

Staff Report



To	City Council
Service Area	Infrastructure, Development and Enterprise Services
Date	Wednesday, July 13, 2022
Subject	Statutory Public Meeting Report Comprehensive Zoning Bylaw and Proposed Official Plan Amendment

Recommendation

1. That the Statutory Public Meeting Report 2022-245 regarding the proposed Comprehensive Zoning Bylaw and the companion Official Plan Amendment dated July 13, 2022, be received.
 2. That Schedule B-3: Protected View Area Overlay be approved as an amendment to Zoning Bylaw (1995)-14864, in accordance with Attachment 6 of Report 2022-245 Statutory Public Meeting Report: Comprehensive Zoning Bylaw and Proposed Official Plan Amendment.
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Executive Summary

Purpose of Report

The purpose of this report is to provide information about the proposed Comprehensive Zoning Bylaw and the companion Official Plan Amendment. This report also provides a summary of community feedback received and revisions made to the draft zoning bylaw that was released on November 8, 2021. A companion Official Plan Amendment is proposed for specific properties to address a conformity issue with existing uses and built form and their current land use designation.

This report provides a staff recommendation to approve Schedule B-3: Protected View Area Overlay as an amendment to Zoning Bylaw (1995)-14864, to facilitate downtown development approvals in a timely manner.

Key Findings

As part of Phase 3 of the Comprehensive Zoning Bylaw Review, the first draft of the new zoning bylaw was released to Council and the community in November 2021 to initiate community consultation. A series of virtual public workshops were held throughout November and December of last year and several one-on-one meetings have taken place to gather feedback that has informed changes to the draft zoning bylaw.

The proposed new zoning bylaw is now being presented ([Attachment 1](#)) along with a companion Official Plan Amendment (Attachment 3). The proposed zoning bylaw aligns with the City's current Official Plan, is user-friendly and incorporates changes

that reflect community feedback received. A full list of public comments and staff responses is available in Attachment 5 of this report.

A companion Official Plan amendment is being introduced to adjust land use designations on specific properties to better reflect the existing built form, uses and zoning permissions of these lands. An Official Plan amendment is proposed to address the existing residential density of lands that were developed prior to Official Plan Amendment 48 coming into effect, that previously permitted 100 units per hectare in the general residential Official Plan designation. With the introduction of the low-density residential designation and the elimination of the general residential designation, these lands are now limited to a maximum residential density of 35 units per hectare. The draft zoning bylaw effectively down zones these existing developed properties without this OPA.

An Official Plan amendment is also proposed for 30 Edinburgh Road North. This amendment proposes to redesignate this property from low density residential to Mixed/Office Commercial to align with the existing zoning and uses of this property.

Financial Implications

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

The zoning bylaw conforms to the City's Official plan. Through the Shaping Guelph Official Plan Review, also known as the Municipal Comprehensive Review (MCR), high level financial implications of growth and development to the year 2051 were presented to Council. More detailed financial impacts will be looked at through the DC study, the multi-year budget process and site-specific financial reviews as development occurs.

Report

Background

The City initiated the Comprehensive Zoning Bylaw Review project to create a new zoning bylaw that aligns with the current Official Plan and reflects contemporary zoning practices. 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 to Council. 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 Comprehensive Zoning Bylaw Review consists of five phases. A brief outline of the first three phases is provided below. The Statutory Public Meeting and the release of the proposed Zoning Bylaw and Official Plan Amendment completes the first half of phase four of the project. A Council decision meeting (planned for Q1 of 2023) will complete phase four of the project.

Phase 1- Project Initiation

On January 14, 2019 Council received the Comprehensive Zoning Bylaw Review-Project Initiation staff report ([IDE-2019-01](#)) and endorsed the project charter and formally initiated the project.

Phase 2- Discussion Papers

On October 7, 2019 Council received the [Comprehensive Zoning Bylaw Review Discussion Paper](#), [Guelph Parking Standards Review Discussion Paper](#) and staff report ([IDE-2019-92](#)). Staff provided a summary of phase two public consultation in the information report dated February 28, 2020 ([IDE-2020-21](#)). An additional [Council workshop](#) on the proposed parking regulations was held on April 14, 2021.

