

The City of Guelph

Community Planning Permit By-law

Stone Road / Edinburgh Road Area

March 2025

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1.0 Administration

1.1 Application of by-law

1.1.1 Short title

This **by-law**, as amended, shall be referred to as the **Community Planning Permit By-law** of the City of Guelph.

1.1.2 Lands subject to by-law

The provisions of this **by-law** apply to all lands in the **Community Planning Permit Area(s)** in the City of Guelph as shown on Schedule A of this **by-law**.

1.1.3 Community Planning Permit precincts

Community Planning Permit Precincts are identified on Schedule B of this **by-law**.

1.1.4 Establishment of Community Planning Permit precincts

The precincts within the Stone Road / Edinburgh Road **Community Planning Permit Area** are as follows:

- High Density Residential (HDR)
- Medium Density Residential (MDR)
- Mixed-use Corridor (MUC)
- Neighbourhood Commercial Centre (NCC)
- Low Density Residential (LDR)
- Parks and Open Space (POS)
- Natural Heritage System (NHS)

1.1.5 **Community Planning Permit boundaries**

Boundaries of Community Planning Permit Precincts shown on the Schedules are intended to follow **lot lines, street centre lines** and other similar elements and features. The Approval Authority, in consultation with any agency or other levels of government as applicable, may exercise discretion in interpreting precinct boundaries to meet the general objectives and guiding principles of this **by-law**.

1.1.6 **Community Planning Permit requirement**

All **development** or changes to **use** within the **Community Planning Permit Area(s)** to which this **by-law** applies shall require a Community Planning Permit.

1.1.7 **Compliance with by-law**

No **building** or **structure** shall be erected or altered, and no change of **use** or occupancy of any **building, structure, land, premises**, or any part thereof shall be made except in compliance with the provisions of this **by-law**.

1.1.8 **Technical revisions**

Provided that the purpose and intent of the **by-law** is not affected, the **City** may make technical revisions to this **by-law** without an amendment in the following cases:

- a) Correction of grammar, punctuation or typographical errors or revisions to format in a manner that does not change the intent of a provision;
- b) Additions or revisions to technical information on maps or schedules that does not affect the assigned precincts including, but not limited to, matters such as updating and correcting infrastructure information, keys, legends, or title blocks;
- c) Changes to appendices, footnotes, headings, indices, notes, tables of contents, illustrations, historical or reference information, page numbering, footers, and

headers, which do not form a part of this **by-law** and are editorially inserted for convenience or reference only;

- d) Revising base mapping and parcel fabric updated from the Ontario Land Registry Office;
- e) Correcting **lot** and feature boundary errors and or inconsistencies;
- f) Adjusting the precise boundary of an open space precinct identified on Schedule(s) this **by-law** or a Natural Heritage System precinct specified in this **by-law** where such adjustments are supported by a technical assessment approved and or accepted by the City of Guelph; and
- g) Changes to any reference to legislation or regulations or sections thereof approved by another public authority to include any amendments or successor legislation.

1.1.9 **Compliance with other legislation**

Nothing in this **by-law** shall be construed to exempt any person from complying with the requirements of any other by-law of the **City** or any other government statute and/or regulation that may otherwise affect the **use** of land, **buildings**, or **structures**.

1.2 **Exemptions**

1.2.1 **Development exempt from Community Planning Permit**

Notwithstanding any provision in this **by-law** to the contrary, the following types of **development** shall not require a Community Planning Permit:

- a) An activity involving only **site alteration** subject to the **City's** Site Alteration By-law, as amended or tree removal subject to the **City's** Tree By-law, as amended;

- b) Any **development** consistent with Site Plan Control approval issued pursuant to the City of Guelph Site Plan Control By-law prior to the **effective date** of this **by-law**, as amended;
- c) Any **development** consistent with a minor variance prior to the **effective date** of this **by-law**;
- d) Placement of a portable classroom on a **school** site of a district **school** board if the **school** site was in existence on January 1, 2007;
- e) Infrastructure projects initiated by a public authority;
- f) In accordance with the Planning Act, projects by publicly-assisted Universities for the objects of the Institutions; and
- g) Repairing or rebuilding a building or structure which constitutes a legal non-conforming use if:
 - i) The **development** is solely limited to the repairing or rebuilding of a **building** or **structure** which constitutes a legal non-conforming **use**;
 - ii) The **building** or **structure** is situated in the same location; and
 - iii) Does not increase the height, size, volume or change the use of the building or structure.

1.2.2 Exemptions under the Planning Act

Where **development** is exempt from provisions of the Planning Act, **development** is only exempt to the extent that the Planning Act provides for.

1.2.3 Additional exemptions

For further clarity, the following activities do not constitute **development** and do not require a Community Planning Permit:

- a) Interior alterations to an existing **building** provided that there is no change in **use** or intensification;
- b) Repairs and maintenance of any existing lawfully established **buildings** or **structures** such as the replacement of windows, doors, stairs, and decks, that will not result in changes to the footprint, location, height, or **gross floor area** of the **structure**;
- c) Repairs and replacement of existing lawfully established **buildings** and foundations provided that the works do not involve the placement of fill, alteration of existing grades, or changes to the footprint, location, height, or **gross floor area** of the **structure**;
- d) A new **single-detached dwelling**, an addition to a **single-detached dwelling** and/or any associated **accessory building or structure** that meet all requirements of this **by-law**; and
- e) A new **semi-detached dwelling**, an addition to a **semi-detached dwelling** and/or any associated **accessory building or structure** that meet all requirements of this **by-law**.

1.3 **Enforcement**

1.3.1 **Conformity with Community Planning Permit By-law**

No person shall erect, alter, enlarge, reconstruct, or **use** any **building** or **structure** in whole or in part, nor **use** any land in whole or in part, except in conformity with this **by-law**.

1.3.2 **Offence**

Any person who **uses** land contrary to any provision of this **by-law** and any person who owns land which is **used** contrary to any provision of this **by-law** is guilty of an offence.

1.3.3 Penalties

- a) Any person convicted of an offence under any provision of this **by-law** shall be liable to a penalty as set out in Section 67 (1) of the Planning Act, R.S.O,1990, Chapter P.13, or any successor thereof.
- b) Any corporation convicted of an offence under any provision of this **by-law** shall be liable to a penalty as set out in Section 67 (2) of the Planning Act. R.S.O. 1990, Chapter P.13, or any successor thereof.

1.3.4 Severability

In the event that any regulation in this **by-law** is deemed or determined to be in violation of any law, or held to be invalid or unenforceable by any court or tribunal of competent jurisdiction, the violation and invalidity shall not affect the remainder of this **by-law**. This **by-law** shall afterwards be interpreted as though the offending regulation is not contained in this **by-law**.

1.4 Other administrative matters

1.4.1 Repeal of existing by-laws within CPP area

On the **effective date** of this **by-law**, the Comprehensive Zoning By-law (2023)-20790, where applicable, (1995)-14864, where applicable, and Site Plan Control By-law (1995)-4866, where applicable, will be deemed to no longer apply to lands within the **Community Planning Permit Area(s)** as identified and delineated on Schedule A to this **by-law**.

1.5 Transition provisions

1.5.1 Transition clauses

The provisions of this Section expire and are repealed effective two years after the **effective date** of this **by-law** with the exception of provision 1.5.3 b) (i) which expires

and is repealed five years after the **effective date** of this **by-law**. The relief provided by provisions 1.5.1 to 1.5.4 of this **by-law** shall not continue beyond the issuance of a permit, approval, or agreement upon which the exemption is founded, unless otherwise provided for in this **by-law**.

1.5.2 **Transition clause related to building permit applications**

- a) Nothing in this by-law shall prevent the erection or use of a building or structure for which an application for a building permit was accepted on or prior to the effective date of this by-law, if the development in question complies, or the building permit application for the development is amended to comply, with the provisions of the applicable Zoning By-law as it read on the day before the effective date of this by-law.

1.5.3 **Transition clause related to site plan applications**

- a) Nothing in this **by-law** shall prevent the erection or **use** of a **building** or **structure** for which a complete application for Site Plan Approval under Section 41 of the Planning Act was deemed complete on or prior to the **effective date** of this **by-law** provided that:
 - i) Both
 - The **development** to which is the subject of the application for site plan approval referenced in provision 1.5.3 applies, and
 - The **building** permit application for the said **development** complies with the approved site plan and the provisions of the applicable Zoning By-law as it read on the day before the **effective date** of this **by-law**; and
 - ii) The building permit application referenced in provision 1.5.3 a) (i) is accepted within 90 days of Site Plan Approval, to a maximum of two years after the **effective date** of this **by-law**. Or, in the case of a building permit application for **development** referenced in Section 1.5.3 a) (i) which has multiple building

phases, the building permit application for the first building phase has been accepted within 90 days of Site Plan Approval, to a maximum of two years after the **effective date** of this **by-law**, and the building permit application or applications, for any subsequent building phase, or phases, has been accepted within five years of the **effective date** of this **by-law**.

- b) Notwithstanding provision 1.5.3, if the site plan application was approved prior to the **effective date** of this **by-law**, nothing shall prevent the erection or **use** of the **building** or **structure** in the approved site plan application for which an application for a building permit was accepted within two years after the **effective date** of this **by-law**.

1.5.4 Transition clause related to minor variances

- a) Nothing in this **by-law** shall prevent the erection or **use** of a **building** or **structure** which is permitted by an application pursuant to Section 45 of the Planning Act which was made prior to the **effective date** of this **by-law**:
- i) Such application has been approved either by the City of Guelph Committee of Adjustment or, on appeal, by the Ontario Land Tribunal or its predecessor, before or after the **effective date** of this **by-law**; and
 - ii) An application for a building permit for the erection or **use** of the **building** or **structure** has been accepted within two years of the **effective date** of this **by-law**.
 - iii) Where a minor variance was authorized by the City of Guelph Committee of Adjustment, or the Ontario Land Tribunal or its predecessor, before or on the **effective date** of this **by-law** as a condition of Site Plan Approval, provision 1.5.3 shall apply to give effect to the applicable Site Plan Approval.

1.5.5 Holding provisions

- a) Where lands were deemed to be subject to a holding provision by way of a by-law passed pursuant to Section 36 of the Planning Act on the **effective date** of this **by-law**, the conditions associated with the applicable holding provision shall be deemed to continue to apply.
- b) Where there is a conflict between the provisions of this **by-law** and the specific provisions of any by-law imposing a holding provision, the specific by-law imposing a holding provision shall prevail.
- c) Where a Community Planning Permit Application involves lands which are subject to conditions applied in accordance with this **by-law**, such conditions shall be applied in the same manner as if they were imposed.
- d) Previous holding provisions are listed in Appendix A to this **by-law** and form part of this **by-law** until such time that the conditions outlined have been fulfilled to the satisfaction of the Approval Authority, and/or applicable agency. An amendment to the **by-law** is not required when the holding conditions have been met.

1.6 Community Planning Permit Classes, delegated Approval Authority and Public Notice Procedure

1.6.1 Community Planning Permit Classes

There are three classes of Community Planning Permits: Class 1 – Standards Met, Class 2 – Staff Variation, and Class 3 – Council Variation, as outlined in Table 1.1 and summarized below:

- a) Class 1 Community Planning Permits capture developments which meet meets all development standards of this **by-law** and the **City's** Official Plan in force and effect on the **effective date** of this **by-law**; and
- b) Class 2 and Class 3 Community Planning Permits capture developments that do not comply with the development standard limits for a Class 1 Planning Permit, and are subject to additional requirements as outlined in Section 1.8 and 1.9

1.6.2 **Delegating approvals**

City Council delegates **development** powers and duties on behalf of the **City** to the Approval Authority, as set out in this **by-law** and in accordance with Table 1.1 below. Council may withdraw or amend this delegation at any time.

