

# Staff Report



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To	<b>City Council</b>
Service Area	Infrastructure, Development and Enterprise Services
Date	Tuesday, April 18, 2023
Subject	<b>Decision Report Comprehensive Zoning Bylaw and Companion Official Plan Amendment File: OZS22-012</b>

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## Recommendation

1. That the City-initiated Official Plan Amendment No. 88, be approved in accordance with Attachment 3 of the Comprehensive Zoning Bylaw Decision Report, dated April 18, 2023.
  2. That the City-initiated Comprehensive Zoning Bylaw (2023)-20790, be approved in accordance with Attachment 1 of the Comprehensive Zoning Bylaw Decision Report, dated April 18, 2023.
  3. That in accordance with Section 34(17) of the Planning Act, City Council has determined that no further public notice is required related to the changes to the proposed Zoning Bylaw.
  4. That the Council approved development application for 1408 Gordon Street and 33-41 Arkell Road from March 21, 2023 Council Planning be integrated as an administrative update to the Comprehensive Zoning Bylaw as site-specific zone in accordance with Attachment 7 of the March 21 Decision Report, once Zoning Bylaw (2023)-20790 is in effect.
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## Executive Summary

### Purpose of Report

This report provides the recommended [Comprehensive Zoning Bylaw \(2023-20790\)](#) and City-initiated companion Official Plan Amendment No. 88. This report also provides a summary and responses to comments received since the June 30, 2022, release of the draft Zoning Bylaw and Official Plan Amendment, including comments from the July 13, 2022, Statutory Public Meeting.

### Key Findings

A comprehensive review of the City's Zoning Bylaw is required to comply with section 26(9) of the Planning Act within three years of an Official Plan update in accordance with section 26 of the Planning Act, which requires an update to conform with provincial plans, matters of provincial interest, and policy statements.

The City's Official Plan was comprehensively updated through Official Plan Amendments 39, 42, and 48. The City's Zoning Bylaw is from 1995 and pre-dates

the updated, in-force Official Plan and does not conform to the policies of the Official Plan.

The proposed new Zoning Bylaw (2023)-20790 (Attachment 1) conforms to the City's Official Plan and implements the vision, policies, and land use designations. In addition, the new Zoning Bylaw is reflective of contemporary zoning practices and will streamline the development review process.

A companion Official Plan Amendment No. 88 (Attachment 3) is proposed to adjust land use designations on specific properties to better reflect the existing built form, uses and zoning permissions. This amendment will ensure that lands with existing buildings do not lose their current development permissions.

A number of revisions have been made to the proposed Zoning Bylaw since the Statutory Public Meeting held on July 13, 2022, to reflect feedback received. This report provides an overview of comments received and revisions made to the proposed Zoning Bylaw. A track change version of the Zoning Bylaw is included as [Attachment 2](#) to this report to highlight changes made since the Statutory Public Meeting.

### **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.

### **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 through the [Shaping Guelph Municipal Comprehensive Review: Fiscal Impact Analysis](#). More detailed financial impacts will be looked at through the Development Charges (DC) study, the multi-year budget process and site-specific financial reviews as development occurs.

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# Report

## Background

Phase 1- Project Initiation - On January 14, 2019, Council received the Comprehensive Zoning Bylaw Review- Project Initiation staff report ([IDE-2019-01](#)). Council 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.

Phase 4- Statutory Public Meeting and Decision Meeting - On July 13, 2022, Council received the second draft of the Comprehensive Zoning Bylaw, the proposed Official Plan Amendment and the Statutory Public Meeting staff report ([IDE-2022-245](#)). This was preceded by the Public Open House held on July 6, 2022, in the Galleria at City Hall.

## Purpose and Effect of the Zoning Bylaw

A comprehensive review of the City's Zoning Bylaw is required to comply with section 26(9) of the Planning Act within three years of an Official Plan update in accordance with section 26 of the Planning Act. The City's Official Plan was comprehensively updated through Official Plan Amendments 39, 42, and 48. The City's Zoning Bylaw is from 1995 and pre-dates the updated Official Plan and does not conform to the policies of the Official Plan.