Phase 3- Release of Draft Zoning Bylaw and Mapping

On November 8, 2021 Council received [the first draft of the Comprehensive Zoning Bylaw](#) and staff report ([IDE-2021-308](#)). This was followed by a series of public workshops and online discussions through the project's [online engagement platform](#).

Purpose and Effect of the Zoning Bylaw

The existing Zoning Bylaw (1995)-14864 and all amendments thereto is being repealed and replaced in its entirety with the proposed Zoning Bylaw ([Attachment 1](#)). The proposed Zoning Bylaw has been developed based on the following key principles:

- Alignment with the current Official Plan
- Contemporary zoning practices
- Usability of the bylaw
- Complies with Accessibility for Ontarians with Disabilities Act (AODA)
- Interactive to assist in navigation
- Emphasis on built form
- Flexible zones
- Simplified uses
- Pre-zones land
- Respects recent development approvals

Protected View Areas (Schedule B-3)

The existing Zoning Bylaw Defined Area Map 63 establishes maximum building heights within five protected view areas of the Basilica of Our lady Immaculate (Basilica) using maximum geodetic elevations. No part of any building or structure constructed within the protected view areas shall exceed the elevations specified. The intent of the protected view areas is to preserve identified views of the Basilica as people are travelling towards the downtown along major streets. The Downtown Secondary Plan further recognizes the existing protected view areas of the Basilica and identifies that the zoning bylaw should precisely define and protect these views.

The proposed zoning bylaw (Schedule B-3) retains the five protected view areas of the Basilica. Through the Comprehensive Zoning Bylaw Review, the existing elevations within the protected view areas have been verified for technical accuracy to ensure that the intent of the regulation is maintained. The City has worked with Van Harten Surveying Inc. to complete a technical exercise to confirm the elevations and provide updated user-friendly mapping.

Staff are recommending approval of Schedule B-3: Protected View Area Overlay (Attachment 6) as an amendment to Zoning Bylaw (1995)-14864, to replace the

existing Defined Area Map 63. This approval is recommended prior to approval of the Comprehensive Zoning Bylaw to facilitate current and anticipated development applications in the downtown. The proposed Schedule B-3 provides surveyed geodetic elevation data at the property level to ensure accuracy and consistency when evaluating development proposals. Approval of Schedule B-3 will facilitate development review of projects.

Subject lands

The Comprehensive Zoning Bylaw applies to all land within the municipal boundaries of the City of Guelph.

Description of proposed Zoning Bylaw

The November 8, 2021 staff report ([IDE-2021-308](#)) provides an overview of the Zoning Bylaw layout and summary of each section.

Purpose and Effect of Official Plan Amendment

An Official Plan Amendment (OPA) is being introduced as a companion to the proposed Zoning Bylaw to adjust land use designations of specific properties to better reflect the existing uses and zoning permissions of these lands. The OPA recognizes specific low density residential lands that are currently zoned R4.A or R.4D and the existing built form exceeds the maximum residential density of 35 units per hectare by applying a site-specific policy to recognize the existing building height and residential density and allow up to 100 units per hectare without amendment to the Official Plan. Where properties are located on an arterial or collector road and exist in a cluster of medium- or high-density buildings, the OPA proposes to redesignate these properties to a more appropriate medium or high density residential designation. This OPA will align the proposed zoning with the existing residential density of these properties.

The OPA also proposes to redesignate 30 Edinburgh Road North from low density residential to the Mixed/Office Commercial designation to recognize the existing zoning permissions of the B.4-14 zone and the existing uses of the property. The Mixed/Office Commercial designation is more appropriate for this location based on the existing uses.

Subject Lands

The proposed OPA applies to 122 properties within the municipal boundaries of the City of Guelph. A list of property addresses is provided below and in Attachment 3.

