of practitioners to reflect zoning trends.</p>

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		for inpatient care, or facilities for major surgical practice.	
Medical Office means a Place in which 2 or fewer medical practitioners provide consultative, diagnostic and treatment services for humans	Medical Office is not defined in the Official Plan.	Welland Medical Office or Clinic Means a premises designed and used for the diagnosis, examination, and treatment of human patients by a physician, dentist, drugless practitioner, and/or health professional licensed by the Province of Ontario, including pharmacies and dispensaries, waiting rooms treatment rooms and laboratories, but shall not include overnight accommodation for in-patient care. Oakville Medical Office means a premises designed and used for the diagnosis, examination, and treatment of human patients by a Provincially-recognized medical or health care professional, including pharmacies and dispensaries having a maximum of 50.0 square metres in net floor area, waiting rooms, treatment rooms, blood testing clinics, but shall not include overnight accommodation for in-patient care. Kitchener Health Office – means a home occupation that is used by health professional(s) for the purpose of consultation, diagnosis, and/or treatment of persons.	It is recommended that this term be modified to remove the number of practitioners to reflect zoning trends.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
<p>Medical Treatment Facility means a <i>Place</i> in which is provided in-patient and out-patient medical treatment and overnight accommodation and meals for 3 or more sick, injured or infirm persons, including a hospital;</p>	<p>Medical Treatment Facility is not defined in the Official Plan. It is a permitted Major Institutional use in the Official Plan</p>	<p><u>Hamilton</u> Pharmaceutical and Medical Establishment Shall mean an establishment or part thereof, where research, investigation, development, manufacturing and/or technical experimentation, related to the medical field, is carried out and shall include but not be limited to clinical testing, prototype production facilities and overnight patient accommodation related to such research, clinical trials, investigation or experimentation</p> <p><i>Hamilton does not define or have a separate use for hospital.</i></p> <p><u>Welland</u> Public Hospital Means any public institution under provincial legislation established for the treatment of convalescent or chronically ill persons afflicted with sickness, disease or injury that is approved under the applicable statute.</p> <p><u>St. Catharines</u> Hospital: means an institution providing medical and surgical treatment and registered professional nursing care for sick and injured people.</p> <p><u>Oakville</u> Hospital means any public or private institution under Provincial legislation established for the treatment of convalescent or chronically ill persons afflicted with sickness, disease or injury, that is approved under the applicable statute, and may include research and educational facilities.</p> <p><u>Kitchener</u> Hospital – means the use of a premises for the medical care, observation, supervision, and skilled nursing care of persons afflicted with or suffering from sickness, disease, or injury; or for the convalesce of chronically ill persons, that is approved under the Public Hospitals Act or under the Private Hospitals Act</p>	<p><u>It is recommended that this term be modified to exclude hospital to reflect zoning trends. Hospital is recommended as a separate defined term.</u></p>

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
Metal Fabricating means the Use of any Place to cut, bend or form metal into specific shapes and which may include the shearing, punching, piecing, blanking, cutoff, parting, extruding, drawing, rolling, spinning, coining, casting, deburring, grinding, anodizing, milling, stamping, grinding, extruding, welding, metal blasting, tool and die manufacturing, foundry, and forging of metal. but does not include assembly.	Metal Fabricating is not defined in the Official Plan. It is a type of Industrial use included in an Employment Area.	N/A	It is recommended that this term be deleted and that it be included in a definition of noxious use.
Micro-Brewery or Brew Pub means a Place Used for the small scale and independent Manufacturing of specialty or craft beer or wine produced for retail sale and consumption off-premises, or on-site consumption when located in combination with a permitted Restaurant or Tavern	N/A	<p><u>Kitchener</u> Brewpub – means the use of a building for the small-scale production of beer, wine, cider, and/or spirits in conjunction with a restaurant.</p> <p><u>Hamilton</u> Micro-Brewery Shall mean a facility used for the manufacture and retail sale of beer, cider, wine or spirits, produced exclusively for consumption on or off site and may operate in combination with a restaurant</p> <p><u>Waterloo</u> Micro Brewery means a BUILDING or part thereof used for the small-scale production of beverages including beer, wine, cider, and spirits.</p> <p>Nanobrewery means a BUILDING or part thereof used for the small-scale production of beer, wine, cider, and or spirits in conjunction with and ancillary to a RESTAURANT.</p>	It is recommended that this term be retained as micro-brewery or brew pub uses will be permitted in a new zoning bylaw.
Mixed-Use Building means a Building in a Downtown Zone containing Dwelling Units and at least one other non-residential Use permitted by this By-law , where the residential portion of the Building has an independent entrance from the outside	N/A		It is recommended that this term be retained as mixed use building uses will be permitted in a new zoning bylaw.
Monument Sales means a Place where cemetery monuments and related articles are displayed for sale or sold	<p>Monument Sales is not a defined term in the Official Plan. It is an example of a service commercial use.</p> <p>Service Commercial means uses that support highway-oriented or service-oriented commercial activities that cannot be readily located within the downtown area or within a</p>	N/A	It is recommended that this term be deleted because this use is not recommended to be a use within a new zoning bylaw. It is considered a retail establishment.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
	<p>shopping centre location. The following list characterizes the main features of a service commercial use:</p> <ul style="list-style-type: none">a) A use that requires a large site area and outdoor display area to accommodate the sale or large commodities such as cars, recreational vehicles, building supplies;b) A use that primarily relies on business from tourists and inter-urban traffic such as a hotel, gas bar, fast-food restaurant;c) A use that supplies goods and services that are not normally found within the downtown or a shopping centre such as auto repair and service facilities;d) A use that requires a location convenient to industry as it primarily provides service to industry such as machinery sales and service, electrical supplies; ore) A use that requites substantial showroom area because of the bulky or large size nature of the principal commodities that are being marketed, and the requirement for a large showroom makes it economically difficult to provide the space in the downtown or shopping centre location.		
Municipal Parkland means an area of public land consisting of <i>Landscaped Open Space</i> or other open areas which is <i>Used</i> for active or passive recreation	Municipal Parkland is not a defined term in the Official Plan. It is part of the City’s open space system of trails and parks which includes Urban Squares, Neighbourhood Parks, Community Parks and Regional Parks.	N/A	It is recommended that this term be modified to “park” and redefined.
Municipal Works Yard	Public Works Yard or Municipal Works Yard is not a defined term in the Official Plan. Municipal works yards is a permitted use in the Major Utilities designation.	<p>Kitchener – Public Works Yard means the use of a premises operated by or on behalf of the Federal or Provincial governments, the Region, the Grand River Conservation Authority, or the City, for the storage and maintenance and equipment related to public infrastructure.</p> <p>Oakville – Public Works Yard means a facility where motor vehicles and equipment required for the maintenance and operation of</p>	It is recommended that this term be added to reflect it as a permitted use in the recommended new major utility zone that reflects direction in the Official Plan and zoning trends.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		uses undertaken by a public authority are store, and materials used for or resulting from the maintenance and operation of such uses are stored or processed.	
Museum means a Place open to the public, in which a collection of objects illustrating science, art, history and related types of information is kept for display and storage	N/A	N/A	It is recommended that this term be retained as a museum is a permitted use in the downtown zones.
Natural Corridor means a linear biophysical feature including a stream or a ravine which serves as an essential passageway for native plant and animal species and communities including migratory routes, passage between different habitat types for animals requiring a variety of habitat types to survive and pathways for movement and reproductive interchange between different populations of the same plant or animal species. In addition, where these corridors are associated with streams, these natural corridors also serve as essential buffers to protecting the integrity of the stream's ecosystem	Environmental Corridor means: a linear biophysical feature usually associated with natural topographic, surface water and vegetation features such as wetlands, rivers and creeks, valleylands and wooded areas. These corridors serve as essential passageways for native plant and animal species and communities including: migratory routes; passage between different habitat types for animals requiring a variety of habitat types to survive and; pathways for movement and reproductive interchange between different populations of the same plant or animal species. In addition, where these corridors are associated with streams, these natural corridors also serve as essential buffers to protecting the integrity of the stream's ecosystem.	N/A	It is recommended that this term be deleted as it is no longer necessary to define in a zoning bylaw.
Noxious Use means the Use of any Place which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, liquid, vibration or refuse matter	N/A	Milton Obnoxious Use Means a use which, from its nature or operation, creates a nuisance or is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust or objectionable odour, or by reason of the matter, waste or other material generated by the use. St. Catharines and Waterloo do not define the term.	It is recommended to add this term as it is referenced in the employment zones.
Nursing Home means a Place for the aged in which is provided food, lodging, nursing or similar care and treatment, but does not include a Medical Treatment Facility	Nursing Home means any premises, licensed under the <i>Nursing Homes Act</i> , maintained and operated for persons requiring nursing care. The term is outdated and is a form of Special Needs Housing. Ontario's Long-Term Care Homes Act, 2007 and regulations replace the Nursing Homes Act, Homes for the Aged and Rest Homes Act.	N/A	It is recommended that this term be deleted as a nursing home will be replaced by a long term care facility as a use.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
Occasional Use means a Use which occurs for a limited time period of not more than a total of 90 days per calendar year in accordance with the provisions of this By-law and consists of such uses as an Auction , bake sale, craft sale, plant and produce sale, Christmas tree sale, bingo, car wash, benefit dance, show, concert, festival and banquet and social gaming event	N/A	Waterloo means an event within a City-owned facility or on City-owned land which is temporary in duration. Includes: specialty sales and services; concerts; festivals; trade shows; fairs; auctions; recreational competitions. For the purposes of this definition, “temporary” shall mean established for an identified short period of time with the intent to discontinue upon the expiration of the time period.	It is recommended that this term be retained and updated to remove the reference to the number of days as this is a rule not a part of the definition.
Office means a Place in which a business is conducted or a profession is practised including associated clerical, administrative, consulting, advisory or training services and includes a Social Service Establishment , but does not include a Medical Clinic , Medical Office or Veterinary Service	Office is not defined in the Official Plan. This is a permitted use along with small-scale offices in commercial and employment designations	N/A	It is recommended that this term be retained as office uses will be permitted in a new zoning bylaw.