The primary objective of the Comprehensive Zoning Bylaw Review is to implement the policies of the Official Plan. A new Zoning Bylaw must:

1. Have regard for matters of Provincial interest set out by the Planning Act
2. Be consistent with the Provincial Policy Statement (PPS) and conform with Provincial plans, and,
3. Conform with the Official Plan.

The existing Zoning Bylaw (1995)-14864 and all amendments thereto is being repealed and replaced in its entirety with the proposed Zoning Bylaw (2023)-20790 (Attachment 1).

The proposed Zoning Bylaw has been developed based on the following key principles:

- Conformity with the Official Plan (February 2022 Consolidation)
- Pre-zones land to maximum height and density of the Official Plan designation
- Alignment with contemporary zoning practices
- Hybrid form-based zoning bylaw with a focus on usability and easy navigation
- Use of tools, such as charts, illustrations, notes to add clarity and assist in interpretation

- Compliance Provincial legislation, such as the Accessibility for Ontarians with Disabilities Act (AODA)
- Flexible zones that permit multiple building types and updated mixed-use zones
- Removal of exclusionary zoning and the promotion of a range and mix of housing types in residential areas
- Simplified and consolidated uses
- Zones the City's Natural Heritage System and restricts development
- Respects recent development approvals by incorporating site-specific Council approvals
- It is anticipated that the new Zoning Bylaw will streamline the development approval process, requiring less site-specific development approvals from Council to meet Official Plan objectives

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

### **Subject Lands**

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

### **Summary of Key Comments and Revisions to the Zoning Bylaw**

The following provides a summary of key comments and revisions. The key comments addressed in this report are maximum driveway widths, minimum parking standards, shipping container regulations, supportive housing permission, and residential 3-unit review. Attachment 5 provides staff responses to all Council and community feedback received during and following the statutory public meeting and notes any revisions made in response to those comments.

#### **Maximum driveway widths**

Council directed staff to consider formalizing the current exemption on enforcement of driveway widths for semi-detached and on-street townhomes in the final recommended zoning bylaw.

Staff has compiled a driveway width review paper, Attachment 6 to this report. The paper summarizes the work completed to date on the issue and provides a fulsome review of Provincial and City policy as a basis for staff's recommendation. This paper has been developed with input from departments across the City including, Engineering and Traffic, Forestry, Planning and Urban Design, Zoning, Corporate Energy and Climate Change, Operations and Accessibility. Based on this review staff recommend maintaining the proposed zoning approach that generally ensures 50% landscaped area in front yards.

In addition, staff recommend an exemption to allow a residential driveway to be widened to accommodate an accessible vehicle and meet the Accessibility for Ontarians with Disabilities Act (AODA) standard for Type A parking space dimensions. This will ensure that an access aisle can be provided for use by a mobility device. Based on staff's review of Ontario zoning bylaws, this is the first accessible exemption for driveway width to be included in a zoning bylaw.

Staff are also recommending that the removal of winter on-street parking restrictions be investigated through the upcoming city-wide parking review, identified as an action in the Transportation Master Plan. Staff recommend that the

existing driveway width enforcement exemption continue until this parking review is complete.

The driveway width review paper includes alternative options requested by Council. These options are not recommended by staff and if approved will not conform with Provincial and City policy, City plans and other municipal practices and trends. Approving alternatives to the staff recommendations will not align with policy and strategic directions previously approved by Council.

### **Minimum parking standards**

Council directed staff to consider removing the parking adjustment (PA) area in the strategic growth area on Gordon Street from Stone Road to Vaughan Street and leave the parking rate as is. Council also directed staff to consider increasing the visitor parking space requirements within the parking adjustment (PA) area for apartment buildings and mixed-use buildings, in line with the requirements for the rest of the city. Council requested that an updated off-street parking study for multi-residential buildings be conducted.

Staff has compiled a parking review paper in response to Council's directions, Attachment 7 to this report. The paper summarizes the work completed to date on the issue, provides a fulsome review of Provincial and City policy, and provides the results of the 2022 parking utilization study conducted by BA Group, as a basis for staff's recommendation. The Guelph Parking Standards Review- Update Memorandum, prepared by BA Group is included as Attachment 8 of this report. Based on the results of the data collected in the 2019 and 2022 parking studies, staff are not recommending changes to the proposed parking adjustment (PA) area within the Gordon Street intensification corridor and are not proposing to increase visitor parking rates for apartment and mixed-use buildings within the parking adjustment (PA) areas.