1.6.3 **Notification requirements**

The **City** will provide public notice of a Community Planning Permit Application in accordance with Table 1.1. The **City** may update the application public notice procedures without an amendment to this **by-law**. A Notice of Decision will be provided for all Community Planning Permits in accordance with Section 1.15 (Notice of decisions).

Table 1.1 - Community Planning Permit Classes, Delegated Authority, and Public Notice Procedure

| Class of permit | Description | Approval Authority | Issuance of provisional approval of Community Planning Permit | Public notice procedures |
|-----------------------------------|---|--|--|---------------------------------|
| Class 1 Community Planning Permit | Application meets all development by-law . No variation is required. | General Manager, Planning and Building Services for the City and/or delegate. | General Manager, Planning and Building Services for the City and/or delegate. | No notice required. |

| | | | | |
|--|---|--|--|--|
| Class 2 Community Planning Permit | <p>Application generally meets the intent, standards, and provisions of this by-law but requires a Staff Variation based on:</p> <ul style="list-style-type: none"> • one or more development standards within the established Class 2 Variation Limit identified in the development standards within Section 6.0 of this by-law; • approval of a listed Discretionary Use; and/or • one or more standards in Section 4.0 (General Provisions); Section 5.0 | General Manager, Planning and Building Services for the City and/or delegate. | General Manager, Planning and Building Services for the City and/or delegate. | <p>Staff to post notification on City website for public access.</p> <p>Notice shall be provided by on-site signage and shall include an explanation of the application, contact name and phone number to obtain more information or to submit comments or concerns, and the deadline for the submission of comments.</p> |
|--|---|--|--|--|

| Class of permit | Description | Approval Authority | Issuance of provisional approval of Community Planning Permit | Public notice procedures |
|------------------------|---|---------------------------|--|---------------------------------|
| | (Parking); or Section 7.0 (Site Specific Provisions). | | | |

| | | | | |
|--|--|-------------------------------------|--|---|
| Class 3 Community Planning Permit | <p>Application generally meets the intent, standards and provisions of this by-law but requires a Council Variation based on:</p> <ul style="list-style-type: none"> one or more development standards beyond the Class 2 Variation Limit identified in the development standards within Section 6.0 of this by-law; and/or application proposes an alternative under subsection 1.14.6 (Provision for alternative facilities, | Council/ Committee of Council | General Manager, Planning and Building Services for the City and/or delegate | <p>Mail to residents within 120 metres of the subject property.</p> <p>Staff to post notification on City website for public access.</p> <p>Notice shall also be provided by on-site signage and shall include an explanation of the application, contact name and phone number to obtain more information or to submit comments or concerns, and the deadline for the submission of comments.</p> |
|--|--|-------------------------------------|--|---|

| Class of permit | Description | Approval Authority | Issuance of provisional approval of Community Planning Permit | Public notice procedures |
|------------------------|------------------------|---------------------------|--|---------------------------------|
| | services and matters). | | | |

1.6.4 Referrals to Council

- a) City staff may refer a complete application to Council at any time prior to the decision of an application.
- b) The Owner may refer an application to Council at any time prior to the decision of an application.
- c) At the time of submitting an application, an applicant may request that a Class 2 Community Planning Permit Application be processed as a Class 3 Community Planning Permit, where the applicant is of the opinion that the application would benefit from Council/Committee review and decision.

1.7 Discretionary uses

1.7.1 Discretionary use requirements

A discretionary **use** may only be allowed if the criteria set out in this **by-law** and any footnotes associated with the discretionary **use** as identified in this **by-law** have been addressed to the satisfaction of the Approval Authority.

1.7.2 Adding a permitted or discretionary use

A **use** shall not be added as a permitted **use** or a discretionary **use** through a Community Planning Permit. For any proposed new **use** within any precinct, an amendment to this **by-law** shall be required, in accordance with Section 1.18 (By-law amendment process).

1.8 Variations

1.8.1 Class 2 or 3 permit variations

Variations to standards of this **by-law** may be considered through the Class 2 or Class 3 Community Planning Permit process, in accordance with the requirements and objectives of this **by-law** and the **City's** Official Plan in force and effect on the **effective date** of this **by-law**.

1.8.2 General standards variations process

Variations to the general standards of this **by-law** found in Section 4.0 (General provisions) and parking provisions found in Section 5.0 (Parking) may be considered through a Class 2 or Class 3 Community Planning Permit process, in accordance with the requirements and objectives of this **by-law** and the **City's** Official Plan in force and effect on the **effective date** of this **by-law**.

1.8.3 Variation amounts and percentages

Variations are applied as an amount or percentage of an eligible standard. The amount or percentage referred to is the amount of the standard that may be varied.

1.8.4 Permit application requirements

A Community Planning Permit Application for a Class 2 or Class 3 permit that requests a variation shall be subject to all requirements of this **by-law**.

1.8.5 Class 2 permit staff variations

For a Class 2 Community Planning Permit, staff may approve or provisionally approve developments which vary from the standards within Section 4.0 (General provisions), Section 5.0 (Parking), Section 6.0 (Stone Road/Edinburgh Road Community Planning Permit Precincts) and Section 7.0 (Site specific provisions), provided the variation is within the established Class 2 variation limits identified in this **by-law**, subject to the criteria in Section 1.9 (Criteria for considering a Class 2 or 3 Community Planning

Permit Application) and subject to alignment with the Official Plan in force and effect on the **effective date** of this **by-law**, provincial policy and other applicable legislation.

1.8.6 **Class 3 permit Council variations**

For a Class 3 Community Planning Permit, Council may approve or provisionally approve developments which vary from the standards identified in Section 6.0 (Stone Road/Edinburgh Road Community Planning Permit Precincts) of this **by-law** above the established Class 2 variation limits, subject to the criteria in Section 1.9 (Criteria for considering a Class 2 or 3 Community Planning Permit Application), and subject to alignment with the **City's** Official Plan in force and effect on the **effective date** of this **by-law**, provincial policy and any other applicable legislation.

1.9 **Criteria for considering a Class 2 or 3 Community Planning Permit Application**

1.9.1 **Criteria for Discretionary Uses, Variations from Standards, and Class 2 or 3 Building heights**

Where a Class 2 or Class 3 Community Planning Permit is required, the proposed **development** or a discretionary **use** will only be permitted if the following criteria are addressed to the satisfaction of the Approval Authority prior to the issuance of a Community Planning Permit in accordance with provision 1.11.5 (Decision) and may be subject to conditions of approval in accordance with Section 1.12 (Conditions attached to approval):

- a) the proposed **development** or a discretionary **use** implements the requirements and objectives of this **by-law**;
- b) the proposed **development** or a discretionary **use** implements the **City's** Official Plan policies and conforms to the **City's** Official Plan in force and effect on the **effective date** of this **by-law**;
- c) the proposed **development** or a discretionary **use** shall consider provincial and municipal guidelines and regard for technical studies;

- d) the proposed **development** or a discretionary **use** is consistent with and conforms to provincial policy, regulations, and standards, as amended, and any other authority having jurisdiction; and
- e) the potential off-site and adverse impacts resulting from the proposal are identified and mitigated where appropriate.

1.10 **Agreements**

1.10.1 **Agreements**

Where a Community Planning Permit is required, an applicant may be required, at the discretion of the Approval Authority, to enter into one or more agreements with the **City**, including but not limited to, agreements to address conditions of approval as outlined in Section 1.12 (Conditions attached to approval).

1.10.2 **Agreement registration on title**

The agreement referred to in provision 1.10.1 (Agreements) shall be registered on title to the Owner's property at the Owner's expense.

1.10.3 **Applicant responsibility for additional approvals**

Notwithstanding any other provision in this **by-law**, the applicant is responsible to obtain all required approvals and permits beyond those provided as part of a Community Planning Permit.

1.10.4 **Delegation of authority to City staff**

Council delegates the authority to **City** staff to prepare, approve, execute and to amend any Community Planning Permit Agreement required by the Community Planning Permit By-law.

1.10.5 **Amendment of pre-existing development agreements**

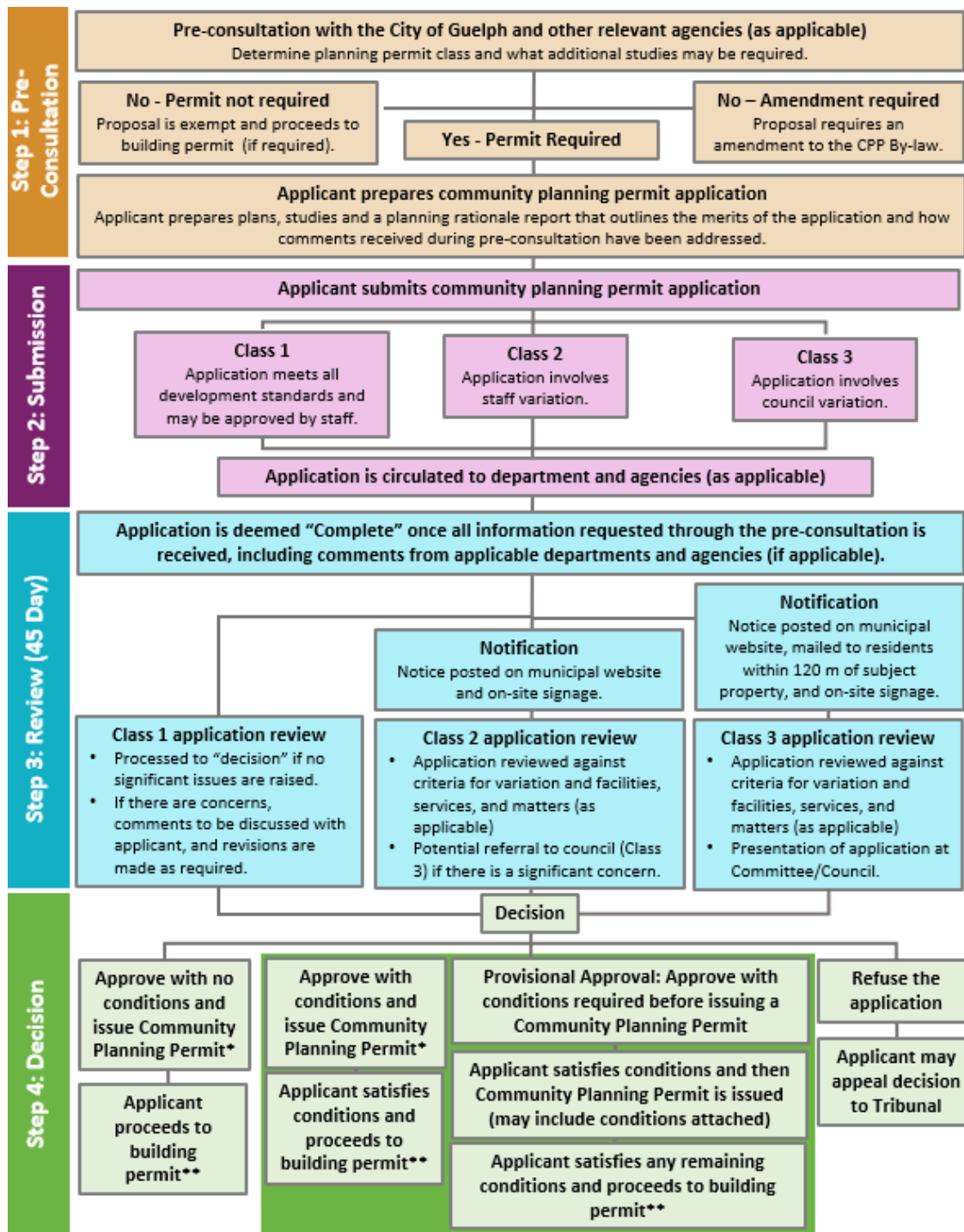
Pre-existing development agreements continue to be valid and binding and may be amended under this **by-law** if subject to a Community Planning Permit.