Office Supply means a Retail Establishment Used for selling, renting or the servicing of materials used in Offices and businesses	Office Supply is not defined in the Official Plan. It is a form of retail establishment. It is considered retail commercial in the Official Plan which is defined as Retail Commercial means an enterprise whose purpose is to sell a commodity to the end user.	N/A	It is recommended that this term be deleted because this use is not recommended to be a use within a new zoning bylaw. It is considered a retail establishment.
Optical Dispensary means a Retail Establishment Used for the retail sale, display, and service of eye wear and related optical products	Optical Dispensary is not defined in the Official Plan. It is a form of retail establishment. It is considered retail commercial in the Official Plan which is defined as Retail Commercial means an enterprise whose purpose is to sell a commodity to the end user	N/A	It is recommended that this term be deleted because this use is not recommended to be a use within a new zoning bylaw. It is considered a retail establishment.
Outdoor Display and Sales Area means an outdoor Place Used in conjunction with an established Use or business, located in an adjacent permanent premise, for the display and sale of fresh produce and new goods or merchandise	Outdoor Display and Sales Area is not defined in the Official Plan.	Waterloo Outdoor Display Area means an unenclosed outdoor display area ACCESSORY to a commercial retail use, used for the display of merchandise associated with the commercial retail use. Excludes MOTOR VEHICLE RETAILER Kitchener Outdoor Storage – means the placement of goods, equipment, or materials on a lot not within a building.	It is recommended that this term be retained as there will be rules for outdoor display and sales areas.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		<p><u>Oakville</u> Outdoor Display and Sales Area means an outdoor area that may contain a building or structure used for the accessory display, rental, or sale of products or the supply of services in association with the primary use of the lot.</p> <p><u>Welland</u> Outdoor Display and Sales Area Means an outdoor area that may contain a building or structure used for the accessory display, rental, or sale of products or the supply of services in association with the primary use of the lot.</p>	
Outdoor Sportsfield Facilities includes soccer, football, field hockey, lacrosse, cricket and baseball fields, a <i>Golf Course</i> , tennis, volleyball and basketball courts, lawn bowling greens and the like	Outdoor Sportsfield Facilities is not defined in the Official Plan. It is a type of public and private recreational use and facility permitted in Open Space and Parks designation. Listed as a permitted use in Institutional and Park zones.	N/A	It is recommended that this term be deleted as an outdoor sportsfield facility will no longer be listed as a separate permitted use. It is considered a park.
Outdoor Storage Area means a <i>Place Used</i> for the storage of goods, materials or equipment	Outdoor Storage Area is not defined in the Official Plan.	<p>Kitchener Outdoor Storage means the placement of goods, equipment, or materials on a lot not within a building.</p> <p>Oakville Outside Storage means an outdoor area that may contain a building or structure used for the accessory keeping of goods, inventory, materials, machinery, or equipment outside including shipping containers in association with the primary use of the lot.</p> <p>St. Catharines Outdoor Storage means the keeping in an unroofed area of any goods, junk, material, merchandise or vehicles in the same place for more than 24 hours.</p> <p>Waterloo Outdoor Storage means the storage of equipment, goods and or materials outside of any BUILDING or STRUCTURE, including storage in unenclosed portions of any BUILDING or STRUCTURE which are open to the air on the sides. Excludes a Seasonal</p>	It is recommended that this term be retained.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		Garden Centre, OUTDOOR DISPLAY AREA, and MOTOR VEHICLE RETAILER.	
Parking Aisle means that portion of a Parking Area which abuts a Parking Space and by which vehicular access is provided to such Parking Space	N/A	See Guelph Parking Standards Discussion Paper.	See Guelph Parking Standards Discussion Paper.
Parking Area includes a Parking Aisle and Parking Space , but does not include any part of a Street .	N/A	See Guelph Parking Standards Discussion Paper.	See Guelph Parking Standards Discussion Paper.
Parking Facility means a Place , other than a Street, Used for the parking of Vehicles for a fee	N/A	See Guelph Parking Standards Discussion Paper.	See Guelph Parking Standards Discussion Paper.
Parking Space means a Place provided for the parking of a Vehicle	N/A	See Guelph Parking Standards Discussion Paper.	See Guelph Parking Standards Discussion Paper.
Parlour, Adult Entertainment means any Place wherein is provided, pursuant to a trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations and for the purpose of defining the terms within the definition of " Parlour, Adult Entertainment ", the following words shall have the corresponding meanings: (a) "To Provide" , when Used in relation to services, includes to furnish, perform, solicit, or give such services and "Providing" and "Provided" have corresponding meanings; (b) "Services" , includes activities, facilities, performances, exhibitions, viewing and encounters but does not include the exhibition of film approved under the <u>Theatres Act</u> as amended from time to time or any successor thereof; (c) "Services designed to appeal to erotic or sexual appetites or inclinations" include: (i) Services of which a principal feature or characteristic is the nudity or partial nudity of any person; (ii) Services in which persons perform any form of striptease; and	N/A	Cambridge Adult entertainment establishment, adult live nudity establishment and adult novelty store defined in By-law 157-12. Kitchener Adult Sex Film Theatre means the use of a building for the making or showing of films classified as adult sex film by the Ontario Film Review Board. Oakville Adult Entertainment Establishment and Adult Video defined. St. Catharines Adult Orientated Entertainment Establishment defined. Waterloo Adult Entertainment Parlour means an adult entertainment establishment as described in the MUNICIPAL ACT.	It is recommended that this term be retained as it is a term that is used in the zoning bylaw.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
(iii) Services in respect of which the term "nude", "naked", "topless", "bottomless", "sexy", or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement			
Personal Service Establishment means a Place where persons are employed in furnishing services and administering to the individual and personal needs of persons including a barber, hairdresser, beautician, aesthetician, tailor, dressmaker, shoemaker, or a tanning salon, but does not include a Parlour, Adult Entertainment	Personal Service Establishment is not defined in the Official Plan.	N/A	It is recommended that this term be deleted. A personal service establishment is recommended to be considered a service establishment.
Pharmacy means a Retail Establishment in which prescriptions are dispensed and prescription drugs are sold and includes the retail sale of non-prescription medicines, health and beauty products, associated sundry items, and may include a Postal Service	Pharmacy is not defined in the Official Plan. It is a form of retail establishment. It is considered retail commercial in the Official Plan which is defined as Retail Commercial means an enterprise whose purpose is to sell a commodity to the end user.	N/A	It is recommended that this term be deleted because this use is not recommended to be a use within a new zoning bylaw. It is recommended that a pharmacy be considered a retail establishment.
Photofinishing Place means a Retail Establishment Used for developing or print processing of film and may include portrait and commercial photography	Photofinishing Place is not defined in the Official Plan. It is a form of retail establishment and a personal service establishment. It is considered retail commercial in the Official Plan which is defined as Retail Commercial means an enterprise whose purpose is to sell a commodity to the end user.	N/A	It is recommended that this term be deleted because this use is not recommended to be a use within a new zoning bylaw. It is recommended that this use be considered a retail establishment.
Place includes any land, Lot, Building, Structure , place or any part thereof	N/A	N/A	It is recommended that this term be deleted and replaced with premises.
Porch includes a veranda, stoop, deck, access ramp, steps or the like and any appurtenance thereto	N/A	Cambridge a structure with a roof and at least one side that is open and unenclosed that is accessed by stairs from grade and which provides access to the first storey of a dwelling unit. Oakville Means an unenclosed, covered platform with direct access to the ground that is attached to a dwelling.	It is recommended that this term be retained as there are rules that use this term.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		<p>St. Catharines Means a platform structure attached to a main wall or walls of a building having a roof.</p> <p>Waterloo means a roofed structure projecting from the exterior wall of a DWELLING and having at least fifty percent (50%) of the total area of the vertical planes forming its perimeter unobstructed in any manner between floor and ceiling except by insect-screening</p>	
Postal Service means a Place in which is provided to the public postal pick-up or drop-off services for letters and parcels, but does not include a Courier Service ;	N/A	N/A	It is recommended that this term be deleted because it is not recommended to be a use within a new zoning bylaw. It is recommended that a postal service be considered a service establishment.
Premises	N/A	<p>Cambridge Premises not defined but used throughout the ZBL</p> <p>Waterloo Premises not defined but used throughout the ZBL</p> <p>Kitchener Premises – means the whole or part of lots, buildings, or structures, or any combination of these</p> <p>St. Catharines Premises: means the whole or part of lands, buildings or structures, or a combination thereof.</p> <p>Oakville Premises means the area of a building occupied or used by an individual business or organization.</p>	It is recommended that this term be added to a new zoning bylaw and defined consistent with zoning trends.
Print Shop means a Place in which is provided photocopying, blueprinting or binding services to the public, but does not include drafting services	Print Shop is not a defined term in the Official Plan.	<p>Waterloo Printing Establishment means a BUILDING or part thereof used primarily for printing, copying, lithographing, and or publishing of printed materials.</p> <p>Milton and St. Catharines do not define the term.</p>	It is recommended that this term be deleted because this use is not recommended to be a use within a new zoning bylaw. It is recommended that a print shop be considered a retail establishment or service establishment.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
Printing or Publishing Establishment	N/A	Waterloo – See Printing Establishment above.	It is recommended that this term be added because this use is recommended to be a use within a new zoning bylaw and to reflect zoning trends.
Propane Retail Outlet	N/A	N/A	It is recommended that this term be added because this use is recommended to be a use within a new zoning bylaw.
Public Hall means a Place where facilities are provided for public assembly, but does not include a Religious Establishment or Arena , or a Gaming Establishment	Public Hall is not a defined term in the Official Plan.		It is recommended that this term be deleted since this use is not a recommended use within a new zoning bylaw.