Proposed Official Plan Amendment

The proposed Official Plan Amendment adds a site-specific policy to Section 9.13 of the Official Plan (see Attachment 3) to recognize the existing building height and residential density and permit up to 100 units per hectare within the low density residential designation for the following properties:

- 11 Arthur Street North; 6 Delhi Street; 89, 109 Emma Street; 14 Home Street; 16 James Street West; 50, 51 Kimberley Drive; 57 Lonsdale Drive; 46 Meadowview Avenue; 135 Oxford Street; 346, 350 Paisley Road; 20, 75 Preston Street; 32-46 Regent Street; 57 Suffolk Street West; 105 Water Street; 180 Willow Road; 234 Yorkshire Street North; 70 Yorkshire Street South.

The proposed Official Plan Amendment amends Schedule 2 (see Attachment 4 for existing and proposed land use designations) by changing the land use designations of the following properties:

- 3, 5, 7, 9 Algonquin Road; 201, 203 Alma Street North; 65 Bagot Street; 5, 7, 9 Brant Avenue; 5, 6 Brentwood Drive; 29, 35 Cassino Avenue; 56, 60, 62, 64, 66, 68 Cedar Street; 17, 18, 19, 26, 30 Drew Street; 44, 46 Emma Street; 391 Eramosa Road; 1, 3, 5, 6, 7, 9 Forest Hill Drive; 36 Garth Street; 4, 6, 8, 10 Home Street; 142-150 Imperial Road North; 8-10, 17, 33 Julia Drive; 316, 324 Kathleen Street; 171 Kortright Road West; 219-225 London Road West; 7, 8, 9, 10, 11 Manhattan Court; 50 Mercer Street; 5, 9 Meyer Drive; 2, 8 Normandy Drive; 261-263, 300, 308, 310, 312, 314, 316, 318, 320, 321, 323, 460, 480 Speedvale Avenue East; 75, 77, 79, 81, 135, 136, 138, 139, 140 Speedvale Avenue West; 353, 355, 357, 361 Victoria Road North; 119 Water Street; 222 Waverley Drive; 85-87, 89-93 Westwood Road; 68, 70, 72 William Street; 14-16 Windsor Street; 560-562, 576 Woolwich Steet; land use designation proposed to be changed from Low Density Residential to Medium Density Residential;
- 236 Gordon Street and 7, 8 Christopher Court; land use designation proposed to be changed from Low Density Residential to High Density Residential; and,
- 30 Edinburgh Road North; land use designation proposed to be changed from Low Density Residential to Mixed/Office Commercial.

Phase 3 Community Feedback

Comments received on the draft Zoning Bylaw during phase three community consultation have been organized by topic and included in Attachment 5 of this report. Staff have reviewed all comments received and made changes to the proposed Zoning Bylaw where appropriate. A tracked changes version of the proposed Zoning Bylaw has been included as Attachment 3 of this report. Staff responses to all comments received have been included in Attachment 5. Key issues include: the purpose of creating a new Zoning Bylaw; prescriptive versus flexible regulations; exclusionary zoning; legal non-conforming/non-complying properties; status of existing minor variances; two-year moratorium; servicing holding provision (H13); driveway and garage width regulations; and shipping containers. These issues have been summarized below:

Purpose of Creating a New Zoning Bylaw

Staff heard general questions from stakeholders about which issues are being solved through the new zoning bylaw; which new directions are being imposed and why; if this update will actually streamline development approvals; what the implications for Guelph's built environment are; and whether the proposed zoning bylaw address intensifying housing supply and the affordability crisis we are facing.

The Planning Act requires that municipalities update their zoning bylaws no later than three years after an Official Plan has been revised to ensure conformity. Although the existing zoning bylaw has been amended from time to time, it has not been comprehensively reviewed since it was approved in 1995. Direction for the new zoning bylaw is provided by the current Official Plan as the Planning Act requires that the zoning bylaw implement these policies.