1.11 **Application process**

1.11.1 **Community Planning Permit review**

The Community Planning Permit review process generally consists of the steps illustrated in Figure 1.1.

Figure 1.1 Community Planning Permit application process



*Agreement to be Registered on Title (if required)

**Other permits may need to be obtained from the Ministry of Transportation and Grand River Conservation Authority.

1.11.2 **Pre-consultation**

- a) Prior to the submission of a Community Planning Permit Application, the applicant shall meet with **City** staff through a formal pre-consultation to obtain the requirements for a complete Community Planning Permit Application, unless exempt from a permit as outlined in Section 1.2 (Exemptions) of this **by-law**.
- b) The **City** shall require that pre-consultation with applicable agencies occurs prior to the submission of a Community Planning Permit Application, where appropriate.
- c) Where a technical study or report is required to support a Community Planning Permit Application, the extent of the issues to be addressed will be identified by applicable agencies and/or **City** staff, based on the **City's** Official Plan in force and effect on the **effective date** of this **by-law**, and any terms of reference during the pre-consultation meeting.
- d) Where appropriate and in consultation with applicable agencies, the **City** will strongly encourage that technical studies related to natural hazards be submitted by the applicant, and reviewed by the **City** staff and applicable agencies, prior to the submission of a Community Planning Permit Application.

1.11.3 **Complete applications**

Complete applications for a Community Planning Permit shall include:

- a) A fully completed and signed Community Planning Permit Application Form;
- b) Submission of the required application fees;
- c) The application submission requirements identified on Schedule 1 of Ontario Regulation 173/16, as amended;
- d) All requirements identified through pre-consultation, in accordance with the **City's** Official Plan in force and effect on the **effective date** of this **by-law**, and subject to the provisions in Sections 1.11.2 (Pre-consultation), 1.11.3 (Complete applications) and 1.11.4 (Required information, materials, studies and reports); and

-
- e) Any applicable agency approvals or permits required to be provided to the Approval Authority as determined during the pre-consultation meeting.

1.11.4 **Required information, materials, studies and reports**

- a) A list of technical studies and reports that may be required to be submitted at the time of a Community Planning Permit Application is contained in the **City's** Official Plan in force and effect on the **effective date** of this **by-law**. Additional technical reports may also be required for applicable agency approvals at the time of application.
- b) All required reports and technical studies shall be carried out by a qualified person retained by and at the expense of the applicant.
- c) At the discretion of the Approval Authority, any required technical studies and reports may be subject to peer review at the expense of the applicant.

1.11.5 **Decision**

Upon review of a complete application the Approval Authority may:

- a) Approve the application without conditions and issue a Community Planning Permit;
- b) Approve the application and issue a Community Planning Permit with conditions attached, subject to Section 1.12 (Conditions attached to approval);
- c) Approve the application subject to conditions being met before the issuance of a Community Planning Permit, subject to Section 1.13 (Provisional approval);
- d) Approve the application subject to conditions being met before the issuance of a Community Planning Permit, subject to Section 1.12 (Conditions attached to approval), subject to Section 1.13 (Provisional approval) and with conditions attached; or
- e) Refuse to approve the application.

1.11.6 **Confer with any persons or public bodies**

Notwithstanding any other provision, when considering a Community Planning Permit, the Approval Authority may confer with any persons or public bodies that may have an interest in the application.

1.12 **Conditions attached to approval**

1.12.1 **Conditional approval of permit applications**

Where a Community Planning Permit is required in accordance with the provisions of this **by-law**, the **City** may approve an application with conditions, which must be completed within an agreed upon timeframe to the satisfaction of the approval authority. A condition may be imposed if:

- a) The condition is clear, precise, and quantifiable; and
- b) The condition includes a clear statement of whether it must be complied with before the construction, **renovation**, demolition, certain changes to the **use of buildings/structures**.

1.12.2 **Limitations on conditions of approval**

A condition of approval shall not deal with the following aspects of **buildings** and **structures**:

- a) Interior design;
- b) The layout of interior areas, other than interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent **buildings**; and
- c) The manner of construction and construction standards.

1.12.3 **Types of approval conditions**

The **City** may impose the following types of conditions as a condition of approval:

-
- a) A condition that is permitted by section 34, 40, 41 or 42 of the Planning Act;
 - b) A condition related to site alteration;
 - c) The completion of required studies, plans and/or other documents;
 - d) The submission of supplemental studies, plans and/or other documents;
 - e) The implementation of actions or recommendations in studies, plans and/or other documents;
 - f) A condition requiring the submission of confirmation of review, approvals and/or permits from other agencies and levels of government;
 - g) Entering into any agreement(s) securing off-site parking or cash-in-lieu of parking;
 - h) The conveyance of land for any specified reason;
 - i) The verification of site remediation;
 - j) The protection of the natural environment, natural systems, mature vegetation, or remediation of lands;
 - k) A condition related to the removal or restoration of vegetation;
 - l) The efficient use or conservation of energy;
 - m) The provision and capacity of transportation and servicing infrastructure;
 - n) Conservation of cultural heritage resources;
 - o) The availability of municipal infrastructure and services;
 - p) The provision of attainable and/or affordable housing units;
 - q) Compliance with applicable parkland requirements;
 - r) Orderly growth and development;

-
- s) The provision of financial assurances, to facilitate compliance with municipal approvals and indemnify the City;
 - t) The application and/or lifting of holding provisions;
 - u) A condition requiring the provision of specified facilities, services and matters, in exchange for a specific density or height of development as identified in the Community Planning Permit By-law in accordance with Section 1.14 (Facilities, services and matters); and
 - v) Entering into agreements relating to any condition.

1.12.4 Tribunal determination of conditions

In accordance with the Planning Act, the applicant may at any time make a motion for directions to have the Ontario Land Tribunal determine whether a specified condition has been fulfilled or is valid.

1.13 Provisional approval

1.13.1 Provisional approval conditions

Provisional approval of a Community Planning Permit provides approval in principle, subject to certain conditions being met prior to issuance of a Community Planning Permit, as stipulated in this **by-law**.

1.13.2 Fulfillment of provisional conditions

- a) The applicant shall fulfill the conditions associated with the provisional approval in advance of Community Planning Permit issuance, to the satisfaction of the Approval Authority.
- b) Provisional approval does not guarantee the ultimate issuance of a Community Planning Permit. If one or more conditions of provisional approval have not been cleared to the satisfaction of the **City**, a Community Planning Permit shall not be issued. Changes to the design to address one or more conditions may result in the need for a new circulation or new permit application.

1.13.3 **Validity period of provisional approval**

Provisional approval shall be valid for a period of one year, failing which the provisional approval will lapse.

1.13.4 **Extension requests for provisional approval**

Notwithstanding provision 1.13.3 (Validity period of provisional approval), requests for an extension of a provisional approval of a Community Planning Permit to meet a condition may be granted upon submission of a formal request to the General Manager, Planning and Building Services at the **City**.

An extension of a provisional approval of a Community Planning Permit may be granted in one (1) year intervals, to a maximum of three (3) requests, subject to this **by-law** and any provisions within, as amended.

1.14 **Facilities, services and matters**

1.14.1 **Maximum building height and density permitted through a Class 1 Community Planning Permit**

The maximum **building height** and maximum **density** that is permitted through a Class 1 Community Planning Permit is shown in Table 6.2 and is subject to the provision of facilities, services and matters in accordance with provision 1.14.3 and Tables 1.2 and 1.3 of this **by-law**.

1.14.2 **Maximum building height and density permitted through a Class 2 Community Planning Permit**

The maximum **building height** and maximum **density** that may be permitted through a Class 2 Community Planning Permit are shown in Table 6.2 and is subject to the provision of facilities, services and matters in accordance with the provision 1.14.3 and Tables 1.2 and 1.3 and the criteria outlined in Section 1.9 (Criteria for considering a Class 2 or 3 Community Planning Permit Application) of this **by-law**.

1.14.3 **Building heights and densities and the provision of facilities, services, and matters for a residential use**

In exchange for the approval of additional **building height** or **density** for a **development** containing a residential **use**, the **City** will require the provision of facilities, services and matters as outlined in the Tables 1.2 and 1.3 below, and as follows:

- a) For a **development** containing multiple **buildings**, the required facilities, services, and matters will be calculated per unit for all residential units above the Class 1 maximum **building height** or maximum **density** threshold.
- b) The required complete community charge shall be calculated based on all residential units in the **building**.

For clarity, **development** that requires a Class 2 or Class 3 Community Planning Permit based on a proposed variation to one or more **development** standards or any provision of this **by-law** except maximum **building height** or maximum **density**, shall only be subject to Class 1 facilities, services and matters identified in Table 1.2 for Class 1 maximum **building height** and **density** threshold.

Table 1.2 - Overview of required facilities, services and matters in exchange for additional building height or density

| | | | |
|--|---|--|---|
| | Residential development within Class 1 maximum building height and density threshold | Residential development within Class 2 building height or density threshold | Residential development above Class 2 building height or density threshold |
|--|---|--|---|

| | | | |
|---|---|--|--|
| Required facilities, services and matters | Complete community charges per Table 1.3 for development with 5 or more storeys and 10 or more residential units. | <p>Complete community charges per Table 1.3 for development with 5 or more storeys and 10 or more residential units.</p> <p>AND</p> <p>Option 1: A minimum of 33 per cent of all residential units (rental or ownership) above the maximum Class 1 building height or density threshold, but within the maximum Class 2 building height or density threshold, must be provided as Affordable Dwelling Units, per Table 1.4.</p> <p>OR</p> <p>Option 2: A cash-in-lieu contribution for the required Affordable Dwelling Units as identified in Option 1, per Table 1.5</p> <p>OR</p> <p>Option 3: A mix of Affordable Dwelling Units and cash-in lieu contribution for the required Affordable</p> | <p>Complete community charges per Table 1.3 for development with 5 or more storeys and 10 or more residential units.</p> <p>AND</p> <p>Additional facilities, services and matters to be greater than the value of applying Class 2 facilities, services and matters, in accordance with provision 1.14.7.</p> |
|---|---|--|--|

| | | | |
|--|---|--|---|
| | Residential development within Class 1 maximum building height and density threshold | Residential development within Class 2 building height or density threshold | Residential development above Class 2 building height or density threshold |
| | | Dwelling Units identified in Option 1. | |

Table 1.3 - Required complete community charge amount

| | Required contribution amount |
|---------------------------|---|
| Complete Community charge | 4 per cent of the value of the land that is the subject of development . |

Table 1.4 – Affordability threshold for City of Guelph Ownership or Rental Affordable Dwelling Units (updated annually)

| | Affordability threshold (Provincial Affordable Residential Unit Bulletin, as amended) |
|--------------------------|--|
| Affordable Ownership Mix | The purchase price of the affordable ownership unit shall be equal or less than: \$398,800 per residential unit |

| | Affordability threshold (Provincial Affordable Residential Unit Bulletin, as amended) |
|-----------------|--|
| Rental Unit Mix | <p>The rental rate of the affordable rental unit shall be equal or less than:</p> <p>\$1,160 per studio apartment</p> <p>\$1,508 per 1 bedroom apartment</p> <p>\$1,646 per 2-bedroom apartment</p> <p>\$1,695 per 3-bedroom or more apartment</p> |

Table 1.5 – Cash-in-lieu of Affordable Dwelling Unit

| | Required contribution amount |
|--|--|
| Cash-in-lieu of affordable dwelling unit | \$97,000 per affordable dwelling unit required, per Table 1.2. |

1.14.4 **Application requirements**

Where the City is able to collect facilities, services and matters within a Class 3 permit, an application for a Community Planning Permit for additional **building height** or **density** that would exceed the Class 2 maximum **building height** or maximum **density** threshold established in Table 6.2 shall demonstrate as part of a complete application that the facilities, services and matters proposed to be provided are proportional in quantity or monetary value to the number of **additional dwelling units** proposed.