Recreation Centre means a Place Used for participatory athletic, recreational, physical fitness, leisure or social activity and includes a health centre, fitness centre, ice, hockey or roller skating rink, curling rink, racquet court, swimming pool, billiard parlour, gymnasium, training room, auditorium, bowling alley or Arena , but does not include a Parlour, Adult Entertainment, Amusement Arcade or an Amusement Park or a Gaming Establishment	Recreation Centre is not a defined term in the Official Plan.	<p>Hamilton Commercial Recreation Shall mean the use of an establishment, for a fee, for the provision of athletic and amusement facilities involving the active participation of the user-public in a sports related activity and shall include but not be limited to such facilities as indoor and outdoor racquet courts, fitness clubs, billiard parlour, bowling alley, golf course, driving range, skating or curling surfaces, riding stables, water sports, go-kart track or amusement parks, but shall not include an amusement arcade.</p> <p>Welland Community Centre Means a multi-purpose facility or part of that facility that offers a variety of programs of a recreational, cultural, community service, informational, or instructional nature.</p> <p><i>Permits "Athletic/Fitness Centre" but not defined.</i></p> <p>St. Catharines Recreation Facility: means a premises used for participatory and/or spectator-oriented recreation and entertainment uses, and may include ancillary office, restaurant, retail and service commercial uses.</p> <p>Oakville Sports Facilities means a premises or outdoor area in which facilities are provided for the purpose of instruction, conduct, practice, or training for sports or physical</p>	It is recommended that this term be deleted since this use is not a recommended use within a new zoning bylaw. A recreation centre will be considered either a community centre, a fitness centre, or a recreation facility.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		<p>exercise, and may include an indoor play facility.</p> <p><i>Private athletic and recreational programs such as sports leagues, martial arts or dance schools, private arenas, outdoor sports fields, or commercial fitness centres are interpreted as "sports facilities" in this By-law</i></p> <p>Community Centre means a multi-purpose facility or part of that facility that offers a variety of programs of a recreational, cultural, community service, informational, or instructional nature and, where the facility is owned and operated by the Town, other uses authorized through an agreement with the Town.</p> <p><u>Kitchener</u> Community Facility – means the use of a premises for a multi-purpose facility that offers a combination of recreational, cultural, community service and information or instructional programs, and can include a community centre, community space, arena, library, and/or swimming facility</p> <p>Fitness Centre – means the use of a premises in which facilities and activities are provided for physical exercise.</p> <p><u>Waterloo</u> Municipal Recreation Facility means lands owned and operated by the CITY for public recreation purposes, and shall include but not be limited to parks, playgrounds, community centers, tennis courts, bowling greens, SWIMMING POOLS, and golf courses.</p> <p>Commercial Recreation means a commercial establishment specializing in recreational activities such as martial arts, racquet sports, bowling, ping-pong, billiards, mini golf, dance studios, indoor sport simulators, board games, ELECTRONIC GAMING CENTRES, and any other similar recreational or sporting activity. Excludes</p>	

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		Dance Halls, Bingo Halls, AUDITORIUM, BANQUET HALL, Casino, ADULT ENTERTAINMENT PARLOURS	
Recreation Facility	N/A	N/A	It is recommended that this term be added to reflect it as a permitted use.
Recreation Trail includes pedestrian and nature trails, bicycle trails, multi-use trails, fitness trails, nature trails for the disabled, or cross-country skiing trails	Recreation trail is not a defined term in the Official Plan.	N/A	It is recommended that this term be modified to provide clarity and that it be renamed "trail".
<p>Redevelopment means the removal of a building or structure from land and the construction of a new building or structure on the said land or the rehabilitation and renewal of an existing building or structure (for the purposes of section 12 only but not the SPA)</p> <p>Redevelopment means the removal of a building or structure from any place and the construction or erection of a new building or structure at the said place and includes an addition to an existing building or structure which is larger than 50% of the total ground floor area or the existing building or structure (for the purposes of the SPA portion of section 12 only)</p>	N/A	N/A	It is recommended that this term be deleted from the zoning bylaw.
Regulatory Flood means the flood resulting from the Hurricane Hazel Regional Storm, as determined by the Grand River Conservation Authority (for the purposes of section 12 only)	N/A	<p>Waterloo</p> <p>Regulatory Flood means the inundation under a flood resulting from the rainfall experienced during the Hurricane Hazel Storm (1954) or the 100-year flood, where it is greater, the limits of which define the riverine flooding hazard, as determined by the Grand River Conservation Authority</p>	It is recommended that this term be deleted from the zoning bylaw as it is not necessary to define.
Religious Establishment means a Place including a synagogue, mosque, or rectory, owned or occupied by a religious organization or congregation which is dedicated exclusively to worship and related social and charitable activities but does not include a Gaming Establishment	Religious establishment is not a defined term in the Official Plan. It is a place of worship, a non-residential use permitted in Residential designations in the Official Plan.	<p>Kitchener – Place of Worship means the use of a premises by any religious organization for faith based spiritual purposes, and faith based teaching. Place of worship can include dwelling unit(s) as an accessory use.</p> <p>Oakville – Place of Worship means a premises used for the practice of religion and faith-based spiritual purposes wherein people assemble for religious worship, faith-based teaching, fellowship and community social outreach. Place of Worship Area of Worship means the area(s) within a place of worship in which a service, ceremony or other</p>	It is recommended that this term be modified to be named place of worship to reflect zoning trends.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		practice is performed in which reverence is offered. Waterloo – Spiritual Use (long definition, See By-law)	
Renovation means the improvement, alteration or addition of less than 50% of the total ground floor area of an existing building or structure (for the purposes of Section 12 only)	N/A	N/A	It is recommended that this term be deleted as it is no longer necessary to define.
Rental Outlet means a Place Used for the rental of tools, appliances, office machines, recreation equipment, light construction equipment, party supplies or the like, but does not include a Video Rental Outlet , or a Vehicle Sales Establishment	Rental Outlet is not a defined term in the Official Plan.	N/A	It is recommended that this term be deleted because this use is not recommended to be a use within a new zoning bylaw. This use is recommended to be considered a Major Equipment Supply and Service.
Repair Service means a Place in which is conducted the maintenance or repair of goods or equipment, but does not include a Vehicle Establishment	Repair Service is not a defined term in the Official Plan.	N/A	It is recommended that this term be modified to provide clarity to what this use means in industrial areas where it is proposed to be permitted.
Research Establishment means a Place which is Used for scientific research, tests or investigations, data collection and manipulation or technical development of information, products or devices for scientific application	Research Establishment is not a defined term in the Official Plan.	Milton Research & Technology Use Means an activity of research into the development of new products, technologies and processes that is carried out in an office or industrial building but shall not include uses which produce biomedical waste. St. Catharines Research Facility: means a premises for research, investigation, testing, or experimentation and which may include engineering and product development.	It is recommended that this term be modified to reflect zoning trends and to provide for prototyping and manufacturing related to the research and development on site.
Residential Infill means single detached dwellings or semi-detached dwellings to be built on a vacant lot that has not been previously built upon (for the purposes of section 12 only)	N/A	N/A	It is recommended that this term be deleted in a new zoning bylaw
Restaurant means a Place in which food is prepared and offered for retail sale to the public for consumption therein or as "take-out" including a doughnut shop, but does not include a Tavern	Restaurant is not a defined term in the Official Plan. It is a type of commercial use. It is also permitted in some employment designations, often as a complementary or accessory use.	Waterloo Restaurant means a commercial establishment within an enclosed BUILDING in which food and beverages are prepared and served for immediate consumption primarily on the premises by customers seated at tables and or counters. Excludes NIGHTCLUB. Kitchener	It is recommended that this term be modified to reflect zoning trends.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		<p>Restaurant – means the use of a premises where food and/or drink is prepared and sold for immediate consumption on or off-site.</p> <p>Oakville Restaurant means a premises where meals or refreshments are provided to order, and may include table service on an accessory patio.</p> <p>St. Catharines Restaurant: means a premises where food and drinks are prepared and sold for consumption either on or off the premises, and may include incidental entertainment.</p> <p>Welland Restaurant Means a premises, where meals or refreshments are provided to order for take-out, delivery and/or eat-in and may include table service on an accessory patio.</p> <p>Hamilton Restaurant Shall mean a building where food and/or drink is prepared and sold for immediate consumption, either on or off site, and which may offer commercial entertainment only if the premises are licensed under the Liquor Licence Act.</p>	
Outdoor Patio means any area outside of a Restaurant or Tavern used or designed to be used for patrons of the Restaurant or Tavern	N/A	N/A	It is recommended that this term be retained as rules for outdoor patios are proposed to be retained.
Take-out Restaurant means a Restaurant which provides less than 10% of the Gross Floor Area of the Restaurant for the consumption of food by patrons Using the Restaurant	Take-out Restaurant is not a defined term in the Official Plan. It is a type of commercial use.	N/A	It is recommended that this term be modified to define without the use of a gross floor area reference.