Accessible parking rates have been updated to meet AODA requirements. Further revisions have been proposed to ensure that accessible parking space requirements are not reduced within the parking adjustment (PA) area, meaning the number of accessible parking spaces required for development is consistent across the city.

The parking review paper includes alternative options requested by Council. These options are not recommended by staff and if approved will not conform with Provincial and City policy, City plans and other municipal practices and trends. Approving alternatives to the staff recommendations will not align with policy and strategic directions previously approved by Council.

### **Shipping container regulations**

Council directed staff to consider increasing or removing the maximum number of shipping containers permitted in commercial and industrial zones.

Staff has compiled a shipping container review paper in response to Council's directions, Attachment 9 to this report. As part of this review, additional community engagement was conducted with industry groups impacted by the proposed regulations. Based on these discussions, staff has deleted the maximum number of shipping containers permitted based on lot area and the overall maximum of 4 shipping containers on a lot. Instead, shipping containers are proposed to be regulated as outdoor storage, which will ensure they are placed in side or rear yards, provide visual screening, and are located outside of buffer strips, natural

areas, parking areas and fire routes. A new shipping container definition has been proposed, permission to use shipping containers as a storage facility use and permission to use shipping containers as an occasional use has been included in the revised regulations.

### **Supportive housing permission**

Council directed staff to consider as of right permission for supportive and affordable housing in the zoning bylaw through the 2023 Affordable Housing Review project. The review of supportive housing is considered within scope of the Comprehensive Zoning Bylaw Review. Affordable housing will be reviewed through the Affordable Housing Strategy update in 2023/24 and any zoning recommendations from the strategy will be incorporated into the zoning bylaw as a future update.

Staff has compiled a supportive housing review paper in response to Council's directions, Attachment 10 to this report. This paper provides background information, Provincial, County and City policy and a review of other municipal practices related to supportive housing. This paper provides rationale for the recommended approach to supportive housing in the proposed Zoning Bylaw.

Based on this review, staff are recommending that supportive housing be defined and permitted in zones where residential uses are permitted and where access to community facilities are provided.

### **Residential 3-unit review**

At the public meeting, Council asked what urban design guidelines or built form standards will be guiding the development of 3-unit apartment buildings. Some members of Council were also concerned that 3 units is not enough and that we should encourage more gentle density throughout residential neighbourhoods. In response to these concerns, staff has prepared a 3-unit review paper, Attachment 11 to this report, and have worked with Grinham Architects and STAKT Architecture Inc. to develop 3-Unit Demonstrations Plans, Attachment 12 to this report.

The 3-unit review paper provides an overview of Provincial and City policy, and an overview of Official Plan Amendment 80 as a basis for the recommended approach. This paper also outlines alternative directions related to 4-unit permissions and anticipated constraints (Attachment 11 and Attachment 13). Alternative options are not supported by staff at this time. Additional residential intensification opportunities will be incorporated into the zoning bylaw to conform with the City's municipal comprehensive review/growth management strategy following OPA80 approval by the province.

The 3-unit demonstration plans have been developed to offer a range of high-quality and feasible architectural plans that are cognizant of proposed zoning regulations, existing neighbourhood compatibility, technical site planning requirements and the need for accessible units in the city. The plans show options for a 3-unit multiple attached dwelling, apartment building and on-street townhouses. This exercise provided an opportunity to test the proposed zoning bylaw regulations and identify required revisions to ensure this type of development is feasible on standard residential RL.1 and RL.2 lots. This document will be available as a guide for prospective developers/builders looking to create 3-unit buildings.

## **Zoning Bylaw updates in response to Bill 23**

The Province of Ontario passed Bill 23, More Homes Built Faster Act on November 28, 2022. Bill 23 amended the Planning Act providing residential developments with less than 10 units an exemption from the site plan approval process. Bill 23 also removed the ability to review exterior design, with minor exceptions, through site plan control.

