

We are writing to comment on the revisions contained in the City of Guelph July 2022 version of the Draft Zoning Bylaw Update. We previously commented on the first draft in the fall of 2021 and while some of our concerns and questions have been answered, we wish to comment further.

1. Neighbourhood Commercial Centres – Kortright and Gordon Node

The Official Plan has designated this node to have a maximum of 10,000 m² of commercial gross floor area (CGFA), but the existing CGFA in the properties that make up this node (proposed to be designated as NCC-4, NCC-5, NCC-6, and NCC-10) have all been capped in the aggregate of about 7,180 m², which appears to be the sum of the sites existing as-built CGFA. Furthermore, all sites at this node except NCC-10 have had their site specific maximum CGFA reduced in this second draft of the bylaw from the first bylaw draft. It appears this was changed by staff because of the Commercial Policy Review policies. No provisions have been made for any kind of expansions in CGFA in this node despite the Official Plan designation. Consideration should be given to either proportionally increasing the CGFA of each site at this node so that the node can support up to 10,000 m² of CGFA in aggregate, or otherwise provide some other permissible way for marginal increases in CGFA to accommodate future footprint changes to allow this node to serve its neighbourhood function.

1. 2. Drive-through Facility

Staff public comments on our December 21, 2021 submission from the first zoning bylaw draft stated that “existing drive-throughs would be considered legal non-complying in accordance with section 1.4.3 if they do not meet the location, setback and stacking space regulations of the new zoning bylaw.” Although this implies that existing drive-throughs would be able to continue to operate as legally non-compliant provided no changes are made that run afoul of section 1.4.3, it is probable that the vast majority of existing drive-throughs (unless those possibly built very recently) would be unable if necessary to become compliant with section 1.4.3 and the proposed defined permitted use of ‘drive-through facility’, even where the property zoning permits a ‘drive-through facility’. A proposed renovation or even minor change to an existing drive-through requiring compliance with these new rules could mean major site plan reconfigurations to existing entrances, setbacks, stacking and parking, and in many cases, compliance would be physically impossible without an entire redevelopment of the property.

There will also be properties that have a legal non-compliant existing drive-through and ‘drive-through facility’ as a permitted use; however, the two uses and terms have very different meanings and are not necessarily interchangeable or compatible, which is inconsistent, misleading, and confusing. There needs to be a clear understanding of these implications for existing drive-throughs. A legal non-conforming drive-through being re-occupied by another drive-through user would appear to have an as-of-right to continue such use without having to comply with the proposed drive-through regulations, but if for common commercial reasons the building housing the existing drive-through needs minor modifications, reconstruction or redesign of some sort to accommodate a new user, will the existing drive-through have to meet the new drive-

through regulations pursuant to Section 1.4.3 as staff have suggested? If so, and for the reasons given previously, this could effectively preclude the potential adaptability and use of an existing drive-through notwithstanding that a 'drive-through facility' may be a permitted use on such property, making the permitted 'drive-through facility' use not only unfeasible in many situations but a misleading token "throwaway" use that can't even be utilized.

The definition of 'drive-through facility' and the provisions in the proposed bylaw must differentiate between newly built drive-throughs and existing drive-throughs and the recognition of existing drive-throughs as legal non-conforming is not a sufficient solution or a substitute for recognizing them separately as specific permitted uses in the new bylaw. We do not believe the proposed bylaw changes contemplated these complex issues, and the new regulations were only to apply for newly built drive-throughs. As a matter of fairness, transparency and equity, the issues need to be re-examined and addressed.

3. Additional Permitted Use from Minor Variances Consent

We are unsure if this can be addressed in the scope of the zoning bylaw review, but is there a mechanism where a road widening (which was required to be given to the City at no cost as part of a consent to an additional use obtained through minor variance) can be returned to the owner where the road widening allowance is now redundant and the proposed zoning bylaw now permits such use?

4. Shipping Containers

We will be sending a separate email submission for our comments on this topic.

Thank you for the opportunity to comment and for continued engagement on the zoning bylaw review,

Bob Mason