Retail Establishment means a Place in which is provided the retail sale or rental of goods or materials and may include a Postal Service , but does not include Wholesale , a Flea Market , or a Parlour, Adult Entertainment	<p>Retail Establishment is not a defined term in the Official Plan. It is considered retail commercial in the Official Plan which is defined as</p> <p>Retail Commercial means an enterprise whose purpose is to sell a commodity to the end user.</p>	<p>Hamilton Retail Shall mean the sale or rental of goods or materials to the ultimate consumer which shall include but not be limited to Building or Contracting Supply Establishment, Building and Lumber Supply Establishment, Home Furnishing Retail Establishment, Home Improvement Supply Establishment, but shall not include a restaurant, farm implement dealership, the sale or rental of motor</p>	It is recommended that this term be modified to reflect zoning trends and distinguish a retail establishment from a wholesale establishment.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		<p>vehicles and the sale of motor vehicle fuel or major recreational equipment.</p> <p>Welland Retail Establishment Means a premises in which goods, wares, merchandise, substances, articles or things are displayed, rented or sold directly to the public not including home furnishing retail establishments or building and lumber supply establishments or supermarkets or grocery stores.</p> <p>St. Catharines Retail Store: means a building or part thereof where goods, wares, and new or used merchandise is offered for sale to the public.</p> <p>Oakville Retail Store means a premises in which goods, wares, merchandise, substances, articles or things are displayed, rented, or sold directly to the public.</p> <p>Kitchener Retail – means the use of a premises where goods and/or materials are displayed, rented, or sold. Retail can include a pharmacy, food store, home improvement store, and convenience retail, but does not include large merchandise retail; building material and decorating supply establishment; garden centre, nursery, and/or landscaping supply; or retail of motor vehicles and major recreation equipment.</p> <p>Waterloo Retail Store means a BUILDING or part thereof in which goods are offered, displayed, and kept for sale or rent to the end consumer. Excludes: • MOTOR VEHICLE RETAILER with the exception of a MOTOR VEHICLE RETAIL STORE • CANNABIS DISPENSARIES • Lumber Yard</p>	
Retirement Residential Facility means a Building containing Dwelling Units providing	Retirement Residential Facility is not defined in the Official Plan. It is a form of Special	Burlington Retirement Home	It is recommended that this term be modified to remove reference to Home for the Aged or

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
for accommodation primarily for retired persons, and where support and health services may be provided for persons requiring these services in a supervised setting and which may contain accessory personal service, retail and recreational uses for the residents, but does not include a Home for the Aged or Nursing Home	<p>Needs Housing. Home for the Aged and Nursing Home are terms no longer used and should be replaced with Long-Term Care Home. Under the Retirement Homes there is a definition for a retirement home that states the units are “occupied primarily by persons who are 65 years of age or older”.</p> <p>There is also a potential connection to Senior Citizen which is defined in the Official Plan and means</p> <p>Senior Citizen means: any person 60 years of age or older.</p>	<p>A residential facility or part thereof which may be a rest home but does not include a nursing home, home for the aged, or group home, in which, for hire or gain, lodging is supplied in at least 10 retirement dwelling units. Means are supplied to the occupants in a common kitchen and dining facility and where other communal facilities, such as nursing care, may be provided. Accommodation shall be for the lodging of retired or elderly persons.</p> <p>Milton Dwelling, Retirement Means a building containing dwelling units where common facilities are provided for the preparation and consumption of food and where housekeeping services and onsite medical services are provided, as required. A retirement dwelling may contain accessory personal service shop, retail and recreational uses for the residents. A retirement dwelling is intended to be occupied by persons who are retired from the work force, or by reason of age or infirmity require the services provided in a semi-independent living environment, but who do not require the services and support provided in a Long-Term Care Facility.</p> <p>Oakville Retirement Home Means a building or part thereof designed exclusively to accommodate seniors or other special needs users with central kitchen and dining facilities, common indoor and outdoor amenity areas, consisting of either dwelling units or assisted living units or both.</p> <p>Ottawa Retirement Home Means a building or a part of a building containing rooming units or a combination of rooming and dwelling units, providing residence mostly to senior citizens who do not require assistance with daily living, and which may provide ancillary health, personal service, and recreational services to serve the residents of the home, and may have up to 25 percent of its gross floor area devoted to</p>	Nursing Home to reflect current legislation and zoning trends.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		providing supervised or supportive in-house care for those who need assistance with daily living including on-going medical care, nursing care, counselling and social support services. Ottawa also defines Retirement Home Converted.	
Safe Access means unobstructed direct, or elevated access for pedestrians or vehicles in an area which may be covered by flood water at a regulatory storm level. The Grand River Conservation Authority has calculated this level to be: where the product of depth and velocity of flood water during a regulatory storm is less than or equal to 0.4m ² per second and the depth and velocity does not exceed 0.8 metres and 1.7 metres per second, respectively. (for the purposes of section 12 only)	N/A	N/A	It is recommended that this term be deleted as it is not longer required to be defined in a new zoning bylaw.
Satellite Antenna means a parabolic or spherical antenna which is Used to or designed to be Used to receive communication transmissions or other signals from satellites or other devices	Satellite Antenna is not a defined term in the Official Plan.	N/A	It is recommended that this term be deleted because the term is not necessary to define in a new zoning bylaw.
School means a school under the jurisdiction of a Board as defined in the <u>Education Act</u> , R.S.O. 1990, Chapter E.2, as amended from time to time or any successor thereof, and includes a private school, but does not include a Commercial School ;	School is not defined in the Official Plan. It is a type of neighborhood institutional use.	Kitchener School, Elementary Means the use of a premises for a provincially approved institution for academic instruction typically offered from kindergarten to grade eight including a public, private, or separate school, but does not include a commercial school. School, Secondary Means the use of premises for a provincially approved institution for academic instruction typically offered from grade nine to grade twelve including a public, private, or separate school, but does not include a commercial school. Oakville School, Private Means a premises, including outdoor areas, where academic instruction in a full range of the subjects of the elementary or secondary school courses of study is provided. School, Public Means a premises, including outdoor areas, where academic instruction in a full range of	It is recommended that this term be modified to reflect zoning trends.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		<p>the subjects of the elementary or secondary school courses of study is provided under the jurisdiction of a school board established by the Province of Ontario.</p> <p>Waterloo Private School means a private elementary school and or private secondary school that is primarily funded by private organizations and private individuals, but operates in accordance with the requirements under the Education Act, R.S.O. 1990, c.E.2 as amended. Excludes COMMERCIAL SCHOOL. Public School means a public elementary school and or public secondary school that is primarily funded by the Province of Ontario and operates under the jurisdiction of a District School Board pursuant to the Education Act, R.S.O. 1990, c.E.2 as amended. May include adult education and skills development by the District School Board. District School Board includes the Waterloo Region District School Board and the Waterloo Catholic District School Board.</p>	
<p>School, Post Secondary means an institution for education or instruction s defined in the Ministry of Colleges and Universities Act, including a University and Community College.</p>	<p>School, Post Secondary is not defined in the Official Plan. It is an institutional use.</p>	<p>Kitchener – School, Post-Secondary means the use of a premises for educational purposes by a degree, diploma, or certificate granting college or university under Provincial legislation, but does not include a Commercial School</p> <p>Oakville – School, Post-Secondary means a public university or college of applied arts and technology, and may include commercial uses as accessory uses.</p> <p>Waterloo – University/College means a post-secondary educational institution comprised of one or more of the following: - university or college academic uses, BUILDINGS, STRUCTURES – university or college administrative uses, BUILDINGS, STRUCTURES – university or college research uses, BUILDINGS, STRUCTURES – university or college residential uses, BUILDINGS, STRUCTURES – university or college recreational uses, BUILDINGS, STRUCTURES</p>	<p>It is recommended that this term be modified to reflect zoning trends.</p>
<p>Setback means the minimum horizontal distance from a Street Line at which a</p>	<p>N/A</p>	<p>Waterloo Does not define setback but uses the term when referring to the distance from a lot line</p>	<p>It is recommended that this term be retained and that setbacks be used when referencing</p>

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
Building or Structure may be located on a Lot		to a building (e.g. rear yard setback minimum) Cambridge Does not define setback. Uses the term for distances from the lot line to certain things (like garages). Does not use it to mean the distance from a lot line to a building. This is referred to as a required yard (e.g. minimum required rear yard) Kitchener Setback – means the minimum regulated distance measured at right angles between a lot line and the nearest part of any above grade building or structure. St. Catharines Setback: means the distance from a building or structure to a lot line. Oakville Does not define nor use the term setback within the ZBL.	the distance from a lot line to a building rather than “required yard”.
Service Establishment means a Place providing services related to the grooming of persons (such as a barber or salon), a Place providing the cleaning, maintenance or repair of personal articles and accessories (such as dry cleaning and laundering), small appliances or electronics, or a Place providing services related to the maintenance of a residence or business (such as a private mail box, photocopying, courier or custodial services), but does not include a: Parlour, Adult Entertainment; Small Motor Equipment Sales; Storage Facility; Tradesperson’s Shop; Warehouse; and Wholesale	N/A	N/A	It is recommended that this term be retained as service establishment uses will be permitted in a new zoning bylaw.
Small Motor Equipment Sales means a Place Used for the retail sale, assembly and servicing of small motorized equipment including lawn mowers, snow blowers, roto-tillers, generators, pumps, outboard motors and related parts and accessories	Small Motor Equipment Sales not a defined term in the Official Plan.	Kitchener Repair Operation, Heavy – means the use of a premises for the servicing or repairing of mechanical equipment including furnace or oil burners; water and air coolers; domestic water heaters; fixtures and equipment and any other like articles; heavy and light construction equipment; industrial and agricultural equipment; and lawn care	It is recommended that this term be deleted as this use is not recommended to be permitted in a new zoning bylaw. It will be considered a repair shop.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		<p>equipment. Heavy repair operation shall not include a light repair operation, major equipment supply and service, or automotive detailing and repair operation.</p> <p>Welland Light Equipment/ Machinery Sales, Rental and Service Establishment Means a building, or part thereof where residential, industrial and commercial machinery and equipment is kept for sale, rental and/or service to the general public. Said machinery and equipment includes air compressors and related tools and accessories, augers, automotive tools, cleaning equipment, concrete and masonry tools, hydraulic equipment, lawn and garden tools, moving equipment, painting and decorating equipment, plumbing tools, and power tools.</p> <p>Hamilton Equipment and Machinery Sales, Shall mean the use of land, building or Rental and Service Establishment structure, or part thereof, for the display, sale, lease, rental or repair of commercial, industrial, farm or agricultural equipment and machinery and which may include facilities for the storage and sale of parts accessory to such equipment and machinery, together with the repair, painting and service of such equipment and machinery.</p>	
<p>Social Service Establishment means a Place in which clerical, administrative, consulting, counselling and recreation functions for a non-profit social service agency are conducted, but does not include facilities in which overnight accommodation is provided or any other type of Office</p>	<p>Social Service Establishment is not defined in the Official Plan.</p>	<p>Kitchener – means the use of a premises by a non-profit organization or a registered charity to provide goods or services on-site for the betterment of the community. A social service establishment shall not include facilities for overnight accommodation.</p> <p>Oakville – Food Bank</p> <p>Waterloo – Institution means a not-for-profit organization or foundation devoted to a public, educational, health, social welfare, or charitable cause or program. Includes a public hospital, library, community centre, and GOVERNMENT USE. Excludes a residence, DWELLING UNITS, SPIRITUAL USE, MEDICAL</p>	<p>It is recommended that this term be retained as social service establishment uses will be permitted in a new zoning bylaw.</p>

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		CLINIC, PUBLIC SCHOOL, PRIVATE SCHOOL, EDUCATIONAL INSTITUTION, UNIVERSITY, and COLLEGE	
Stepback means a portion of a Building that is horizontally recessed from the Building face in accordance with the requirements of this By-law	N/A	N/A	It is recommended that this term be retained as there will be stepback rules recommended to be included in a new zoning bylaw.