1.14.5 **Provision for alternative facilities, services, and matters**

Notwithstanding the required facilities, services and matters of Table 1.2, the **City** may accept the provision of alternative facilities, services and

matters in lieu or partially in lieu of those that would otherwise be required by Table 1.2, subject to:

- a) An application for consideration of in-kind contributions shall require a Class 3 Community Planning Permit.
- b) The application for consideration of in-kind contributions must be submitted to the **City** with supporting documentation as to the suggested value thereof no less than 180 days prior to the first building permit being granted for the proposed **development** or change of **use**. This documentation must be provided as part of the complete Community Planning Permit Application, and intent to provide in-kind contributions must be identified by the proponent during pre-consultation stage.
- c) In-kind contributions shall only be accepted if the same are approved by resolution of Council, at Council's discretion. The determination of Council as to whether in-kind contributions shall be accepted in full or partial satisfaction of the requirements of this subsection of the **by-law** shall be final and binding.
- d) The value attributed to an in-kind contribution shall be as determined by Council, based on one or more third-party valuations to the satisfaction of Council, or their delegate. Council's determination of the value to be attributed to any in-kind contribution shall be final and binding.

1.14.6 **Agreements and provision of facilities, services and matters**

An applicant may be required, at the discretion of the Approval Authority, to enter into one or more agreements registered on title with the **City** or another agency, for the provision of facilities, services and matters.

1.14.7 **Class 3 maximum building height or density**

Where a **development** proposal would exceed the Class 2 maximum **building height** or maximum **density** established in Table 6.2, Council may authorize a variation provided the proposal provides additional facilities, services and matters that shall meet a need identified by the **City**, such as the following:

-
- a) Land to be conveyed to the **City** for municipal purposes;
 - b) Accessible dwelling units;
 - c) Purpose-built rental units;
 - d) Additional affordable dwelling units, beyond those required in Table 1.4;
 - e) Public Service Facilities or Institutional **use**;
 - f) Public transportation infrastructure, facilities, and services;
 - g) Active transportation infrastructure and facilities;
 - h) Public parking and improvements to existing public parking;
 - i) Public art;
 - j) Urban forestry;
 - k) Parkland and improvements to existing parks in excess of what is required under Section 42 of the Planning Act and the **City's** Parkland Dedication By-law, as amended;
 - l) Conservation, protection and preservation of cultural heritage resources or natural heritage features and systems;
 - m) Implementation of voluntary sustainability measures above and beyond the energy, water and sustainability policies of the **City's** Official Plan in force and effect on the **effective date** of this **by-law**; and,
 - n) Any other in-kind contribution as approved by Council.

1.14.8 **Exemptions for the provision of facilities, services and matters**

Notwithstanding the provisions above, facilities, services and matters shall not be required with respect to:

- a) **development** or a change in **use** of a **building** or **structure** intended for **use** as a **long term care facility** inclusive of a **group home** within

-
- the meaning of subsection 2(1) of the Long-Term Care Homes Act, 2007;
- b) **development** or a change in **use** of a **building** or **structure** intended for **use** as a **retirement residential facility** within the meaning of subsection 2(1) of the Retirement Homes Act, 2010;
 - c) **development** or a change in **use** of a **building** or **structure** intended for **use** by any of the following post-secondary institutions for the objects of the institution:
 - i) A university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario;
 - ii) A college or university federated or affiliated with a university described in subparagraph (i);
 - iii) An Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institutes Act, 2017.
 - d) **development** or a change in **use** of a **building** or **structure** intended for **use** as a memorial home, clubhouse, or athletic grounds by an Ontario branch of the Royal Canadian Legion;
 - e) **development** or a change in **use** of a **building** or **structure** intended for **use** as a **hospice** to provide end-of-life care;
 - f) **development** or a change in **use** of a **building** or **structure** intended for **use** as residential **premises** by any of the following entities:
 - i) corporation to which the Not-for-Profit Corporations Act, 2010 applies, that is in good standing under that Act and whose primary object is to provide housing;
 - ii) a corporation without share capital to which the Canada Not-for-profit Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing; or
 - iii) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act.

1.15 **Notice of decisions**

1.15.1 **Decision time frame**

- a) In accordance with the Planning Act, within 15 days of the date of decision, the **City** shall issue a written Notice of Decision to the applicant and to each person or public body that filed a written request to be informed of the decision with the clerk of the municipality.
- b) The Notice of Decision shall:
 - i) Include reasons for the decision; and
 - ii) Give reasons for any conditions imposed and include any imposed conditions.

1.15.2 **Refusal of an application**

Despite provisions in this **by-law**, if in the opinion of the Approval Authority, the Community Planning Permit **By-law** criteria for variation from a standard are not met, the Community Planning Permit Application may be denied.

1.16 **Appeal process**

1.16.1 **Appeal of decision to Tribunal**

In accordance with the Planning Act, an applicant may appeal a decision on a Community Planning Permit Application in writing to the Ontario Land Tribunal, no later than 20 days after the day the Notice of Decision is given.

1.16.2 **Appeal of non-decision to Tribunal**

In accordance with the Planning Act, an applicant may appeal a non-decision on a Community Planning Permit Application in writing to the Ontario Land Tribunal if no decision was made within 45 days of an application being deemed complete.

1.16.3 **Appeal process compliance**

Appeals must be made in accordance with the Planning Act and O.Reg. 173/16.

1.17 **Modifications to provisional approvals of Community Planning Permits**

1.17.1 **Modifications to provisional or conditional approval**

At the request of the applicant, and where considered appropriate by the **City**, modifications to a Community Planning Permit with provisional or conditional approval, including changes to the **development** concept and supporting materials or to the conditions of provisional approval, may be made at any time, subject to the provisions within this **by-law** and the **City's** Official Plan as amended.

1.17.2 **Review of proposed modifications**

Proposed modifications to a Community Planning Permit with provisional approval will be reviewed in accordance with the relevant sections of this **by-law**.

1.17.3 **Additional submission requirements**

Proposed modifications may be subject to additional submission requirements to support the application, to the satisfaction of the Approval Authority.

1.17.4 **Fees for modifying applications**

Where an applicant applies to modify a Community Planning Permit with provisional approval, the fee should be equal to that which would be charged if the application was new. At the discretion of the Approval Authority, the fees may be waived or reduced if the change is minor, or the application to modify is received a short time after the issuance of the Community Planning Permit.

1.18 **By-law amendment process**

1.18.1 **By-law amendment requirements**

An amendment to this **by-law** shall be required:

- a) where a proposal includes a **use** that is not a permitted or discretionary **use** (in this case, an amendment to the **City's** Official Plan as amended, may also be required), or
- b) where a proposal includes a proposed amendment to the **Community Planning Permit Area** and/or an amendment to the boundary of a precinct (in this case, an amendment to the **City's** Official Plan as amended, may also be required).

1.18.2 **Initiating by-law amendment process**

- a) An amendment to this **by-law** may be initiated by the **City** or by an applicant.
- b) In accordance with the Planning Act, applications to amend this **by-law** shall not be made before the fifth anniversary of the **effective date** of this **by-law** unless in compliance with O. Reg. 173/16, s. 17 (5). In accordance with the Planning Act, amendments to this **by-law** are permitted through a Council resolution before the fifth anniversary of the **effective date** of this **by-law**.

1.18.3 **Additional submission requirements**

Any amendment to this **by-law** shall:

- a) Be supported by a comprehensive planning rationale and complete Official Plan Amendment Application, as required, within the context of the planned vision for all the lands within the area, subject to the **by-law**; and
- b) Provide an engagement plan including details for providing public notification, open houses, and statutory public meetings in accordance with the Planning Act.

1.18.4 **Supporting documents**

The planning rationale to support any amendment to this **by-law** must evaluate the application in the context of the goals, objectives, guiding principles and intent of this **by-law** and conformity with the **City's** Official Plan as amended, and applicable provincial plans.

1.19 **Existing uses, lots, buildings, and structures**

1.19.1 **Legal non-conforming uses**

Nothing in this **by-law** shall apply to prevent the **use** of any land, **building** or **structure** for any purpose prohibited by the **by-law** if such land, **building**, or **structure** was lawfully **used** for such purpose prior to the **effective date** of this **by-law**, so long as it continues to be **used** for that purpose.

1.19.2 **Restoration to a safe condition**

Nothing in this **by-law** shall prevent the strengthening to a safe condition or the restructuring of any **building** or **structure** or part of any **building** or **structure** that is **used** for legal non-conforming **use** in accordance with provision 1.19.1 (Legal non-conforming **uses**), provided such an alteration or repair does not increase the height, size, volume or change the **use** of the **building** or **structure**.

1.19.3 **Existing non-complying building and lots**

- a) A **lot** in existence prior to the **effective date** of this **by-law** that does not meet the minimum **lot area** or **lot frontage** requirements of the applicable precinct is permitted to be **used** and **buildings** and **structures** thereon be erected, enlarged, rebuilt, repaired or renovated, provided the **use** conforms with this **by-law** and the **buildings** and **structures** comply with all other provisions of this **by-law**.
- b) A non-complying **building** or **structure** which existed legally prior to the **effective date** of this **by-law** may be enlarged, repaired, renovated or reconstructed through a Class 2 application process, provided that

the enlargement, repair, **renovation** or reconstruction does not further encroach into a required **yard**.

1.20 **Lots reduced by acquisition for road widening or park dedications**

1.20.1 **Lots reduced for road and park projects**

- a) Nothing in this **by-law** applies to prevent the continued **use** of a **lot** reduced by public acquisition where road widening or **park** dedications result in reduced **lot area**, **lot frontage**, or a legally existing **building** or **structure** to have increased **lot coverage**, reduced area of **landscaped open space**, **front yard**, **side yard** or **rear yard** that does not conform to the regulations for the precinct in which such **lot** is located provided that:
 - i) No further reduction is made in the dimensions, area or any other characteristics of the **lot** as reduced, subsequent to the date of such acquisition, that would increase the extent of the said non-compliance; and
 - ii) No **building** or **structure** or addition thereto is erected on the **lot** as reduced, subsequent to the date of such acquisition, except in accordance with all the provisions for the precinct in which such **lot** is located.
- b) On existing **lots** and subdivisions, the land that has been dedicated may be included in any calculation for the purpose of determining **lot area**, **lot coverage**, **gross floor area**, floor area ratio, provided that any **building** or **structure** is in accordance with all of the regulations of the **by-law** applicable to the site.

2.0 Interpretation

2.1 Interpretation

2.1.1 Interpretation rules

The interpretation rules set out in this Section apply to all **by-law** provisions herein, unless the text of the **by-law** expressly states otherwise.

2.1.2 Precinct citations

Precinct citations will be described as a letter or a group of letters and labeled on the Schedule(s) of this **by-law**. Precinct citations may be followed by a number, a suffix, or a number and suffix. A prefix may be applied before the precinct citation.