The proposed zoning bylaw pre-zones land for the maximum height and density permissions of the Official Plan, which in effect streamlines the development process. Fewer site-specific zoning bylaw amendments will be required to undergo rezoning applications, which are time consuming and can add expense to a project. Pre-zoning will allow many developments that comply with the Official Plan to go straight to site plan and building permit review.

The zoning bylaw alone cannot address the housing supply and affordability of homes in Guelph. However, the proposed zoning bylaw does allow for a mix of housing types within the new residential zones. For example, the new RL.1 and RL.2 low density residential zones have been expanded to permit single detached, semi-detached, and duplex dwellings, as well as on-street townhouses and small apartment buildings up to three units. This aligns with the Official Plan low density residential designation which permits detached, semi-detached, townhouse and apartment forms. Additional residential dwelling units are also permitted in the low-density residential zones, allowing one unit within the primary dwelling and one unit in a detached structure on a lot, in effect allowing up to three dwelling units on a lot. The proposed zoning bylaw also pre-zones mixed-use sites for additional height and residential intensification. Furthermore, reductions to required parking spaces will support the development of more affordable units. This allows for additional intensification opportunities within the city which will support additional housing supply.

Prescriptive Versus Flexible Regulations

Staff heard from some stakeholders that the proposed zoning bylaw is too prescriptive, and that flexibility is required to respond to site-specific circumstances. Staff heard that some regulations such as common amenity area, landscaped open space, buffer strips and built form regulations are too prescriptive and will create process duplication, stifle creativity and cause uniformity throughout the city.

One purpose of the new zoning bylaw is to pre-zone lands to the maximum height and density proposed within the Official Plan designation. This provides additional development permissions, beyond the current zoning bylaw, to many properties within the city while complying with the Official Plan. Furthermore, a main objective of the new zoning bylaw is to simplify uses and generally be more permissive (within the extent of the Official Plan designation) and reduce the number of site-specific zones. This will eliminate the need for many site-specific development applications that require Council approval.

Regulations for common amenity area, landscaped open space, buffer strips, and built form have been reviewed and adjusted where appropriate. Generally, these regulations continue to be included in the proposed zoning bylaw to ensure that buildings are shaped to provide an appropriate transition to the street and surrounding uses, and to ensure adequate green space is provided to allow for tree planting and amenity space. These regulations have been reviewed to ensure they implement the directions set out in the Official Plan and the approved Built Form Standards recommendations.

Some flexibility is built into the bylaw through exceptions, such as:

- buildings with less than 20 dwelling units and buildings located in the older built-up area (Schedule B-1) are not required to provide common amenity area;

- allowing a portion of landscaped open space to be provided as a green roof; and
- allowing landscaped open space areas to account for some of the common amenity area space requirements.

Added Flexibility is also provided with new reduced parking ratios which will help with the overall redevelopment of a site, allowing for more green space and less impervious areas.

Staff acknowledge that in some cases, based on the site-specific context of a lot, variances may be appropriate. Variances should be reviewed on an individual basis to ensure the intent of the Official Plan and Zoning Bylaw are met. Minor variances are granted by the Committee of Adjustment and this process is much less expensive and time consuming when compared to the rezoning process.

Exclusionary Zoning

Staff heard through engagement comments that the new zoning bylaw should include flexible residential zones that permit a variety of building types. Exclusionary zoning refers to land that has restrictive zoning that typically only permits single detached dwellings and often these zones are applied to most of the land within a city. Any proposed change to this zoning requires a planning process, which is time consuming and costly.

The intent of the new zoning bylaw is to be more flexible and allow a variety of housing types within the residential zones to align with the permitted uses of the Official Plan. The proposed zoning bylaw has been revised to allow small apartment buildings and on-street townhouses, to a maximum of three units, within the RL.1 and RL.2 zones. This provides an opportunity for a variety of housing forms and tenure to accomplish three units on a property as is permitted by the additional residential dwelling unit regulations which are prescribed by the Province. This will provide more opportunities for gentle density within existing neighbourhoods, provide for a greater mix of housing types and support the establishment of more affordable housing. This direction is in line with the low density residential Official Plan designation.