Storage Facility means a Place where, for a fee, articles, goods or materials are stored, but does not include a Warehouse	Storage Facility is not a defined term in the Official Plan.	<p><u>Hamilton</u> Warehouse Shall mean the use of building or structure, or part thereof, for the bulk storage or distribution of goods to industrial, commercial or institutional business users or other wholesalers, but shall not include the retailing of goods to the general public. A Warehouse may include a Mini Storage Facility but shall not include a Waste Management Facility, Salvage Yard or Towing Establishment.</p> <p><u>Welland</u> Warehouse Facility Means a building or structure, or part thereof, used for the bulk storage or distribution of goods and equipment to industrial, commercial or institutional business users or other wholesalers, but shall not include the retailing of goods to the general public. A warehouse including selfstorage units and mini-warehouses but shall not include a waste management facility, salvage yard or towing establishment.</p> <p><u>Oakville</u> Commercial Self Storage means a premises consisting of individual, self-contained units that are leased or owned for storage purposes, excluding waste.</p> <p><u>Kitchener</u> Warehouse – means the use of a building for the storage and/or distribution of goods and can include self-storage warehouses, and facilities for wholesaling of goods otherwise stored or manufactured within the building, but shall not include a truck transport terminal.</p>	It is recommended that this term be retained as storage facility uses will be permitted in a new zoning bylaw.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		Waterloo Warehouse means a BUILDING or part thereof used: a.) for the storage of goods for compensation; or, b.) for the storage of goods which will be sold elsewhere or transported to another location for sale or consumption. A WAREHOUSE includes self-storage establishments.	
Storey means that portion of a Building , other than a cellar, which is situated between the surface of any floor and the surface of the floor next above and, if there is no floor above, that portion between the surface of such floor and the ceiling above	Storey is not a defined term in the Official Plan.	Cambridge The portion of a building: (a) That is situated between the top of any floor and the top of the floor next above it, or, (b) That is situated between the top of the floor and the ceiling above the floor, if there is no floor above it. Kitchener Means the portion of a building or structure that is situated between the top of any floor and the top of the floor next above it; or if there is no floor above it, that portion between the top of the floor and the ceiling above it. A habitable or finished attic, or an uninhabitable or unfinished attic with an interior height greater than 1.8 metres, is a storey. Oakville Means the portion of a building not including mezzanines that is: a) situated between the top of any floor and the top of the floor next above it; or, b) situated between the top of the floor and the ceiling above the floor, if there is no floor above it. St. Catharines Means the portion of a building situated between the top of any floor and the ceiling above it, or the top of the floor above it but does not include a basement. Waterloo Means that portion of a BUILDING between any floor and the roof or ceiling next above such floor, provided that any portion of a BUILDING partly below GRADE shall be deemed a STOREY if its ceiling height is one-point-eight metres (1.8 m) above the average adjacent GRADE.	It is recommended that this term be retained and modified to align with zoning trends and the Ontario Building Code.
Half Storey means a finished floor area within a roof space where the roof joists/rafters are directly supported by the floor system. When	Half storey is not a defined term in the Official Plan.	Oakville defines Storey, First and Storey, One and One-half.	It is recommended that this term be retained and modified to align with zoning trends and the Ontario Building Code.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
gables and/or dormers are incorporated, they shall not exceed 50% of the perimeter wall area of the storey directly below the half storey		Other comparators do not define term.	
Stormwater Management Facility	<p>Stormwater Management Facility is not a defined term in the Official Plan.</p> <p>Water and Wastewater Treatment Facilities is a permitted use in the Major Utilities designation.</p> <p>It is a type of Infrastructure which is defined in the Official Plan and means: Physical structures and services (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, stormwater management facilities, septage treatment systems, waste management systems, electrical power generation and transmission, communications/telecommunications, transit and transportation corridors and facilities, and oil and gas pipelines and associated facilities.</p>	<p>Kitchener – means the use of a premises where structures control and manage the quantity and quality of stormwater runoff.</p> <p>Oakville – means an end-of-pipe, managed detention or retention basin, which may include a permanent pool, designed to temporarily store and treat collected stormwater runoff and release it at a controlled rate or direct it for an intended reuse.</p>	It is recommended that this term be included and defined in a new zoning bylaw. It is recommended to be a permitted use in a new stormwater management zone.
Street includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle or any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof	Street is not a defined term in the Official Plan. This term is necessary to assist with regulations and setbacks. The term “street” is used in the definition.	<p>Cambridge Street or highway: a roadway owned by a public authority and for the purposes of this By-law does not include a private street or lane. Street, private: a private right-of-way that is used by motor vehicles but is not owned by the City or any other public authority.</p> <p>Kitchener Means a public highway greater than 12.19 metres in width, as defined under the Highway Traffic Act or the Municipal Act, which provides access to an abutting lot; and which is dedicated, assumed, and/or maintained by and under the jurisdiction of the City, Region or Province. For the purposes of this By-law, a street does not include a lane or any private street.</p> <p>Oakville defines Road: means a public road or private road. Waterloo Means: a) a public HIGHWAY having a minimum width of twelve metres (12m) which affords a principal means of access to</p>	It is recommended that this term be retained and updated to reflect zoning trends.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		abutting LOTS; b) a COMMON ELEMENT ROAD contained within a plan of condominium.	
Street Line means a lot line dividing a lot from a Street and is the limit of the Street allowance	Street Line is not a defined term in the Official Plan.	Cambridge Streetline: the lot line that separates a lot from a street or highway Kitchener Means the lot line abutting a street Waterloo Means the LOT LINE separating the LOT from the STREET.	It is recommended that this term be retained.
Structure means anything constructed or built permanently or temporarily and which is fixed to or resting on or in the ground, but does not include a sign, advertising device, retaining wall, Fence , curb, planter, statue, sculpture, play equipment, birdbath, pole, pillar, antenna, garbage container and outdoor swimming pool/hot tub	Structure is not a defined term in the Official Plan. This term is necessary.	Cambridge Anything that is erected, built or constructed of parts joined together and attached or fixed permanently to the ground or any other structure. For the purpose of this By-law, a fence, a light standard, transformers, and a sign are deemed to not be structures. For the purpose of setback calculations, natural gas or electricity meters and air conditioning units, dog houses, antennas, freestanding mail boxes, driveway entrance features statues, storage lockers under 1 metre high, pool pumps and filters not inside accessory buildings, flag poles, free standing trellises, shopping cart enclosures, waste receptacles, pr bus shelters, composters, planters, and barbeques are not considered structures for the determination of setbacks. Kitchener Means anything constructed or erected, the use of which requires location on or in the ground, or attached to something having location on or in the ground, but excluding an underground servicing facility. Oakville Means anything that is erected, built, or constructed of parts joined together. St. Catharines Means anything constructed or erected having a fixed point on or in the ground or attached to building or structure having a fixed point on or in the ground. Waterloo Means any erection, permanent or temporary, fixed to or supported by the soil. Excludes signs, flag poles, fences, retaining walls,	It is recommended that this term be retained and updated to reflect the Ontario Building Code.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		electrical authority hydro transformers, telecommunication utility pedestals, municipal hydrants, gasoline pump islands, and light standards.	
Tavern means a Place Used or designed to be Used for the gathering of persons in which Liquor is offered for sale or sold and includes a bar, nightclub and the like and includes a Restaurant in which Liquor is offered for sale or sold beyond 12:01 a.m.	N/A	N/A	It is recommended that this term be deleted because this use is not recommended to be a use within a new zoning bylaw. A tavern will be considered a nightclub in a new zoning bylaw.
Taxi Establishment means a Place Used as a dispatch office for taxis and includes the area Used for the parking of taxis when not engaged in transporting persons or goods	Taxi Establishment is not a defined term in the Official Plan.	Kitchener Transportation Depot – means the use of a premises for the dispatching of commercial vehicles and motor vehicles transporting goods or passengers, and the parking and servicing of such commercial vehicles and motor vehicles when not in service. Oakville Taxi Dispatch means a premises where taxis or limousine taxis are dispatched from and where such vehicles may be parked or stored for short periods of time while waiting for calls. St. Catharines Transportation Depot: means any premises where large motor vehicles, buses, or taxis are parked and may include dispatching and administrative offices and vehicle servicing. Hamilton Transportation Depot Shall mean the use of land where commercial motor vehicles pick up and discharge farepaying passengers or dispatch vehicles for such purpose.	It is recommended that this term be retained as taxi establishment remains a permitted use and to reflect zoning trends.
Tourist Home means a Single Detached, Semi-Detached or Duplex residential	Tourist Home is not a defined term in the Official Plan.	N/A	It is recommended that this term be deleted to reflect zoning trends. The term is no longer

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
Building in which the owner resides and in which is provided, for gain, 4 or 5 rooms of the Building for overnight accommodation to the travelling public, but does not include a Restaurant, Hotel, Bed and Breakfast establishment, Lodging House, Nursing Home , or any other home licensed, approved or supervised under any general or special Act			needed as a tourist home is considered a hotel.
