

Staff Report



To	City Council
Service Area	Infrastructure, Development and Enterprise Services
Date	Monday, November 8, 2021
Subject	Comprehensive Zoning Bylaw Review: Phase 3 public release of first draft

Recommendation

1. That the first draft of the Comprehensive Zoning Bylaw attached to Infrastructure, Development and Enterprise Services Report IDE-2021-308, dated Monday, November 8, 2021 be received.
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Executive Summary

Purpose of Report

The purpose of this report is to provide an update to Council on the Comprehensive Zoning Bylaw Review project and to provide information about the first draft of the Comprehensive Zoning Bylaw and phase 3 community engagement.

Key Findings

In October 2019 Council received the Comprehensive Zoning Bylaw Review Discussion Paper and the Guelph Parking Standards Review Discussion Paper which outlined preliminary recommendations on a variety of zoning topics to be used as a base to develop the new zoning bylaw. Phase 2 of the project included conversations with the community on the preliminary directions for the new zoning bylaw.

The first draft of the new zoning bylaw is now being released for public review (Attachment 1). The first draft has been prepared based on the recommendations of the discussion papers, internal staff review and expertise, other municipal practices review and community feedback received in phase 2 of the project. The bylaw has also undergone a peer and legal review.

The new zoning bylaw aligns with the City's current Official Plan. The bylaw is user-friendly, streamlined, and transparent to provide a more efficient development review process and is built form oriented.

A series of public workshops will be held throughout November and December to discuss the new zoning bylaw with the community and receive feedback. The content discussed at these workshops will also be available for online discussions through the city's [online engagement platform](#).

Financial Implications

The comprehensive zoning bylaw review is funded through the approved capital budget.

The broader fiscal impacts of the proposed by-law will be captured in the fiscal analysis of the Municipal Comprehensive Review fiscal impact study.

Report

Background

A zoning bylaw is a series of rules that tell us what a property can be used for, how big a property can be, where buildings can be placed on a property, how tall, what size, and how many buildings can be built, how many parking spaces are needed, and where those parking spaces can be located. Zoning bylaw rules are legal requirements and therefore one of the key tools used to implement the vision for our city established in the Official Plan. The City's current zoning bylaw is from 1995 and does not align with current Official Plan policy, which results in many site-specific zoning bylaw amendments being brought forward for Council approval. The comprehensive zoning bylaw review has been initiated to create a new zoning bylaw for the city that implements the current Official Plan and reflects current zoning practices.

In January 2019 Council approved the project charter ([Comprehensive Zoning Bylaw Review- Project Initiation IDE-201-01](#)) for the comprehensive zoning bylaw review which outlined the purpose of the project and the project scope. Following approval of the project charter, in October 2019 Council received the [Comprehensive Zoning Bylaw Review Discussion Paper](#) and [Guelph Parking Standards Review Discussion Paper](#). These discussion papers included a review of relevant provincial policies, regulations and guidelines, a comparison of Official Plan policies and existing zoning bylaw regulations, examined zoning trends and other municipal practices, and provided options and preliminary recommendations on a variety of zoning topics. Feedback received from community engagement was reported to Council in the summary of phase 2 report, [what we heard- summary of phase two consultation, February 28, 2020](#). Staff responses to phase 2 community feedback has been included as Attachment 2 of this report.

A Council workshop on the parking recommendations of the discussion paper was held April 14, 2021 by City staff and IBI Group. The purpose of this workshop was to provide Council with an overview of the recommendations, provide additional context and provide Council with an additional opportunity for feedback on the parking directions. A summary of the feedback received at the Council workshop and staff responses has been included as Attachment 3 of this report.

Draft Zoning Bylaw

The first draft of the new comprehensive zoning bylaw ([Attachment 1](#)) has been prepared based on the recommendations of the discussion papers, internal staff review and expertise, review of other municipal practices and community feedback received. The bylaw has also undergone a peer and legal review.