2.1.3 Precincts and precinct symbols

This **by-law** establishes the following precincts and places all lands subject to this **by-law** in one or more of the following precincts:

- HDR High Density Residential
- MDR Medium Density Residential
- LDR Low Density Residential
- MUC Mixed-use Corridor
- NCC Neighbourhood Commercial Centre
- POS Parks and Open Space
- NHS Natural Heritage System

2.1.4 Precinct boundaries

When determining the boundary of any precinct as shown on Schedule B, the following provisions apply:

- a) Where a precinct boundary is indicated as following a **street, lane**, unopened road allowance, railway right-of-way or utility corridor, the boundary is the edge of such **street, lane**, unopened road allowance, railway right-of-way or utility corridor;

-
- b) Where a precinct boundary is indicated as substantially following **lot lines**, the precinct boundary follows such **lot lines**;
 - c) Where a precinct boundary is indicated as following flooding hazard limits established by the Grand River Conservation Authority, the precinct boundary shall be the flooding hazard limits as determined by the Grand River Conservation Authority;
 - d) Where a public authority has expropriated part of a **lot** for the widening of a **street**, the precinct boundary shall move such that it corresponds to the location of the new **lot line**; and
 - e) Where none of the above provisions apply, the precinct boundary or overlay boundary is to be scaled from Schedule A.

2.1.5 **Multiple precincts on a lot**

- a) Where a **lot** falls into two or more precincts, each portion of the **lot** shall be subject to the applicable **use** permissions and regulations for the applicable precincts applying to that portion of the **lot**.
- b) A precincts boundary dividing a **lot** into two or more precincts is not a **lot line** for the purposes of this **by-law**.
- c) Where two or more precincts apply to a **lot** and one of the precincts is the Natural Heritage System precinct, the boundary between the Natural Heritage System precinct and the other precinct(s) is considered a **lot line** for the purposes of calculating **density** and **floor space index** requirements.

2.1.6 **Site-specific exceptions**

- a) Where a precinct symbol shown on the Schedule(s) of this **by-law** contains a hyphen followed by a number, the number represents a site-specific provision that applies to the lands noted. Site-specific provisions are listed in Section 7.0 (Site specific provisions) of this **by-law**.
- b) The regulations of the site-specific provision supersede any inconsistent regulations in the remainder of this **by-law**.

2.1.7 Metric conversion clause and rounding

- a) All imperial measurements converted to metric and all figures submitted in metric but with 3 or more decimal places shall be rounded to 1 decimal place to determine **by-law** compliance.

Example: 29.489 metres - 29.5 metres / 1893.76899 feet = 577.22076 metres = 577.2 metres

- b) All measures of length or area **used** in the **by-law** are subject to the following:
- i) Measurements where the second number of the decimal is four or less than the first decimal number shall remain the same (e.g., 2.449 = 2.4); and
 - ii) Measurements where the second number of the decimal is five or greater than the first number of the decimal shall be increased by one or rounded upward (e.g., 2.45 = 2.5).

2.1.8 Illustrations, notes and examples

Illustrations, notes and examples are provided for the purpose of clarification. They do not form part of this **by-law**. Illustrations represent applicable Class 1 **development** standards.

2.1.9 Defined terms

Bolded terms are defined in Section 3.0 (Definitions) of this **by-law**. Defined terms are intended to capture both the singular and plural forms of these terms. For non-bolded terms, the grammatical and ordinary meaning of the word applies. Terms may be bolded only in specific regulations; for these terms, the defined meaning applies where they are bolded and the grammatical and ordinary meaning applies where they are not bolded. Defined terms have not been bolded in headers and titles.

3.0 Definitions

A

Abattoir means a **premises** where animals are slaughtered.

Accessible parking space see **parking space** definition.

Accessory building or structure means a **building** or **structure** that is subordinate, incidental, and exclusively devoted to the **main building** or **structure** on the same **lot** and does not include a **porch**.

Accessory use means a **use** that is subordinate, incidental and exclusively devoted to a permitted **use**.

Active entrance means a door that is designed to be the **principal entrance** or one of the **principal entrances** facing a **street, public** or public square and excludes emergency egress doors, **garage** doors, sliding patio doors, service doors, loading doors and doors giving access to storage areas.

Adequate means the necessary capacity is **available** for **municipal services**.

Amenity area means an area within a residential or mixed-use **development** provided for private or common **use** for the active or passive recreation or enjoyment of the occupants of the **development**, excluding a **Driveway** or any **parking area**.

Private amenity area means an **amenity area**, excluding a walkway, play area or other communal area, outside of a **dwelling unit** and for the exclusive **use** of a **dwelling unit**.

Common amenity area means an **amenity area** which is located inside or outside a **building** or **structure** including open landscaped areas with associated recreational facilities, **building** rooftops, patios, terraces, above ground decks, swimming pools, tennis courts and the like, for the exclusive **use** of all **dwelling units** within the **building(s)**.

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**.

Angular plane from a river or park means an imaginary inclined plane, rising over a **lot** adjacent to a river or **park**, drawn at a specified angle from the horizontal, the bottom side of which is coincidental with the **lot lines**, which together with other **building** regulations and **lot** size requirements, delineates the maximum bulk and **building height**.

Angular plane from a street means an imaginary inclined plane, rising over a **lot**, drawn at a specified angle from the horizontal, the bottom side of which is coincidental with the **centre line** of the **street** and which together with other **building** regulations and **lot** size requirements, delineates the maximum bulk and **building height**.

Apartment building see **Dwelling unit** definition.

Appropriate means **municipal services** are constructed for the **street** abutting the **lot**/block for which a **building** permit is required.

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.

Artisan studio means a **premises used** as the workplace of an artist and includes but is not limited to a photographer, artist, craftsperson, sculptor or potter, but does not include a **repair service** or **manufacturing**, and may include an area for displaying and/or selling of goods provided that such area is accessory to the production process.

Attic means the space between the roof and the ceiling of the top **storey** or between a dwarf wall and a sloping roof.

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.

Available means the necessary provision of **municipal services** to the level of construction, state of completion or period of commissioning as the **City** deems to be **appropriate**.

B

Balcony means an unenclosed or partially enclosed attached platform, projecting from the face of a wall, cantilevered or supported by columns or brackets and usually surrounded by a balustrade or railing, and is only directly accessible from within a **building**.

Barrier free access ramp means an uncovered, inclined ramp providing access to the main floor/ entry level of a **building** to allow a continuous unobstructed path for persons with disabilities.

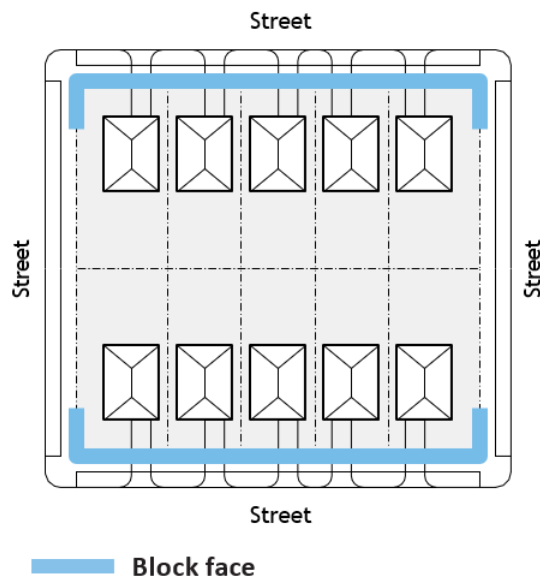
Basement means one or more **storeys** of a **building** located below the **first storey**.

Bed and breakfast means a **home occupation** offering short term lodging for compensation to the travelling and vacationing public. Guest rooms or suites may include a private bath, but does 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 **hotel, lodging house type 1, group home** or any other home licensed, approved or supervised under any general or special Act.

Bicycle parking space see **parking space** definition.

Block face means land fronting on one side of a **street** between the nearest **streets**, intersecting, meeting, or crossing the aforesaid **street**.

Block face



Blue roof means a low impact **development** roof design strategy where stormwater is detained and then slowly released over time through the **use** of flow control devices or **structures**, as certified by the **City**.

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.

Body rub parlour means a **building** 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 **premises** 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.

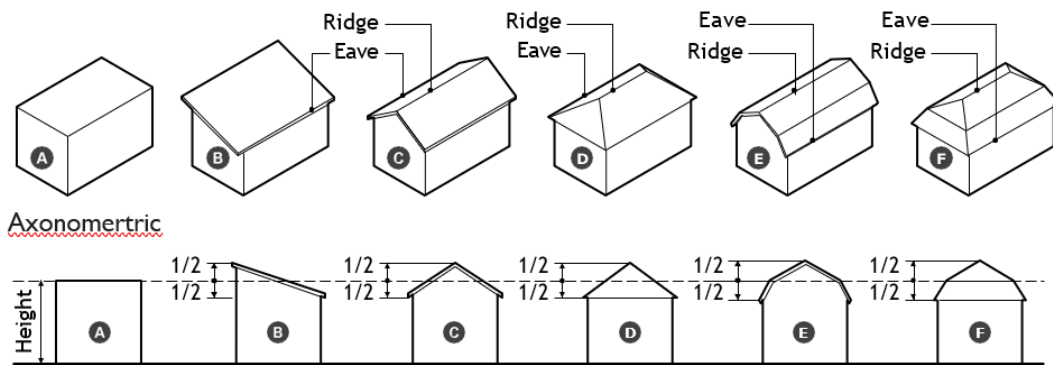
Buffer strip means an area of land consisting of soft landscaping such as grass, flowers, trees and shrubbery, and can include a **fence**. A **buffer strip** can be located within a required **yard**.

Building means any **structure** or **building** as defined in the Ontario Building Code Act, S.O. 1992, Chapter 23, but does not include a **vehicle**.

Building height means the vertical distance between the average **finished grade** of a **building** and the top of such **building**. The top is:

1. In the case of a flat roof, the highest point of the roof's surface or parapet, whichever is greater;
 - (a) In the case of a mansard roof, the deck roof line;
 - (b) In the case of a gable, hip, gambrel or one- slope roof, the average height between the eaves and ridges; or
 - (c) 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.

Building height



Front view

- | | | |
|---------------------|---------------------|-----------------------|
| A Flat roof | C Gable roof | E Gambrel roof |
| B Slope roof | D Hip roof | F Mansard roof |

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, or a **home improvement warehouse**.

Bulk fuel depot means a **premises** where petroleum, gasoline, fuel, oil, gas or flammable liquid or fluid is stored, warehoused, and 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 service station**.

By-law means this Community Planning Permit By-law and any amendments thereto including any and all Schedules forming any part of this **by-law** and any amendments thereto.

C

Carport means an enclosed, roofed **structure used** for the storage or parking of motor **vehicles** with less than 60 per cent of the total perimeter enclosed by walls, doors or windows attached to a wall of a **building**.

Car wash, automatic means a **premises used** for the automated washing or drying of a **vehicle**. A **car wash, automatic** is a **drive-through facility**, and includes **stacking lanes**.

Car wash, self serve means a **premises used** for the washing of a **vehicle** by means of a hand operated pressurized wand connected to the water system of the **premises**.

Centre line means the point which equally divides the width of the original road allowance of a **street**.

City means The Corporation of the City of Guelph.

Commercial entertainment means the **use** of a **premises**, for a fee, for the provision of entertainment or amusement with or without the necessity of active participation by the user and includes a cinema, live theatre, concert

hall, bingo hall, arcade, bowling alley, indoor miniature golf, indoor paintball, laser game or the like, but does not include a **parlour, adult entertainment, or gaming establishment**.

Common room means a meeting room designed for the promotion of social and leisure activities for the residents and staff associated with the **support care bachelor units**.

Community centre means a **premises used** for the provision of recreational, leisure, cultural and community service programs and may include a **recreation facility**, community meeting space or library but does not include a **fitness centre**.

Community Planning Permit Area means an area within a municipality that is subject to the regulations and provisions of a Community Planning Permit By-law as adopted by Council.