Towing Establishment means a place to which disabled or impounded Vehicles or mobile equipment are taken or towed and stored temporarily until reclaimed but does not include a vehicle salvage yard or wrecking establishment	Towing Establishment is not a defined term in the Official Plan.	Milton Towing Yard means a premises used for the impounding and/or storage of recovered motor vehicles which are damaged, disable, wrecked or abandoned and may include an office for administration and dispatch centre, but does not include a Transportation Terminal, Salvage Yard, Motor Vehicle Body Shop, Motor Vehicle Repair Garage, or Motor Vehicle Service Station. St. Catharines and Waterloo do not define the use.	It is recommended that this term be deleted as a towing establishment is not recommended to be a use in a new zoning bylaw.
Trade and Conventions Facilities means a building, or part thereof, which is not a hotel, and in which facilities are provided for a lecture auditorium or meeting room facility for the exclusive use of conference or convention participants	Trade and Conventions Facilities is not a defined term in the Official Plan. Convention facilities are a permitted use in the Corporate Business Park designation and in the Institutional/Research Park designation in the vicinity of Stone Road and Gordon Street intersection.	Milton Convention Centre Means a premises having facilities for meetings, seminars, workshops and other similar activities and may include dining facilities to serve participants but does not include sleeping accommodation. St. Catharines and Waterloo do not define term.	It is recommended that this term be added as a trade and conventions facility is recommended to be a permitted use in a new zoning bylaw.
Tradesperson's Shop means a <i>Place</i> in which is provided to the public a non-personal service or trade including a plumber's shop, painter's shop, carpenter's shop, electrician shop, contractor's shop or other the like which provide an installation service, but does not include a <i>Personal Service Establishment, Contractor's Yard, Vehicle Establishment, Retail Establishment, or Print Shop</i>	Tradeperson's Shop is not a defined term in the Official Plan.	Milton Service and Repair Shop means a premises used for the servicing or repairing of articles, goods or materials and may include small engine repair including the servicing and repairing of snowmobiles, all-terrain vehicles, motorcycles, lawn and garden equipment, and heating, ventilation and air conditioning systems, and motor vehicle audio equipment, but does not include a Motor Vehicle Service Station. St. Catharines Industry, Light means premises used for: a) the manufacture, processing, assembly, or packaging of finished parts or products from previously prepared materials; b) the repair or servicing of products. c) building supply storage and wholesale d) warehouse and	It is recommended that this term be modified to reflect zoning trends.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		storage Light Industry does not include obnoxious, dangerous or offensive trades. Waterloo Custom Service Shop means any premises or part thereof ... that stores, produces, assembles, and or services (repairs) goods to consumer specifications.... Kitchener Tradesperson or Contractor's Establishment means the use of a premises where manual or mechanical skills are housed to design, build, install, maintain, or repair goods, equipment, or real property and where such services are conducted on or off-site.	
Transparent Window means any window that is not tinted and which provides clear visibility from the outside to the interior of the Building	N/A	N/A	It is recommended that this term be retained as it is used for rules in the downtown zone.
Transportation Depot means a Place Used for the dispatch, storage or maintenance of Vehicles , but does not include a Vehicle Service Station , a Vehicle Sales Establishment or a Taxi Establishment	Transportation Depot is not a defined term in the Official Plan. Not permitted in Employment or Corporate Business Park zones.	N/A	It is recommended that this term be modified to update the definition to ensure that there is clarity between a transportation depot use and a transit terminal use and a trucking operation use.
Transportation Terminal means a Place where buses or trains are boarded or disembarked by fare-paying passengers, but does not include a bus stop	N/A	N/A	It is recommended that this term be updated to transit terminal and permitted in the downtown zones.
Trucking Operation means a Place where trucks, trailers or containers are loaded or unloaded, stored or parked for remuneration or from which trucks or containers are dispatched as common carriers or where goods are stored temporarily for further shipment or where buses and other fleet Vehicles are stored or parked, but does not include a Transportation Depot	Trucking Operation is not a defined term in the Official Plan.	Kitchener Truck Transport Terminal Means the use of a premises for the storage of commercial vehicles for the purpose of dispatching as common carriers, or where goods and materials are temporarily stored in bulk quantities at a transfer point for further shipment, and shall include the rental or leasing of trucks, and a courier distribution facility. Milton Transportation Terminal Means a building, structure or part thereof, where trucks, trailers, or transports are dispatched for hire as common carriers or where freight handling facilities, such as pick-up, delivery and transitory storage of goods incidental to motor freight shipment, is provided, and may include an office building	It is recommended that this term be retained as trucking operation will be a permitted use in the new zoning bylaw.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		accessory to the transportation terminal use and facilities for the service and repair and washing of the trucks, trailers or transports. St. Catharines Transportation Depot: means any premises where large motor vehicles, buses, or taxis are parked and may include dispatching and administrative offices and vehicle servicing. Waterloo Truck Depot Means a commercial establishment which provides transportation services for goods and or passengers using vehicles with a maximum capacity greater than one (1) tonne.	
Use includes " Used " and " Using " having corresponding meanings and means the arrangement of, design of or the intended Use or actual Use of any Place	N/A	Kitchener – means: a) as a noun, the purpose for which any premises is arranged, designed, or intended to be used, occupied, or maintained. B) as a verb, anything done or permitted by the owner or occupant, of any land, building, or structure directly or indirectly or by or through any trustee, tenant, servant, or agent of such owner or occupant, for the purpose of making use of the said land, building, or structure. Also defines Institutional, Low Density Residential, Noxious, Public and Residential Use separately. Oakville – defines term as a noun and verb similar to Kitchener. Waterloo – means the purpose for which a LOT, BUILDING, STRUCTURE, or any combination thereof, is designed, arranged, intended, occupied, utilized, or maintained, and “used” shall have a corresponding meaning.	It is recommended that this term be retained as it is necessary to define in a zoning bylaw.
Vehicle means an automobile, truck or any other Vehicle, including motorized construction equipment or farm equipment, motor home, motorcycle, snowmobile, boat, recreational vehicle, a trailer or farm implement or any other device which is capable of being driven, propelled or drawn by any kind of power, but does not include a bicycle or any other device powered solely by means of human effort	N/A	Kitchener – provides separate definitions for commercial, discarded motor, electric and motor vehicle. Other municipalities do not define the term	It is recommended that this term be retained as several vehicle uses are recommended to be permitted in a new zoning bylaw and it will provide clarity.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
Commercial Vehicle means any Vehicle on which is displayed commercial lettering or commercial licence plates and includes construction equipment which is designed to be towed	N/A	Kitchener – means any motor vehicle having permanently or temporarily attached thereto a truck box, or any other form of delivery body, and shall include tow trucks; tilt/n/load trucks; buses exceeding 7 metres in length and/or 4,000 kilograms in gross vehicle weight; tractor trailers or semi-trailers and any component thereof; or other like or similar vehicle, but shall not include major recreational equipment, or industrial equipment	It is recommended that this term be retained as there are rules about where commercial vehicles are permitted in zoning.
Recreational Vehicle means a Vehicle which is used for temporary recreational travel or accommodation and includes a motor home, camper trailer, converted bus or the like	Recreation Vehicle is not a defined term in the Official Plan.	N/A	It is recommended that this term be retained as there are rules about where recreational vehicles are permitted in zoning.
University of Guelph	N/A	N/A	It is recommended that this term be added to reflect it as a permitted use. The definition of the term should refer to school, post secondary and the University of Guelph Act.
Vehicle Body Shop means a Place where the body of Vehicles are repaired or body work is conducted and includes the painting of Vehicles	Vehicle Body Shop is not a defined term in the Official Plan.	N/A	It is recommended that this term be retained as vehicle body shop uses will be permitted in a new zoning bylaw.
Vehicle Establishment includes a Vehicle Body Shop, Vehicle Gas Bar, Vehicle Parts Establishment, Vehicle Sales Establishment, Vehicle Service Station and a Vehicle Specialty Repair Shop	Vehicle Establishment is not a defined term in the Official Plan.	N/A	It is recommended that this term be deleted because this use is not recommended to be a use within a new zoning bylaw.
Vehicle Gas Bar means a Place where a Vehicle fuel pump is located and may include the sale of oils and fluids associated with the operation of a Vehicle , but does not include any other Vehicle Establishment	Vehicle Gas Bar is not a defined term in the Official Plan.	N/A	It is recommended that this term be deleted because this use is not recommended to be a use within a new zoning bylaw.