Legal Non-conforming/Non-complying Properties

Staff heard concerns from stakeholders that the new zoning bylaw regulations will make properties legal non-conforming/non-complying, directly impacting property values. Staff recognize that this is a concern, however this is unavoidable when a new zoning bylaw comes into effect. The existing zoning bylaw is from 1995 and there are new Official Plan policies and contemporary zoning practices that are being implemented. Section 1.4 provides appropriate protection for existing uses, lots, buildings, and structures. Any pre-existing legal use, lot, building or structure that does not comply with the new bylaw is deemed to conform with the new bylaw. This section also provides appropriate permission for enlarging, repairing, and reconstructing existing buildings and structures. New regulations are only applied to the portion of a site being added or redeveloped. The proposed zoning bylaw also takes the approach to pre-zone lands in conformity with the Official Plan. This means that many existing sites, particularly in the mixed-use zones, will have increased development potential which generally has a positive impact on land values.

Status of Existing Minor Variances

Staff heard concerns from stakeholders that existing approved minor variances would no longer apply once the new zoning bylaw is in effect. The new zoning bylaw does not propose to carry forward existing minor variances beyond the two-year transition provision provided in section 1.3.1 c) of the proposed zoning bylaw. This will allow for easier administration of the new bylaw and ensure that the intent of the current Official Plan is being implemented. The proposed zoning bylaw is intended to be more permissive and has simplified uses, which may allow some uses outright within a zone that were previously permitted through variance. Property owners are encouraged to review the proposed draft zoning bylaw to see if the new zoning will allow a use previously granted through a minor variance to continue outright. Staff encourage property owners to advise of any situation where a permitted use through a minor variance will no longer be permitted and staff will review the site-specific situation.

Two-year Moratorium

Stakeholders provided comments requesting direction on a two-year moratorium for all zoning bylaw amendments once the new bylaw comes into effect. Section 34 (10.0.0.1) of the Planning Act establishes a two-year moratorium for applications to amend the bylaw when Council repeals and replaces the zoning bylaw in effect. Staff recognize that this provision would allow staff, Council, the community and developers to work within the new rules for two years, ensuring proper implementation of the Official Plan and reducing staff resources dealing with site-specific applications. Staff continue to monitor the status of Official Plan Amendment 80 (OPA 80) coming into effect. It is likely that some applications to amend the zoning bylaw will come forward to align with OPA 80 prior to the zoning bylaw being updated with respect to OPA 80. Staff also acknowledge that other sites such as the Guelph Innovation District, Clair-Maltby Secondary Plan and sites that require an urban design master plan process will also require a zoning bylaw amendment. A recommendation related to the two-year moratorium will be provided at the Council decision meeting.

Servicing Holding Provision (H13)

Staff heard concerns related to the municipal servicing holding provision that has been applied city-wide. The (H13) holding provision has been applied to properties with increased height and density permissions to ensure adequate municipal services are available prior to development occurring. The (H13) wording in the proposed zoning bylaw has been revised to apply to new buildings and/or additional residential development. This will ensure changes to existing commercial buildings are not impacted by the holding provision. The holding provision is required to ensure services are available at the site level before committing full zoning permission for the increased units. The alternative to adding a holding provision is to zone for the existing use only and require a rezoning rather than a lifting of the H. This would be more restrictive than the proposed approach and staff do not recommend this approach.

Driveway and Garage Width Regulations

Staff heard concerns related to the maximum driveway and garage width regulations in the draft zoning bylaw. Staff generally heard that people need more parking. The proposed driveway and garage width regulations have been revised to

add additional flexibility while generally maintaining the maximum 50% lot frontage principle. Attached garage width regulations have been revised to allow the garage width to match the maximum driveway width. This means that an RL.1 (minimum 15 metre lot frontage) is permitted to have a 6.5 metre wide driveway and garage. The RL.2 (minimum 9 metre lot frontage) is permitted to have a 5 metre wide driveway and garage. An on-street townhouse (minimum 6 metre lot frontage) is permitted to have a driveway that is 50% of the lot frontage or 5 metres, whichever is less and a garage that is 50% of the dwelling unit width. Increasing the maximum driveway width to 5 metres recognizes existing townhouses that have larger lot frontages and can accommodate a wider driveway. Changes made to the proposed Zoning Bylaw carry forward the existing driveway width regulations and add flexibility compared to the draft bylaw released last year.