Community Planning Permit System means a land **use** planning tool under The Planning Act that combines the Zoning By-law, Site Plan Control and Minor Variance approvals into a single permit application and approval process. The **Community Planning Permit System** establishes regulations, permitted **uses**, standards, and criteria for variations for **development** within a **Community Planning Permit Area**.

Concrete plant means a **premises used** for the production of concrete including the storage of equipment and materials used to form concrete such as sand, aggregate and cement.

Conference and convention facility 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.

Conservation area means a **premises** designated by the Ministry of Natural Resources or the Ministry of Energy and Environment as environmentally sensitive and includes any **premises** owned by the Grand River Conservation

Authority, a conservation authority in Ontario that operates under the Conservation Authorities Act of Ontario.

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. Conservation may also include accessory low impact scientific and educational activities and passive recreation activities that have no negative impacts on the **conservation use**.

Convenience store means a **retail establishment** that provides a variety of household necessities, groceries, and other convenience items primarily to the immediate neighbourhood.

Conversion means the alteration or change of **use** of any place from the existing **use** of such place.

D

Day care centre means a licensed **premises used** for the provision of:

- 1) Temporary care or supervision of children, for a continuous period not exceeding twenty-four hours, in accordance with the Child Care and Early Years Act, 2014.
- 2) Temporary care or supervision of adults, for all or portion of the day but shall not provide overnight accommodation.

Day care, private home means a **home occupation** providing temporary care or supervision of children, for a continuous period of time not exceeding twenty-four hours, including licensed day care in accordance with the Child Care and Early Years Act, 2014.

Dense non-aqueous phase liquid (DNAPL) is a heavier than water liquid that is only slightly soluble in water.

Density means the number of **dwelling units** on a **lot** divided by the net **lot area** expressed as hectares. Net **lot area** excludes roads and rights-of-way and areas that have been dedicated or will be dedicated to the **City** or another public agency.

Designed electric vehicle parking space see **parking space** definition.

Designated heritage property means **buildings, structures** and properties designated by the **City** under Part IV of the Ontario Heritage Act or within a Heritage Conservation District designated under Part V of the Ontario Heritage Act.

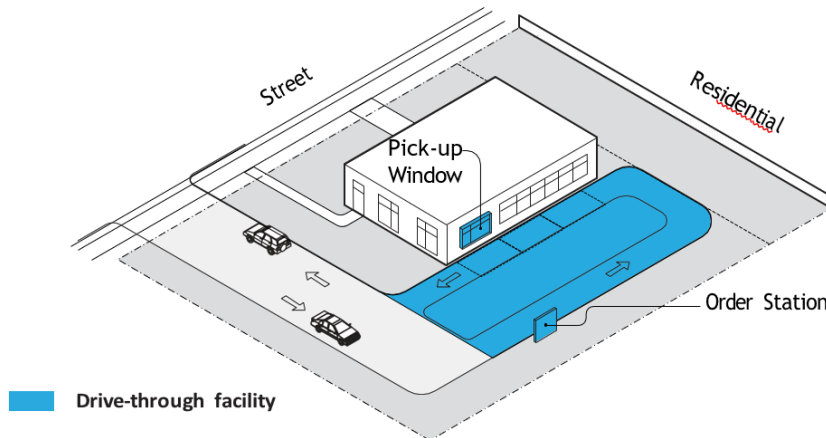
Development, within areas designated **Community Planning Permit System**, means:

- 1) The construction, erection or placing of one or more **buildings** or **structures** on lands;
- 2) The making of an addition or alteration to a **building** or **structure** that has the effect of substantially increasing its size or usability,
- 3) The laying out and establishment of,
 - a commercial parking lot,
 - sites for the location of three or more mobile homes as defined in subsection 46 (1) of the Planning Act,
 - sites for the construction, erection, or location of three or more land lease community homes as defined in subsection 46 (1) of the Planning Act, or
 - sites for the location of three or more trailers as defined in subsection 164 (4) of the Municipal Act, 2001,
- 4) activities such as site grading, excavation, removal of top soil or peat and the placing or dumping of fill that requires a **site alteration** permit;
- 5) drainage or sewer works, except for the maintenance of existing municipal and agricultural drains; and various forms of intensification

Drive-through facility means the part of a **premises used** to provide or dispense products or **services** through an attendant, a pick-up window, or an

automated machine to persons remaining in **vehicles** in designated **stacking lane(s)**, which may or may not include an order station and menu boards, but does not include a **parking facility, parking area** or a **building**.

Drive-through facility



Driveway means **Driveway, non-residential** and **Driveway, residential**.

Driveway, non-residential means an area provided for **vehicle** access between a **street** and an off-street **parking space** but does not include a **parking aisle**.

Driveway, residential means an area between a **street** and a **dwelling unit used** or designed to be **used** for the driving or parking of **vehicles** and includes any surfaced walk or hard landscaping situated parallel to the **driveway, residential** in a manner capable of being parked or driven upon by part or the whole of a **vehicle**.

Duplex dwelling see **Dwelling unit** definition.

Dwelling unit means a room or group of rooms occupied or designed to be occupied as an independent and separate self-contained housekeeping unit, and does not include a mobile home.

Additional dwelling unit means a **dwelling unit** that is self-contained, subordinate to and located within the same **building** or on the same **lot** of a primary **dwelling unit**.

Apartment building means a **building** consisting of 3 or more **dwelling units**, where access to each unit is obtained through a common entrance from the **street** level, or an internal entry vestibule, and may also include **podium townhouses** accessed through a common entrance or by a private exterior entrance.

Duplex dwelling means a **building** that is **used** for the purpose of two principal **dwelling units** functioning independently and configured in such a manner that the **dwelling units** are divided horizontally from one another, each of which has an independent entrance either directly to the outside or through a common vestibule, and does not include an attached **additional dwelling unit**.

Garden suite means a one-unit detached **dwelling unit** containing bathroom and kitchen facilities that is separate from and subordinate to a primary **dwelling unit** and that is designed to be portable and temporary.

Mixed-use building means a **building** 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 or shared entrance from the outside.

Semi-detached dwelling means a **building** that is divided vertically into 2 separate **dwelling units**.

Single detached dwelling means a free-standing, separate, detached **building** consisting of 1 **dwelling unit** and may include **additional dwelling units** but does not include a **lodging house type 1**.

Townhouse means a **building** that is divided vertically into 3 or more separate **dwelling units** that are accessed separately from a **street** and includes a row house.

Townhouse, cluster means a **townhouse** situated on a **lot** in such a way that at least 1 **dwelling unit** does not have legal frontage on a **street, public**.

Townhouse, on-street means a **townhouse** where each **dwelling unit** is located on a separate **lot** and has legal frontage on a **street, public** and includes a **rear-access on-street townhouse** located on either a **street, private** or **street, public**.

Townhouse, stacked means a **building** where the **dwelling units** share a common side wall and have vertically stacked **dwelling units**.

Townhouse, back-to-back 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, interior side yard** or **exterior side yard** and does not have a **rear yard**.

Townhouse, rear-access on-street means a **townhouse** where each **dwelling unit** is located on a separate **lot** and has legal frontage on a **street, private** or **street, public** and has an independent entrance to the **dwelling unit** from the outside accessed through the **exterior side yard** or **rear yard**.

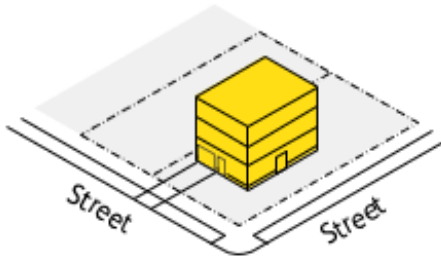
Townhouse, stacked back-to-back means a **building** where the **dwelling units** share a common rear wall and common side wall and have vertically stacked **dwelling units**. Each unit typically features their own at-grade entrance.

Triplex means a **building** consisting of 3 **dwelling units** functioning independently, which are horizontally and/or vertically attached, which are entered from an independent entrance directly from the outdoors

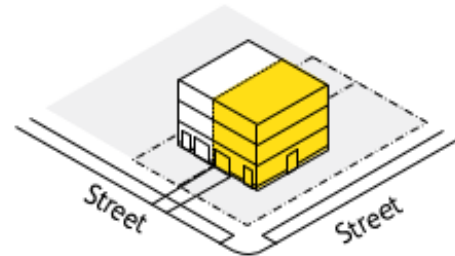
or from an internal entry vestibule and which share common facilities such as **common amenity area**, parking, and **driveways**.

Dwelling unit (types)

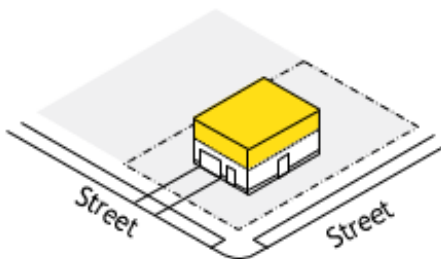
a. Single detached dwelling



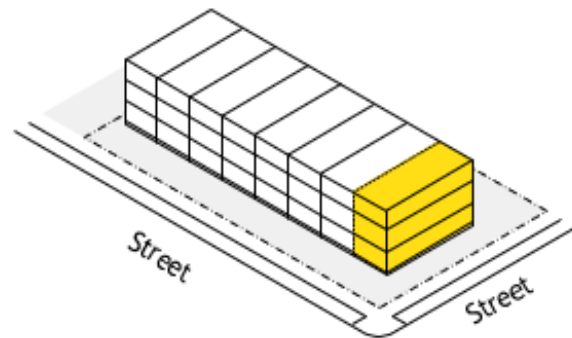
b. Semi-detached dwelling



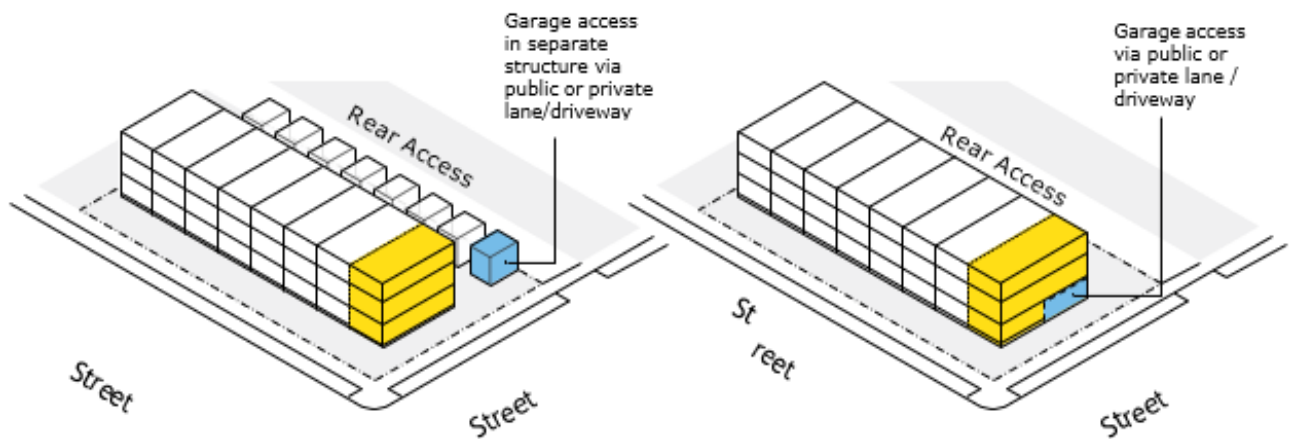
c. Duplex dwelling



d. On-street townhouse



e. Rear access on-street townhouse

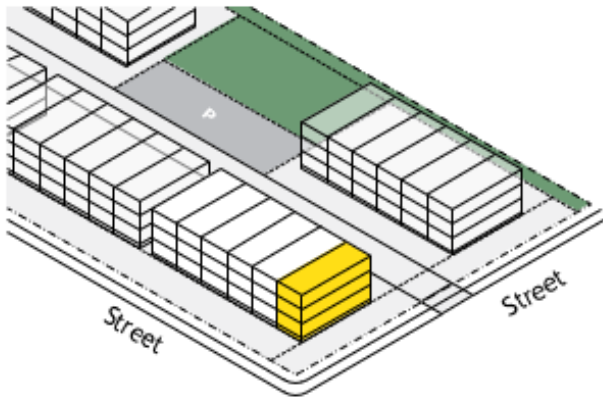


Dwelling unit

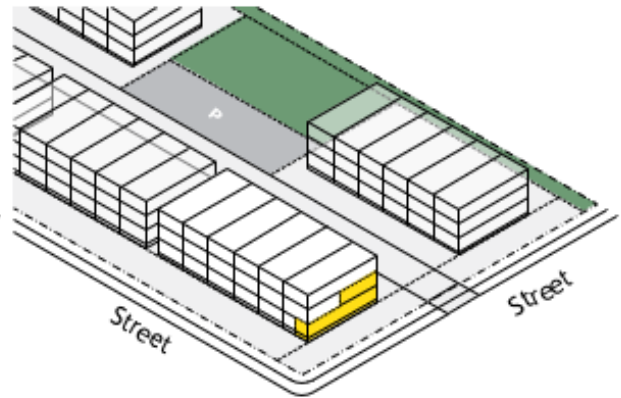
Garage

Dwelling unit (types)