The new zoning bylaw has been developed based on the following key principles:

- Alignment with Official Plan policies and land use designations, including: increasing community resiliency to climate change; protecting and enhancing tree canopy cover; supporting active transportation and reducing vehicle dependency through transportation demand management measures; promoting affordable housing through flexible zones and reduced vehicle parking requirements; providing opportunities for a range of housing types and densities to meet a diversity of lifestyles of current and future residents; amongst many others.
- Focus on usability of the bylaw in its presentation, including notes, purpose statements and illustrations to make the bylaw easier for the public to understand
- Final bylaw text will meet Accessibility for Ontarians with Disabilities Act (AODA)
- Final bylaw text will have interactive components to assist with its navigation
- Emphasis on built form
- Flexible zones that allow more than one building type
- Simplified uses
- Pre-zoning lands to align with height and density of the applicable Official Plan designation
- Application of a municipal services holding provision for lands where height and density have been increased to ensure adequate services are available
- Respect recent redevelopment approvals
- City-led bylaw with a Guelph-specific approach based on Guelph data
- Streamline the development review process through a potential reduction in the need for site-specific zoning bylaw amendment applications and minor variances

Layout of Draft Zoning Bylaw

The zoning bylaw is organized into six parts and nineteen sections, summarized below.

Part A- Administration and Interpretation

This part of the bylaw includes two sections, administration and interpretation and establishment of zones and uses. These sections set up the legal framework for how the bylaw works and provides additional information on how to read the bylaw. The administration and interpretation section outlines transition provisions as well as provisions for legal non-conforming uses and non-complying buildings and lots. These sections provide an overview of the zones, mapping schedules and overlays, site-specific zones and holding provisions, as well as tell the reader how to interpret properties with multiple zones and how to understand zone boundaries.

Part B- Definitions

This part of the bylaw includes a list of defined terms that are identified throughout the bylaw in bold text.

Part C- General Provisions and Parking

This part of the bylaw includes two sections: general provisions, and parking.

General provisions apply to multiple zones within the bylaw and include regulations for accessory buildings or structures, sight line triangles, decks and balconies, additional residential dwelling units, home occupations, fences, etc.

Parking regulations have been included in the new bylaw in a separate section. Regulations are provided related to the location, design and rates for vehicle

parking and bicycle parking required on private property in the city. Accessible parking requirements and design, electric vehicle parking requirements, driveway width regulations, and vehicle service station and drive-through facility regulations are also found in this section of the bylaw.

Part D- Land Use Zones

This part of the bylaw includes ten sections, including: residential zones, mixed-use zones, commercial zones, downtown zones, employment zones, institutional zones, open space, golf course and park zones, natural heritage system zone, major utility zone, and urban reserve zones.

Each section includes a list of applicable zones and an illustrative example of the built form hierarchy of each land use category. A permitted uses chart is provided in each section and permitted uses are indicated using "P" for permitted. Cells that are left empty in the chart indicate that a use is not permitted in that zone. Lot and building regulations for each zone have been included as charts with associated illustrations. Each illustration builds on the previous and includes lot regulations, setback regulations, building regulations and additional more detailed regulations if applicable. Illustrations have been provided to assist in the readability of the bylaw and do not legally form part of the bylaw.

Part E- Site-specific Provisions and Zones

This part of the bylaw includes three sections: overlays, holding provisions, and site-specific zones.

There are twelve overlays proposed in the bylaw. Overlays are visible through online mapping. Existing overlays and regulations in the current bylaw such as protected view areas to the Basilica of Our Lady Immaculate, downtown active frontage areas and the special policy area, amongst others have been carried forward in the new bylaw. New overlays include the Brooklyn and College Hill Heritage Conservation District overlay, the natural areas overlay, the wellhead protection area overlay, and the Hanlon Creek Business Park overlay.

The bylaw includes twenty-three holding provisions. Holding provisions are identified on a property with an (H) symbol followed by a number and are required to be lifted by amendment to the zoning bylaw in accordance with Section 36 of the Planning Act once conditions are satisfied. Many of these holding provisions are site-specific and have been carried forward from the existing bylaw. Where possible, holding provisions that were out of date or no longer required have been deleted and not carried forward in the new bylaw. A holding provision (H14), previously applied to lands downtown, has been expanded city-wide and placed on lands that are being zoned for additional height and density to ensure that adequate and available municipal services are available prior to development occurring.