Vehicle Parts Establishment means a Place where retail and Wholesale sales occur of equipment and parts used to repair, service or customize Vehicles , but does not include any other Vehicle Establishment	Vehicle Parts Establishment is not a defined term in the Official Plan.	N/A	It is recommended that this term be deleted because this use is not recommended to be a use within a new zoning bylaw. It is recommended that a vehicle parts establishment be considered a vehicle repair establishment
Vehicle Rental Establishment means a place where Vehicles are stored and rented to the public, but shall not include Commercial Vehicles , farm equipment, Recreational Vehicle , trailer, snowmobile, motorized boat or a Vehicle Sales Establishment	Added by Downtown Zoning By-law Amendment.	N/A	It is recommended that this term be retained as vehicle rental establishment uses will be permitted in a new zoning bylaw.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
Vehicle Repair Shop means a place where the general repair or service of Vehicles is conducted	Vehicle Repair Shop is not a defined term in the Official Plan. It is a permitted repair and servicing operation in Industrial designation.	<p><u>Waterloo</u> Automobile Service Centre means a premises or part thereof used for the servicing, maintenance, and repair of motor vehicles. Excludes AUTOMOBILE GAS STATION and CAR WASH.</p> <p><u>Kitchener</u> Repair Operation, Automotive Detailing and – means the use of a premises for the servicing, repair, or detailing of motor vehicles, but shall not include the retail of motor vehicles</p> <p><u>Oakville</u> Motor Vehicle Body Shop means a premises where painting, structural changes, or repairs are made to motor vehicle bodies, including exteriors and undercarriages, and includes the temporary parking of motor vehicles in the process of repair.</p> <p>Motor Vehicle Repair Facility means a premises equipped with facilities for the service, maintenance and repair of motor vehicles, and includes the temporary parking of motor vehicles in the process of repair, but does not include a motor vehicle body shop.</p> <p><u>Welland</u> Motor Vehicle Body Shop Means a premises used as a motor vehicle repair establishment, including the painting and repairing of bodies and fenders</p> <p>Motor Vehicle Repair Establishment Means a premises for the service, maintenance and repair of motor vehicles, and may include the accessory retail sale of automotive parts and accessories and motor vehicle sales, lease and/or rental, but does not include a motor vehicle body shop.</p> <p><u>Hamilton</u> Motor Vehicle Service Station Shall mean an establishment used for the sale of fuel, automotive accessories and/or convenience</p>	It is recommended that this term be modified to be named Vehicle Repair Establishment.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		<p>goods, the repair or replacement of parts in a motor vehicle and shall include but not be limited to the repair or replacement of mufflers, exhaust systems, shock absorbers, transmissions, gears, brakes, clutch assemblies, steering systems, tires, wheels, windshields, windows and other mechanical electrical parts or systems, the installation of undercoating, engine tuning, lubrication and engine conversion or replacement but shall not include a Motor Vehicle Collision Repair Establishment, Motor Vehicle Sales and Service Establishment, or a Motor Vehicle Wrecking Establishment.</p> <p>Motor Vehicle Collision Repair Establishment Shall mean the use of land, building or part thereof, for the repair of damage to a motor vehicle caused by collision, accident, corrosion or age, and which may also include the reconstruction of motor vehicles, the painting or repainting of motor vehicles the rebuilding or conversion of automotive engines or engine parts and which may also include an accessory Towing Establishment, but shall not include a Motor Vehicle Gas Bar, Motor Vehicle Service Station, Motor Vehicle Washing Establishment or Motor Vehicle Wrecking Establishment.</p> <p>St. Catharines Motor Vehicle Repair Garage: means a premises where mechanical repairs on motor vehicles and/or boats including routine maintenance, painting and body repairs are performed and may include a motor vehicle gas station.</p>	
<p>Vehicle Sales Establishment means a Place where new or used Vehicles are leased, rented, displayed for sale or sold and includes any other Vehicle Establishment, excluding a Vehicle Gas Bar</p>	<p>Vehicle Sales Establishment is not a defined term in the Official Plan. It is a type of Service Commercial use.</p>	<p>St. Catharines Motor Vehicle Sales/Rental Service Centre means premises where new and used vehicles and/or boats are kept for sale, lease or rent and may include a motor vehicle repair garage</p> <p>Hamilton Motor Vehicle Dealership Shall mean a use within a building or structure, or part thereof,</p>	<p>It is recommended that this term be retained as vehicle sales establishment uses will be permitted in a new zoning bylaw.</p>

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		<p>where new and/or used motor vehicles are stored or displayed for the purpose of sale, rental or leasing and may include a building for the storage and sale of accessories and lubricants for motor vehicles and an associated Motor Vehicle Service Station</p> <p><u>Oakville</u> Motor Vehicle Dealership means a premises used for selling or leasing of motor vehicles, including the outside display and sales of inventory motor vehicles on the same lot</p> <p><u>Welland</u> Motor Vehicle Dealership Means a premises used for the sale and/or rental of motor vehicles and/or major recreational vehicles and may include, as accessory uses, a motor vehicle service station and motor vehicle body shop.</p>	
<p>Vehicle Service Station means a Place where the general repair or service of Vehicles is conducted including oiling, greasing, washing, ignition adjustments, tire inflation, and the like and where the sale of Vehicle parts and fluids occurs in relation to such repair or service and may include any other Vehicle Establishment other than a Vehicle Body Shop, a Vehicle Sales Establishment or a Vehicle Specialty Repair Shop</p>	<p>Vehicle Service Station is not a defined term in the Official Plan.</p>	<p><u>Hamilton</u> Motor Vehicle Service Station Shall mean an establishment used for the sale of fuel, automotive accessories and/or convenience goods, the repair or replacement of parts in a motor vehicle and shall include but not be limited to the repair or replacement of mufflers, exhaust systems, shock absorbers, transmissions, gears, brakes, clutch assemblies, steering systems, tires, wheels, windshields, windows and other mechanical electrical parts or systems, the installation of undercoating, engine tuning, lubrication and engine conversion or replacement but shall not include a Motor Vehicle Collision Repair Establishment, Motor Vehicle Sales and Service Establishment, or a Motor Vehicle Wrecking Establishment.</p> <p><u>Waterloo</u> Automobile Service Centre means a premises or part thereof used for the servicing, maintenance, and repair of motor vehicles. Excludes AUTOMOBILE GAS STATION and CAR WASH.</p>	<p>It is recommended that this term be modified to reflect zoning trends.</p>

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		<p>Welland Motor Vehicle Service Station Means a premises where fuel (including but not limited to propane) for motor vehicles and/or other portable containers is kept and dispensed for sale, which may include the following accessory uses: retail store, restaurant, motor vehicle sales, lease and/or rental, but does not include a motor vehicle body shop or motor vehicle washing establishment</p> <p>St. Catharines Motor Vehicle Gas Station: means premises for the retail sale of gasoline, diesel fuel, lubricants and associated automotive fluids and may include a propane filling station.</p> <p>Oakville Motor Vehicle Service Station means a premises where fuel for motor vehicles is dispensed</p> <p>Kitchener Gas Station – means the use of a premises for the retail of automotive fuel and other auto-related products, but shall not include automotive detailing and repair operation</p>	
Vehicle Specialty Repair Shop means a Place where specialized repair or service to Vehicles is conducted including transmission, muffler, tire, auto-glass, brake, rust-proofing or sound system repair and service, but does not include any other Vehicle Establishment	Vehicle Specialty Repair Shop is not a defined term in the Official Plan.	N/A	It is recommended that this term be deleted because this is not recommended to be a use within a new zoning bylaw. The use will be considered a vehicle repair establishment.
Veterinary Service means a Building, Structure or part thereof, where domesticated animals, excluding livestock, are given medical and/or surgical treatment, grooming or care by a veterinarian licenced by the Province of Ontario. Overnight boarding of animals shall be for medical reasons only.	Veterinary Service is not a term defined in the Official Plan.	<p>Waterloo VETERINARY CLINIC means a veterinary facility predominantly for outpatient medical services for animals (consultation, diagnosis, examination and treatment of animals), which does not contain outdoor runs or outdoor boarding.</p> <p>VETERINARY HOSPITAL means a veterinary facility with both outpatient and inpatient medical services are provided to sick, ailing, infirm or injured animals. VETERINARY HOSPITALS may contain outdoor</p>	It is recommended that this term be retained as veterinary service will be permitted in a new zoning bylaw.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		<p>runs, but shall not contain outdoor boarding. Inpatient services include short-term and long-term accommodations for recovery and treatment services.</p> <p><u>Kitchener</u> Veterinary Services – means the use of a premises for consultation, diagnosis, and treatment of animals, and related boarding and grooming.</p> <p><u>Oakville</u> Veterinary Clinic means a premises used by a veterinarian or group of veterinarians for the diagnosis, examination, and treatment of animals and includes the overnight care of animals supervised by a licensed veterinarian.</p> <p><u>Welland</u> Veterinary Clinic Means a premises used for the diagnosis, examination, treatment and overnight care of animals supervised by a licensed veterinarian, all within enclosed buildings and may include the dispensing and sale of associated medical products and other pet products and services, but does not include a kennel.</p> <p><u>Hamilton</u> Veterinary Service Shall mean a use within a wholly enclosed building or part thereof, where domestic animals or household pets are provided treatment by a veterinarian and may include temporary indoor accommodation related to treatment and/or recovery and pet grooming but shall not include a kennel.</p> <p>Veterinary Service – Farm Animal Shall mean an establishment where a veterinarian administers care for the cure, prevention and treatment of disease and injury to farm animals and that may also contain an animal enclosure for farm animals during the treatment period.</p>	

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
Video Rental Outlet means a Retail Establishment where video tapes and equipment are rented or sold or offered for rent or sale	Video Rental Outlet is not a term defined in the Official Plan. It is a type of Retail Establishment. It is considered retail commercial in the Official Plan which is defined as Retail Commercial means an enterprise whose purpose is to sell a commodity to the end user.	N/A	It is recommended that this term be deleted as it is not recommended to be a permitted use in a new zoning bylaw.
Warehouse means a Place Used for the storage, distribution or wholesaling of goods or materials, but does not include a Retail Establishment, Manufacturing or a Storage Facility	Warehouse is not a term defined in the Official Plan. It is a permitted use in Industrial, Corporate Business Park (if no outdoor storage) and Mixed Business designations.	Milton Warehouse/Distribution Centre Means a premises used for the storage and/or distribution of goods, wares, merchandise, substances, articles or things, within a building and may include a commercial storage facility or facilities for an accessory wholesale or retail outlet, but does not include a transportation terminal. Waterloo Means a BUILDING or part thereof used: a.) for the storage of goods for compensation; or, b.) for the storage of goods which will be sold elsewhere or transported to another location for sale or consumption. A WAREHOUSE includes self-storage establishments.	It is recommended that this term be retained as warehouse uses will be permitted in a new zoning bylaw.