Under section 34(4) of the Planning Act, Zoning Bylaws have the authority to regulate some aspects of development that were previously reviewed through the site plan process, specifically the height, bulk, location, size, floor area, spacing, character and use of buildings or structures, and the minimum elevation of doors, windows and other openings in buildings or structures. The following regulations have been added to the proposed Zoning Bylaw to ensure Guelph's standards, addressed previously through the site plan process, are maintained:

- Minimum drive aisle widths
- Setbacks and visual screening for rooftop mechanicals
- For properties greater than 9,000 square metres, a percentage of residential parking must be provided below grade
- Maximum setbacks
- Active entrance requirements
- Principal entrance required to face a street
- Structured parking setbacks when located in the first storey of a building
- Minimum first storey transparency
- Minimum landscaped open space

## **General Zoning Bylaw revisions**

Other general revisions have incorporated into the proposed Zoning Bylaw based on feedback from the community and internal review. These include:

- Minor revisions to definitions and inclusion of new definitions for triplex, rooftop mechanicals, shipping container, and vehicle, accessible
- Revisions to allow a home occupation within accessory buildings and structures and detached additional residential dwelling units, as long as the legal off-street parking spaces is maintained
- Revisions to shipping container regulations and additional permissions for temporary shipping container use
- Width of attached garage revised to align with the maximum driveway width regulations
- Minimum density requirements added to residential zones
- Low Density Residential Greenfield Overlay added

## **Two Year Moratorium**

Bill 23 removed Section 34(10.0.0.1) related to a two-year moratorium on applications to amend the zoning bylaw within two years of Council repealing and replacing a bylaw. A two-year moratorium on applications cannot be recommended.

## **Purpose and Effect of Official Plan Amendment 88 (OPA 88)**

An Official Plan Amendment (OPA) is proposed 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 where

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.

An additional amendment has been added to the OPA since the statutory public meeting to address 3-unit buildings. A new policy has been added to policy 9.3.2 and 9.3.3 to clarify how the density provision is applied with respect to multi-unit residential buildings. The added policies exempt multiple residential buildings with 3 units or less from the maximum density policy in the low density residential and low density greenfield residential land use designations.

### **Subject Lands**

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

### **Recommendations**

The proposed Zoning Bylaw (2023)-20790 and companion Official Plan Amendment No. 88 are consistent with the Provincial Policy Statement (2020) and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe. The proposed Zoning Bylaw and Official Plan Amendment have regard for Provincial interest under Section 2 of the Planning Act. A planning analysis is provided in Attachment 14.

### **The Comprehensive Zoning Bylaw is consistent with the Provincial Policy Statement (PPS), 2020**

The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating development and use of land and supports the provincial goal to enhance the quality of life for all Ontarians.

Municipal official plans are key implementing documents of the PPS and for achieving comprehensive, integrated and long-term planning. The PPS also acknowledges that zoning bylaws are important for implementation of the PPS and planning authorities shall keep their zoning bylaws up to date with their official plans and the PPS.

The Comprehensive Zoning Bylaw is consistent with the policy direction of the PPS, as it implements the city-wide land use framework as established in the City's Official Plan.



The Comprehensive Zoning Bylaw conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), 2020

The Growth Plan sets out guiding principles which support the achievement of complete communities, prioritize intensification and increased density in strategic growth areas, support a range and mix of housing options, protect and enhance natural heritage features, conserve and promote cultural heritage resources, and integrate climate change considerations into planning for more resilient communities and infrastructure, and incorporating approaches to reduce greenhouse gas emissions.

The policies of the Growth Plan must be implemented through the Official Plan and municipal Zoning Bylaws. The regulations imposed by the Comprehensive Zoning Bylaw are consistent with the Growth Plan policies of Official Plan and do not conflict with the Growth Plan (2020).

Growth Plan conformity completed through Official Plan Amendment 80 (OPA 80) was approved by Council on July 11, 2022 and is waiting on Provincial approval. OPA 80 is not currently in effect. Once OPA 80 is in effect, a zoning bylaw amendment will be initiated to bring the new Zoning Bylaw into conformity with the updated Official Plan within one year.

### **The Comprehensive Zoning Bylaw conforms with the City's Official Plan**

The proposed Zoning Bylaw and Official Plan Amendment conform to the objectives and policies of the City's in effect Official Plan. Minor Official Plan amendments are recommended which maintain the goals and objectives of the Official Plan.