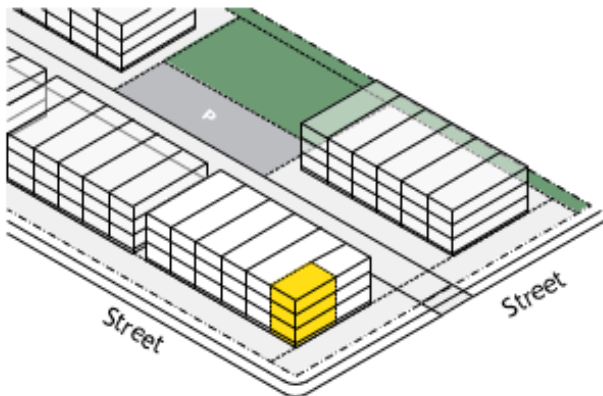
f. Cluster townhouse



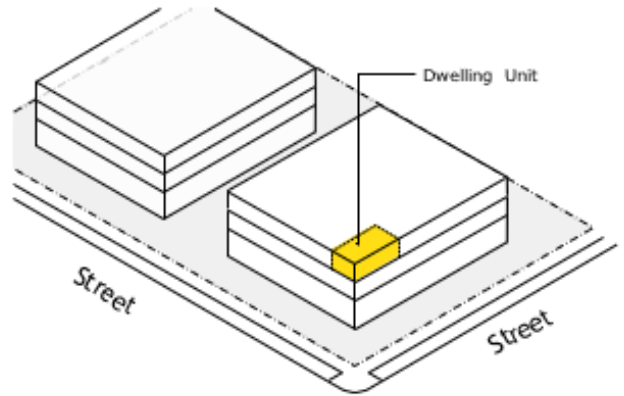
g. Stacked townhouse



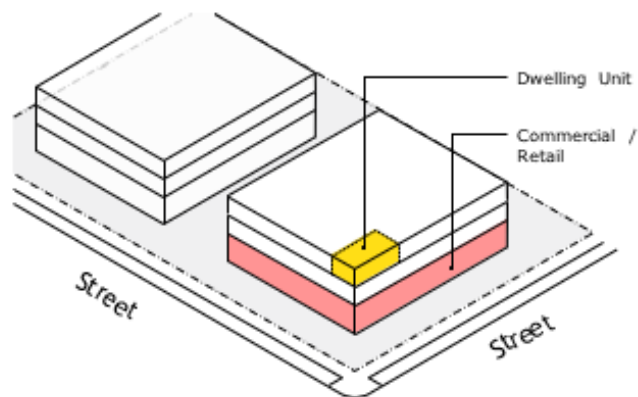
h. Back-to-back townhouse



i. Apartment building



j. Mixed-use building



 Dwelling unit

 Commercial / Retail

Dwelling width means the length of the **building** façade of a primary **dwelling unit** facing a **front yard** or **exterior side yard**, measured at the ground level. In the case of a **dwelling unit** with a shared vertical wall, the **dwelling width** is measured at the ground level of an exterior wall and or a shared wall between units.

E

Effective date means the date on which this **by-law** was passed by Council, or in the case of any part of this **by-law** which, on appeal, is amended by an order of the Ontario Land Tribunal pursuant to Section 34 (26) of the Planning Act, on the day of coming into force of such order.

Electrical transformer station means a **premises used** to control the transmission and distribution of electrical power that is provided to the public.

Electric vehicle parking space see **parking space** definition.

Environmental assessment (EA) means a planning process to determine the potential impacts of an infrastructure project as determined by the Environmental Assessment Act, R.S.O. 1990.

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.

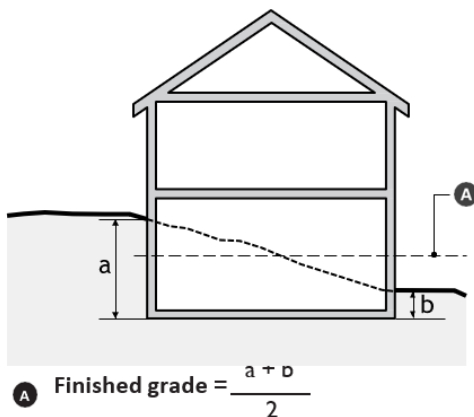
F

Fence means a protective, enclosing or visual barrier made of wood, metal or other substances that is constructed for any purpose 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 located within 0.6 metres of a **lot line**, it shall be regulated as a **fence**.

Financial establishment means a **premises** where financial transactions including the borrowing, depositing, exchanging of currency and credit occurs and includes an automated banking machine.

Finished grade means the average elevation of the finished surface of the ground, excluding any artificial embankment, immediately adjoining the base of the exterior walls or supports of a **building** or **structure**.

Finished grade



Fitness centre means a **premises**, operated for gain or profit, where facilities and activities are provided to obtain physical fitness and includes weightlifting and exercise equipment, and may include exercise classes, personal fitness training and associated facilities such as lounge facilities, sauna and office space.

Floor area:

Ground floor area means the 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**, or **basement**.

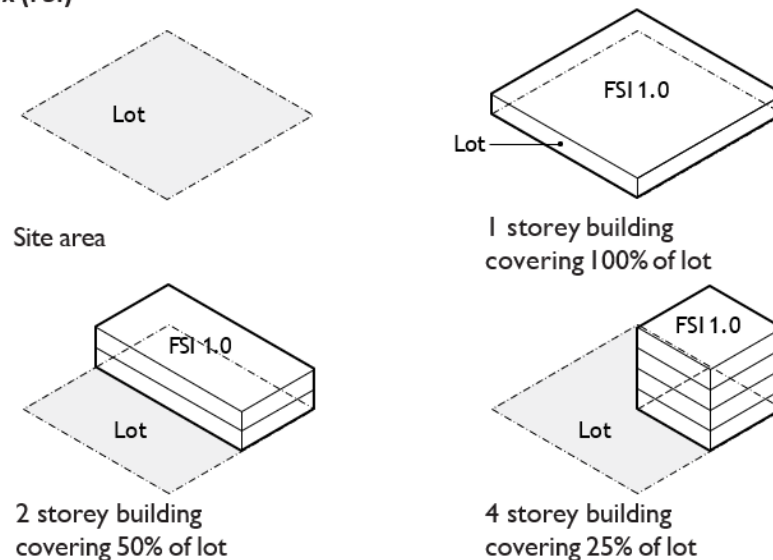
Gross floor area (GFA) means the floor area of a **building** measured from the **centre line** of partition walls and from the exterior face of outside walls.

Net floor area means the **gross floor area** of a **building** measured from the interior walls, excluding stairways, common hallways, elevator shafts and other service and mechanical shafts, service and mechanical rooms, waste and recycling rooms, loading areas, and common washroom facilities.

Residential floor area means the floor area of a **building** measured from the interior walls, but does not include any floor area of a **basement, 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.

Floor space index (FSI) means 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 **basement**.

Floor space index (FSI)



Floorplate means the gross horizontal floor area or a single floor measured from the exterior walls of a **building** or **structure** not including **balconies**.

Food vehicle means a **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** (e.g. food truck), a **vehicle** that is not self-propelled, but can be towed (e.g. food trailer) and a **vehicle** moved by human exertion (e.g. food cart).

Funeral home means a **premises used** for the care and preparation of human remains, excluding a crematorium, and may include an ancillary visitation centre and chapel for funeral services.

G

Gaming establishment means a **premises** 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 **premises** such as a casino, or a gambling facility with slot machines or video lottery terminals.

Garage means an enclosed, detached **accessory building or structure** or an enclosed portion of a residential **building used** for the parking of **vehicles**.

Garage sale means the sale of household goods belonging to the occupant of the **dwelling unit** where the sale is held.

Garage width means the width of the **garage** opening measured from the inside walls of the **garage** door frame. In the case of a multiple door **garage** including a divider between the **garage** doors, the width will include all **garage** openings and the divider.

Garden centre means a **premises** 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.

Garden suite see **Dwelling unit** definition.

Green roof means an extension of an above grade roof on top of a **building** or **structure**, which allows vegetation to grow on top. **Green roofs** may act as a **common amenity area** while also providing a stormwater function and other environmental benefits.

Group home means a **premises used** for specialized or group accommodation for residents with 24 hour supervision that is licensed, approved, or supervised by the Province of Ontario under a general or specific Act, but does not include a **day care centre**.

H

Habitable floor space means any area in a residential or **mixed-use building** or the like, including a **hotel**, or **bed and breakfast** which is designed to be **used** for living, sleeping or the preparation of food.

Habitable room means any room in a residential or **mixed-use 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.

Home improvement warehouse means a **premise used** for the storage, distribution, sale or wholesaling of home improvement goods or materials such as lumber, furniture, appliances, audio-visual equipment, **garden centre**, but does not include a **building supply**.

Home occupation means an occupation, business, trade or craft conducted as an additional **use** carried out within a residential **dwelling unit** by a person who is the occupant of such **dwelling unit** or the occupant of the primary **dwelling unit**, and includes a **day care, private home** and a **bed and breakfast**.

Hospice means a **premises** where terminally ill patients receive palliative care treatment in a home- like setting.

Hospital means a **premises** that is approved under the Public Hospitals Act as a Public **Hospital**.

Hotel means a **premises** in which rooms are provided for overnight accommodation of the travelling public and includes a motel. A **hotel** does not include a **bed and breakfast**.

Hydro corridor means a utility corridor **used** for the transmission and distribution of electricity.

L

Landscaped open space means land that contributes toward stormwater management, tree canopy cover, and biodiversity by being **used** for the growth and maintenance of grass, flowers, trees, shrubbery, natural vegetation and native species and other landscaping and includes any **buffer strip**, surfaced walk, surface patio, **green roof**, swimming pool or similar area, but does not include any access **driveway**, ramp, **parking area** or any open space within any **building** or **structure**.

Lane means a right-of-way not intended for general traffic circulation that provides motor **vehicle** access to an abutting **lot** but does not include a **street, private** or a **street, public**.