Shipping Containers

Staff received several letters regarding the proposed shipping container regulations in the draft Zoning Bylaw. We learned that there are many businesses within the city that use containers as an affordable storage solution and some businesses rely on shipping containers for their manufacturing operations. In some situations, businesses are solely operating from shipping containers located on industrial land. We heard that this is a cost-effective solution for small businesses who cannot afford space or find space elsewhere in the city.

The draft zoning bylaw includes new regulations for shipping containers to add clarity for the use of shipping containers and outdoor storage within the city. The city's employment lands are valuable and we want to ensure that they are being utilized appropriately. In order to achieve our forecast employment growth, we need to make more efficient use of lands within our employment areas. We also have a target of 15% of future employment from intensification of existing employment areas, reinforcing the need to make efficient use of our employment lands. We also have very little surplus employment land beyond 2051 and will need to carefully monitor our employment lands over time to ensure that we are staying on track to meet our vision and goals for our proposed employment areas.

If multiple shipping containers are being added to sites to address a space issue instead of adding to the floor area of a building, we are not utilizing employment lands for the highest and best use. Shipping containers added to a property do not go through the development process, meaning the property is not paying for additional development charges, it is not taxed appropriately, as well as other site design impacts such as generating additional traffic, occupying required parking spaces and not addressing adequate transition to adjacent properties and providing adequate visual screening. There are existing conflicts with the placement of shipping containers in require parking spaces, fire routes and snow storage areas. Uses that have been legally established prior to regulations changing or new regulations being introduced, become legal non-conforming and are permitted to continue to be used that way. Staff are not recommending changes to the shipping container regulations of the proposed Zoning Bylaw.

Next steps

Staff will review feedback received at the open house and statutory public meeting and make appropriate changes to the bylaw. Staff anticipate bringing the final zoning bylaw to Council for approval in Q1 of 2023.

Financial Implications

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

The zoning bylaw conforms to the City's Official plan. Through the Shaping Guelph Official Plan Review, also known as the Municipal Comprehensive Review (MCR), high level financial implications of growth and development to the year 2051 were presented to Council. More detailed financial impacts will be looked at through the DC study, the multi-year budget process and site-specific financial reviews as development occurs.

Consultations

The notice of open house and statutory public meeting was advertised in the Guelph Tribune on June 16, 2022. The notice was also mailed/emailed to local boards and agencies, City service areas and the Comprehensive Zoning Bylaw Review project mailing list. The proposed zoning bylaw and official plan amendment was posted to the City's website on June 15, 2022.

An open house will be held on July 6, 2022, in the Galleria at City Hall. The open house materials are also posted on the project's [online engagement platform](#).

The Planning Advisory Committee was consulted at their meeting on November 23, 2021 and will be consulted again at an upcoming meeting. The Accessibility Advisory Committee was consulted at their meeting on December 21, 2021.

Strategic Plan Alignment

The Comprehensive Zoning Bylaw 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 [Proposed City of Guelph Zoning Bylaw, Statutory Public Meeting, July 2022](#)

Attachment-2 [Proposed City of Guelph Zoning Bylaw- Tracked Changes](#)

Attachment-3 Proposed Official Plan Amendment for the Comprehensive Zoning Bylaw

Attachment-4 Schedule 2, Proposed Official Plan Amendment

Attachment-5 Phase 3 Community Engagement Staff Response Chart

Attachment-6 Schedule B-3: Protected View Area Overlay

Attachment-7 IDE-2022-245 Staff Presentation

Departmental Approval

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