Furthermore, the proposed Zoning Bylaw aligns with the goals and objectives of other City plans, such as the Transportation Master Plan, Urban Forest Management Plan, Stormwater Management Master Plan, Community Energy Initiative and Race to Zero, and the Transit Action Plan.

The revisions made to the proposed Zoning Bylaw are considered minor and therefore staff recommend that no further public notice is required in accordance with Section 34(17) of the Planning Act. Staff are recommending that Council approve Zoning Bylaw (2023)-20790 and companion Official Plan Amendment No. 88 contained in Attachment 1 and Attachment 3.

It is also recommended that Council approve an administrative amendment to the proposed Comprehensive Zoning Bylaw to incorporate the Council approved development application for 1408 Gordon Street and 33-41 Arkell Road from the March 21 Council meeting. This is a technical requirement to ensure the new Zoning By-law doesn't eliminate Council approved development permissions.

### **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 through the [Shaping Guelph Municipal Comprehensive Review: Fiscal Impact Analysis](#). 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**

A combined 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 draft zoning bylaw and official plan amendment was posted to the City's website on June 15, 2022.

An open house was held on July 6, 2022, in the Galleria at City Hall.

Notice of the Council decision meeting was advertised in the Guelph Tribune on March 23, 2023. The notice was also mailed/emailed to the Comprehensive Zoning Bylaw Review project mailing list. The proposed zoning bylaw and official plan amendment was posted to the City's website on March 29, 2023.

The Planning Advisory Committee (PAC) was consulted at their meetings on November 23, 2021, October 20, 2022, and March 1, 2023.

PAC members provided feedback on several key issues. In general, PAC members showed support for directions of the new Zoning Bylaw, including reduced parking minimums, maintaining the parking adjustment area in the Gordon Street strategic growth area, maintaining driveway width maximums, supportive housing permissions and shipping container regulations. PAC members requested the zoning bylaw drive the City's tree canopy targets, for a tree canopy to be defined and adding a provision limiting underground utilities in landscape open spaces. PAC members requested clarification on walkway and electric vehicle provisions.

- The November 23, 2021, minutes are available online ([link to minutes](#))
- The October 20, 2022, minutes are available online ([link to minutes](#))
- The March 1, 2023, minutes are available online ([link to minutes](#))

The Accessibility Advisory Committee (AAC) was consulted at their meeting on December 21, 2021 and provided an update on February 21, 2023.

AAC members provided feedback to staff on key issues. On December 21, 2021 the AAC committee commented that vehicles outfitted to accommodate a person using a mobility device need additional driveway width, especially on smaller residential lots. The AAC were satisfied with the updated driveway width permissions for accessible driveways at the February 21, 2023 AAC meeting, but requested clarification of the definition of accessible vehicle. AAC members also expressed concern that townhouses are inaccessible and requested that sidewalks be located on both sides of the street. Staff responded that both concerns are outside the scope of the zoning bylaw and limited authority by the Planning Act. The AAC requested that staff consider going above and beyond AODA parking standards.

- The December 21, 2021, minutes are available online ([link to minutes](#))
- The February 21, 2023, minutes are available online ([link to minutes](#))

## **Attachments**

Attachment-1 [City of Guelph Zoning Bylaw \(2023\)-20790](#)

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

Attachment-3 Official Plan Amendment No. 88 (OPA 88)  
Attachment-4 Schedule 2, Existing and Proposed Official Plan Designation  
Attachment-5 Phase 4 Council and Community Feedback Staff Response Chart  
Attachment-6 Driveway Width Review and Zoning Bylaw Recommendations  
Attachment-7 Parking Standards Review and Zoning Bylaw Recommendations  
Attachment-8 Guelph Parking Standards Review- Update Memorandum  
Attachment-9 Shipping Container Review and Zoning Bylaw Recommendations  
Attachment-10 Supportive Housing Review and Zoning Bylaw Recommendations  
Attachment-11 3-Unit Review and Zoning Bylaw Recommendations  
Attachment-12 3-Unit Demonstration Plans  
Attachment-13 Alternative 4-Unit Demonstration Plan  
Attachment-14 Planning Analysis  
Attachment-15 Public Comment Letters  
Attachment-16 Staff Presentation

**Departmental Approval**

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