The bylaw includes 244 site-specific zones. Site-specific zones are identified on a property with a hyphen and number following a zone symbol. The regulations of a site-specific zone supersede regulations found in the remainder of the bylaw. Site-specific zones have undergone a zoning bylaw amendment for a specific development on a property prior to the new zoning bylaw. Where possible, old site-specific zones that are considered redundant have been deleted in an effort to clean up the bylaw. All Ontario Municipal Board (OMB) and Local Planning Appeal Tribunal (LPAT) decisions have been carried forward in the new bylaw. Recent site-specific

amendments and properties that have not been developed following an amendment have been carried forward in the new bylaw, unless they are no longer needed due to the bylaw allowing the type of development outright.

Part F- Zoning Schedules

Mapping schedules will be created in the next phase of the project. [Online mapping](#) is currently available for the purpose of phase 3 public engagement.

Current development applications are labelled “CDA” (current development application) on the online map. A zoning category has not been assigned to these properties at this time.

Phase 2 Community Feedback and Staff Responses

The following general themes were identified in the February 28, 2020 Information Report [IDE-2020-21](#) in response to the discussion paper recommendations. A summary of phase 2 community feedback and staff responses is included as Attachment 2 to this report.

1. Driveway width regulations
2. Parking ratios
3. Bicycle parking standards
4. Residential zones
5. Natural areas and floodplains
6. Commercial zones

Next Steps

Community engagement activities will be held this November and December, following the release of the new zoning bylaw. These engagement activities will conclude phase 3 of this project. Phase 4 of the project will include a report to Council for the statutory public meeting on the zoning bylaw and a report to Council for the decision meeting on the final recommended zoning bylaw. It is anticipated that phase 4 of the project will be completed in 2022.

Financial Implications

The comprehensive zoning bylaw review is funded through the approved capital budget.

The broader fiscal impacts of the proposed by-law will be captured in the fiscal analysis of the Municipal Comprehensive Review fiscal impact study.

Consultations

Public consultation was conducted as part of phase 2 of the Comprehensive Zoning Bylaw Review, following the release of the Comprehensive Zoning Bylaw Review Discussion Paper and the Guelph Parking Standards Review Discussion Paper. Six workshops were held between November 21 and November 28, 2019. In addition, Planning staff hosted four half day office hours throughout the city for individuals to attend and an online survey was available from November 29, 2019 to January 6, 2020. A full summary of public input received through phase 2 can be found in the February 28, 2020 Information Report ([IDE-2020-21](#)). A Council workshop on the parking recommendations of the discussion paper was also held on April 14, 2021.

A summary of the feedback received and staff responses are included as Attachment 2 and 3 of this report.

Phase 3 community engagement

In November and December of this year, staff will hold an online open house and series of online workshops to discuss the proposed zoning bylaw. Each workshop will focus on a specific zoning topic (e.g., residential areas, parking). Content discussed in the workshops will also be made available for online discussion through the City's online engagement platform. Staff will also hold office hours to meet with individuals and assist with property specific questions.

A project post card advising of the public release of the draft zoning bylaw will be mailed to all property owners in the city. An email was also sent to the project subscription list and all neighbourhood groups.

The public release was advertised in the Guelph Tribune on October 28 and will be again on November 11, 2021 and on guelph.ca/zoningreview.

Strategic Plan Alignment

The Comprehensive Zoning Bylaw Review aligns with the following priorities within Guelph's Strategic Plan:

Powering our Future – the zoning bylaw will help businesses to succeed and add value to the community by ensuring regulations support a healthy economy and are consistent with environmental priorities.

Sustaining our Future – the zoning bylaw will assist in planning and designing an increasingly sustainable city as Guelph grows by zoning Guelph's natural heritage system, ensuring landscaped open space is maintained on properties and requiring electric vehicle parking spaces be provided.

Navigating our Future- the zoning bylaw will assist Guelph's capacity to adopt clean and efficient technology through its requirements for bicycle parking spaces, electric vehicle parking spaces, and updated parking rates.

Building our Future- the zoning bylaw will help increase the availability of housing that meets community needs by allowing a greater variety of housing types within residential and mixed-use zones.

Attachments

Attachment-1- [City of Guelph Zoning Bylaw, First Draft, November 2021](#)

Attachment-2 Phase 2 Community Engagement Staff Response Chart

Attachment-3 Summary of Council Parking Workshop, April 14, 2021

Attachment-4 IDE-2021-308 Staff Presentation

Departmental Approval

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