Waste Management Facility	Waste Management Facility is not a defined term in the Official Plan. Facilities for waste reuse, recycling, reclamation, recovery, composting or anaerobic digestion is a permitted use in Major Utilities designation. It is a type of Infrastructure which is defined in the Official Plan and means: Physical structures and services (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, stormwater management facilities, septage treatment systems, waste management systems, electrical power generation and transmission, communications/telecommunications, transit and transportation corridors and facilities, and oil and gas pipelines and associated facilities.	Kitchener – means the use of a premises for the collection, sorting, and processing of waste material for land term disposal on-site or for transfer to another site and shall include a landfill, recycling facility, incinerator, composting facility, waste transfer station, or other similar uses, but shall not include a salvage or scrap yard. Oakville – Waste Processing Station means a facility within an enclosed building whose primary purpose is the sorting and processing of waste to create a new product or raw material on site. Waste Transfer Station means a facility within an enclosed building whose primary purpose is the collection and storage of waste or hazardous waste for shipment, and which may include limited sorting or preparation of that waste to facilitate its shipment for final disposal or to a waste processing station, but	It is recommended that this term be added to reflect it as a permitted use in the recommended new major utility zone that reflects direction in the Official Plan.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		does not include salvage yards or scrap metal yards.	
Water and Wastewater Treatment Facility	<p>Municipal Sewage Services and Municipal Water are defined terms in the Official Plan.</p> <p>Municipal Sewage Services means: a sewage works within the meaning of Section 1 of the <i>Ontario Water Resources Act</i>, as amended from time to time, that is owned and operated by a municipality.</p> <p>Municipal Water means: A municipal drinking water system within the meaning of Section 2 of the <i>Safe Drinking Water Act</i>, as amended from time to time.</p> <p>It is a type of Infrastructure which is defined in the Official Plan and means: Physical structures and services (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, stormwater management facilities, septage treatment systems, waste management systems, electrical power generation and transmission, communications/telecommunications, transit and transportation corridors and facilities, and oil and gas pipelines and associated facilities.</p>	<p>Kitchener – means the use of a premises for the collection, treatment, storage, and distribution of water or wastewater.</p>	<p>It is recommended that this term be added to reflect it as a permitted use in the recommended new major utility zone that reflects direction in the Official Plan.</p>
<p>Wetland means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. For the purposes of this zoning bylaw, wetlands also include wetland complexes as defined by the Provincial Policy Statement on wetlands:</p> <p>i. Locally Significant Wetland means the classification of a particular wetland according to the Evaluation Methodology used by the Ministry of Natural Resources and for the Guelph area, Classes 4 through 7 wetlands are considered locally significant; and</p> <p>ii. Provincially Significant Wetland means the classification of a particular wetland according to the evaluation methodology used by the Ministry of Natural Resources and for, the Guelph area, Classes 1, 2,</p>	N/A	<p>County of Brant</p> <p>Wetland means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plans. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet land used for agricultural purposes that no longer exhibit wetland characteristics shall not be considered wetlands for the purposes of this definition</p>	<p>It is recommended that this term be deleted as it is not necessary to define wetland as it is not recommended to be a separate zone in a new zoning bylaw.</p>

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
and 3 Wetlands are considered Provincially Significant (for the purposes of Section 13 only)			
Wholesale means selling of goods, wares or merchandise in bulk to a business	Wholesale is not a term defined in the Official Plan.	Milton Wholesale Operations Means a premises used to sell merchandise to retailers, industrial, commercial, institutional, or professional business users, or to other wholesalers, or acting as agents of brokers and buying merchandise from, or selling merchandise to such individuals or companies but does not include a warehouse membership club. Waterloo Wholesaler means a commercial establishment that sells merchandise and commodities exclusively to retailers, and not to the end consumer. Excludes RETAIL STORE and WAREHOUSE MEMBERSHIP CLUB.	It is recommended that this term be retained.
Wildlife Management Area means an area of land in which one or more species of animals are protected or given sanctuary	N/A	N/A	It is recommended that this term be deleted as it is no longer necessary to define in a new zoning bylaw.
Yard means that part of a Lot extending from a Lot Line into the Lot to the nearest foundation wall of a Main Building and measured at right angles to the Lot Line	N/A	Kitchener Yard means any open area of a lot abutting a building Oakville Yard means any open, uncovered, unoccupied space appurtenant to a building. In determining yard measurement the minimum horizontal measurement between the applicable lot line and the nearest point of the building above and below grade shall be used unless otherwise specified by this By-law. Waterloo Yard means the unbuilt space on a LOT that extends from the façade (exterior wall) of a principal BUILDING to the nearest LOT LINE. Cambridge Yard: an open, uncovered space on a lot pertaining to a building and unoccupied by buildings or structures except as specifically permitted in this By-law. The four types of yards are defined below:	It is recommended that this term be retained as it is necessary to understand what a yard is in a zoning bylaw.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
Front Yard means a Yard that extends across the full width of a Lot measured at right angles to the Front Lot Line and extends back to the nearest foundation wall of the Main Building facing the Street	N/A	Kitchener Front Yard means a yard that extends across the full width of a lot between the front lot line and the nearest point of the principal building. Oakville Yard, Front means a yard extending across the full width of the lot between the front lot line and any part of any building on the lot. St. Catharines Yard Front means that portion of a lot between the front lot line and the specified distance to where buildings or structures may be located, extending from interior side lot lines, or an exterior side lot line and an interior side lot line. Waterloo Front Yard means a YARD extending across the full width of a LOT between the façade (exterior wall) of the principal BUILDING or BUILDINGS and the FRONT LOT LINE. Jointly comprises part of the FLANKAGE YARD where such YARDS coincide. Cambridge Front yard: a yard extending across the full width of the lot between the front lot line and the nearest main walls of the main building or structure on the lot. In the case of a through lot, the front yard requirements of this By-law apply on each street or highway in accordance with the provisions of the zone or zones in which such lot is located.	Retain term and update to reflect zoning trends.
Rear Yard means a Yard that extends across the full width of a Lot measured at right angles to the Rear Lot Line from the nearest rear foundation wall of the Main Building and, in the case of a Corner Lot , a Yard extending from the Exterior Side Yard abutting a Street to the Side Lot Line	N/A	Kitchener Rear Yard means a yard that extends across the full width of a lot between the rear lot line and the nearest point of the principal building. Oakville Yard, Rear means a yard extending across the full width of the lot between the rear lot line and any part of any building on the lot.	Retain term and update to reflect zoning trends.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		<p>St. Catharines – means that portion of a lot between the rear lot line and the specified distance to where buildings or structures may be located, extending between the interior side lot lines, or an exterior side lot line and an interior side lot line.</p> <p>Waterloo Rear Yard means a YARD extending across the full width of a LOT between the façade (exterior wall) of the principal BUILDING or BUILDINGS and the REAR LOT LINE. Jointly comprises part of the FLNKAGE YARD where such YARDS coincide. In the case of a triangular LOT, the REAR YARD shall be the YARD extending across the full width of a LOT between the façade (exterior wall) of the principal BUILDING or BUILDINGS and the apex of the triangle opposite the FRONT LOT LINE.</p> <p>Cambridge Rear yard: a yard extending across the full width of the lot between the rear lot line and the nearest main walls of the main building or structure on the lot.</p>	
Side Yard means a Yard that extends from the Front Yard to the Rear Yard measured at right angles to the Side Lot Line	N/A	<p>Oakville Yard, Side – means a flankage yard and an interior side yard</p> <p>Waterloo SIDE YARD means a YARD extending from the FRONT YARD to the REAR YARD, between the SIDE LOT LINE and the façade (exterior wall) of the principal BUILDING or BUILDINGS.</p> <p>Kitchener Yard, Side – means an exterior side yard and an interior side yard</p>	Retain term and update to reflect zoning trends.
Interior Side Yard	N/A	<p>Kitchener Yard, Interior Side – means a yard that extends from the front yard to the rear yard between the interior side lot line and the nearest point of the principal building.</p>	Retain term and update to reflect zoning trends.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		<p>Oakville Yard, Interior Side – means a yard extending from the front yard to the rear yard between the interior side lot line and any part of any building on the lot.</p> <p>St. Catharines Yard, Interior Side means that portion of a lot between an interior side lot line and the specified distance to where buildings structures may be located extending from the front yard to the rear yard.</p> <p>Cambridge Interior side yard: a yard other than an exterior side yard that extends from the front yard to the rear yard between the interior side lot line and the main walls of the main building or structure on the lot.</p>	
<p>Exterior Side Yard means a Yard that extends from the Front Yard to the Rear Lot Line measured at right angles to the Side Lot Line abutting a Street Line</p>	N/A	<p>Kitchener Exterior Side Yard means a yard abutting a street that extends from the front yard to the rear yard from the exterior side lot line to the nearest point of the principal building.</p> <p>Oakville Yard, Flankage – means a side yard adjoining the road on a corner lot extending from the front yard to the rear yard between the flankage lot line and any part of any building on the lot.</p> <p>St. Catharines Yard, Exterior Side means that portion of a lot between the exterior side lot line and the specified distance to where buildings or structures may be located, extending from the front yard to the rear yard.</p> <p>Waterloo Flankage Yard – means a YARD extending across the full width of a LOT between the façade (exterior wall) of the principal BUILDING or BUILDINGS and the FLANKAGE LOT LINE. Jointly comprises part of the FRONT YARD and REAR YARD where such</p>	Retain term and update to reflect zoning trends.

Existing zoning bylaw definition	Official Plan definition or policy guidance	Zoning trend definition	Preliminary recommendation
		<p>YARDS coincide with the FLANKAGE YARD as herein described.</p> <p>Cambridge Exterior side yard: the yard of a corner lot extending from the front yard to the rear yard between the exterior side lot line and the main walls of the principal building or structure on the lot.</p>	
<p>Zone means an area delineated on the Defined Area Zoning Map Schedules and established and designated by this By-law for one or more specific Uses and "Zoned" has a corresponding meaning</p>	<p>N/A</p>	<p>Cambridge A classification of land use shown on the Schedules of this By-law. Kitchener – means a designated area of land shown on the Zoning Grid Schedules contained in Appendix A of the By-law. Kitchener also defines Zone, Residential – means a RES zone herein, or any residential zone in Zoning By-law 85-1. Oakville – means a designated area of land use shown on the Zoning Maps of this By-law. Waterloo – Zone Boundary – means the boundary between two zone classifications.</p>	<p>It is recommended that this term be retained to reflect zoning trends.</p>