Licensed establishment means a **premises**, including a **restaurant, nightclub, micro-brewery** and **micro-distillery** that sells, provides, or serves liquor, wine, spirits, beer and any combination thereof pursuant to a licence issued by the Alcohol and Gaming Commission of Ontario or a successor agency/board thereto, but does not include a **premises** for which only a special occasion permit or permits are issued, or a **premises** owned and operated by the **City**.

Live-work unit means a **dwelling unit** that may be partially **used** for the operation of a small scale business and the remainder of the unit is a **dwelling unit** where an owner or tenant resides 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.

Loading space means an off-street space located on the same **lot** as a permitted **use** that is **used** for loading or unloading merchandise or materials.

Lodging house type 1 means the whole of a **building 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 unit means a room **used** to provide living accommodation which does not have the exclusive **use** of both a kitchen and a bathroom.

Long term care facility means a **premises** regulated by the Ontario Long-Term Care Homes Act, 2007, that provides residential accommodations and a

broad range of personal care, support and health services to meet the physical, psychological, social, spiritual and cultural needs of persons.

Lot means a parcel of land which:

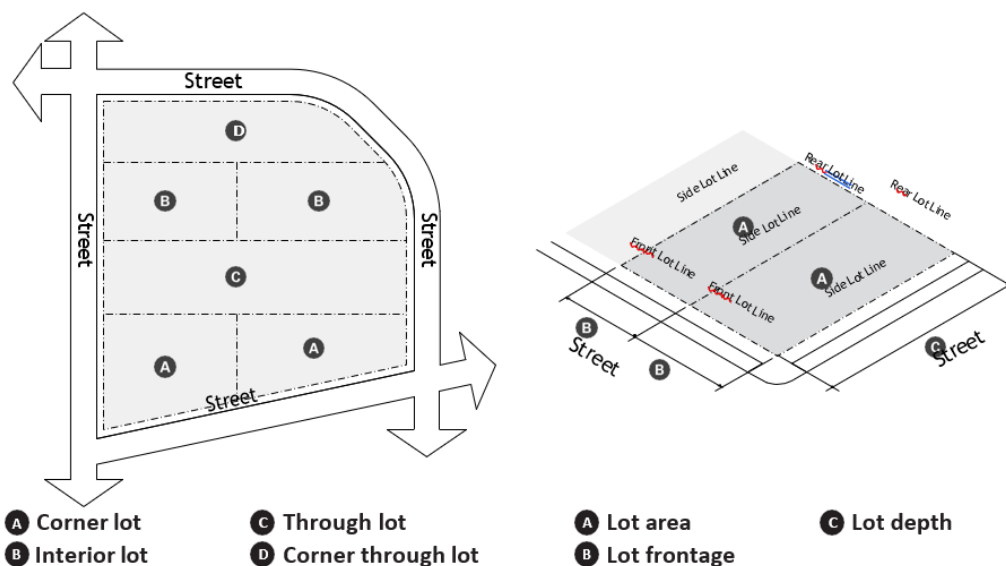
- 6) Is the whole of a **lot** or block on a registered plan of subdivision so long as such registered plan of subdivision is not deemed, pursuant to Section 50 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended from time to time or any successor thereof, not to be a registered plan of subdivision for subdivision control purposes;
- 7) Is all land held or owned under distinct and separate ownership from the ownership of the fee or equity of redemption in abutting land;
- 8) The description of which is the same as in a Deed which has been given consent pursuant to Section 53 of the Planning Act, as amended from time to time or any successor thereof; or
- 9) Is the whole remnant remaining to an owner or owners after conveyance made with consent pursuant to Section 53 of the Planning Act, as amended from time to time or any successor thereof.

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.

Through lot means a **lot** bounded on two opposite sides by **streets**, or a **street** and a **lane**, provided however that if any **lot** qualifies as being both a **corner lot** and a **through lot** as herein defined, such **lot** is deemed a **corner lot** for purposes of this **by-law**.

Through corner lot means a **lot** abutting three or more separate **streets**, or abutting two **streets** and a **lane**, or a **lot** that is a **corner lot** and a **through lot**.

Lot



Lot area means the total surface area within the **lot lines** of a **lot**.

Lot coverage means the percentage of **lot area** covered by **buildings** and **structures**, excluding **balconies**, **porches**, bay windows, canopies and overhanging eaves.

Lot depth means the horizontal distance between the **front lot line** and **rear lot line**, except:

1. Where the front **lot line** and rear **lot line** are not parallel, the **lot depth** is the length of a line joining the midpoints of such lines; and
2. 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**.

Lot frontage means the horizontal distance between the **side lot lines** measured along the **front lot line**, except:

1. 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** meet the **setback** line.

10) Lot line means any boundary of a lot;

1. **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;

1. **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**;
2. **Side lot line** means an exterior **side lot line** or an **interior side lot line**;
3. **Exterior side lot line** means the **lot line** abutting a **street** that is not the **front lot line** or **rear lot line**;
4. **Interior side lot line** means a **lot line** other than the **front lot line**, **rear lot line** or **exterior side lot line**

M

Main building means a **building** located at a **premises** and in which is contained the permitted **use** of a precinct and does not include an **additional dwelling unit**.

Manufacturing means a **premises used** for the production, compounding, processing, packaging, crating, bottling, packing, recycling, or assembling of raw or semi-processed or fully-processed goods or materials and includes indoor agricultural based **manufacturing uses**, bakery, and **catering service**.

Medical clinic means a **premises** where Provincially licensed **medical professionals** provide consultative, diagnostic or treatment services for persons on an out-patient basis including physicians, dentists, chiropractors, opticians, and drugless professionals and which may include an accessory administrative **office**, laboratory, dispensary or other similar **use**, but does not include a **medical treatment facility**, **hospital** or other facility in which is provided overnight patient accommodation.

Medical professional means an individual who practices any of the health disciplines regulated under a Provincial Act, including physicians, dentists, optometrists, pharmacists, physiotherapists, chiropractors, and psychologists.

Medical treatment facility means a **premise** in which in-patient and out-patient medical treatment and overnight accommodation and meals for sick, injured or infirm persons is provided, excluding a **hospital**.

Micro-brewery means a **premise used** for the small scale and independent **manufacturing** and sale of specialty or craft beer, wine, or spirits produced for consumption off-**premises**, or on-site consumption when located in combination with a permitted **restaurant** or **nightclub**.

Micro-distillery means a **premise used** for the small scale and independent **manufacturing** of alcohol by distillation, including the retail sales of alcohol meant for consumption off-premises, or on- site consumption when located in combination with a permitted **restaurant** or **nightclub**.

Mixed-use building see **Dwelling unit** definition.

Multi-unit building 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.

Municipal services means sanitary sewers, storm sewers and drains, water mains, electric power, and roads.

Museum means a **premises** 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

Nightclub means a **premises used** or designed to be **used** for the gathering of persons in which liquor, wine, spirits, or beer is offered for sale or sold and includes a bar and a **restaurant** in which liquor is offered for sale or sold beyond 12:01 a.m.

Noxious use means the **use** of any **premises** which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, liquid, vibration or refuse matter.

O

Occasional use means a temporary **use** which occurs for a limited time period including an auction, bake sale, craft sale, plant and produce sale, a special event such as a charity event, social event, carnival, midway and **garage sale**.

Office means a **premises** 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 treatment facility** or **veterinary service**.

Outdoor display and sales area means an outdoor area **used** in conjunction with an established **use** located in an adjacent permanent **building** or an **occasional use** for the display and sale of fresh produce and new goods or merchandise.

Outdoor patio means any area outside of a **restaurant** or **licensed establishment used** or designed to be **used** by their patrons.

Outdoor storage area means an outdoor area **used** in conjunction with an established **use** for the storage of goods, materials or equipment on a **lot** outside of a permanent **building**.

P

Park means an area of public land consisting of **landscaped open space** or other open areas which is **used** for active or passive recreation.

Parking aisle means that portion of a **parking area** which provides vehicular access to a **parking space**.

Parking area means a **parking aisle** and **parking space** but does not include any part of a **street**.

Parking facility means a **premises**, other than a **street**, **used** for the parking of **vehicles** for a fee.

Parking space means an area provided for the parking of a **vehicle**.

Accessible parking space means a **parking space** designed and signed for the exclusive **use** of motor **vehicles** pursuant to the Accessibility for Ontarians with Disabilities Act, 2005.

Bicycle parking space means a **bicycle parking space, long term** and/or a **bicycle parking space, short term**.

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 of a **building** and is not provided within a **dwelling unit**, suite, or on a **balcony**.

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 commercial suite, **dwelling unit**, secured room, enclosure, or bicycle locker.

Designed electric vehicle parking space means a **parking space** designed and constructed to be electric **vehicle** ready, allowing for the future installation of electronic **vehicle** supply equipment that conforms to Section 86 of the Electrical Safety Code.

Electric vehicle parking space means a **vehicle parking space** constructed with a minimum Level 2 Electric Vehicle Charging Device.

Parlour, adult entertainment means any **premises** 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 have the corresponding meanings:

-
1. To provide, when **used** in relation to **services**, includes to furnish, perform, solicit, or give such **services** and “providing” and “provided” have corresponding meanings;
 2. **Services**, includes activities, facilities, performances, exhibitions, viewing and encounters but does not include the exhibition of film approved under the Theatres Act as amended from time to time or any successor thereof;
 3. Services designed to appeal to erotic or sexual appetites or inclinations include:
 - A. **Services** of which a principal feature or characteristic is the nudity or partial nudity of any person;
 - B. **Services** in which persons perform any form of striptease; and;
 - C. **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.

Place of worship means a **premises** 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**.

Podium means the base of a **building**, inclusive of the ground floor, that projects horizontally from the **tower**.

Porch means a veranda, stoop, deck, access ramp, steps or the like.

Premises means the whole or part of lands, **lots**, **buildings**, **structures**, places or any part or combination thereof.

Principal entrance means the front entrance designed to be **used** as the primary entrance to a **building** facing a **street**.

Propane retail outlet means a **premises** where propane is stored, warehoused and/or kept for retail sale to the public at **premises** such as a **vehicle service station**.

Public hall means a **premises** where facilities are provided for public assembly.

Public use means the **use** of any land, **building**, or **structure** by or on behalf of Federal or Provincial governments, the Grand River Conservation Authority, or the **City**.

R

Recreation facility means a **premises used** for participatory athletic, recreational, physical fitness, leisure or social activity including a health centre, rink, arena, racquet court, swimming pool, billiard parlour, gymnasium, training room and bowling alley, but does not include a **school, commercial; parlour, adult entertainment; or a gaming establishment**.

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**.

Renovation means the improvement, alteration, or addition of less than 50 per cent of the total **ground floor area** of an existing **building** or **structure**.

Restaurant means a **premises** in which food is prepared and offered for retail sale to the public for consumption therein or as **take-out** and may include a **licensed establishment** but does not include a **nightclub**.

Restaurant, take-out means a **restaurant** which provides less than 10 per cent of the **gross floor area** of the **restaurant** for the consumption of food by patrons on the **premises** of the **restaurant**.

Retail establishment means a **premise** which displays, sells, or rents goods or materials.

Retirement residential facility means a **premise** providing accommodation primarily for retired persons or persons who require services in a semi-independent living environment, support and health services may be provided which may include accessory personal service, retail, and

recreational **uses** for the residents, but does not include a **long-term care facility** or **hospital**.

Rooftop mechanicals means an enclosed or partially enclosed area located on the roof of a **building** and contains equipment that functions to provide normal and everyday operation and maintenance of a **building**, and may include heating, cooling, ventilation, electrical, fire suppression, elevators, or stair towers.

S

Salvage yard means a **premises used** for the storage, handling, disassembly, buying, exchange, and sale of scrap metal such as **vehicles** and parts, machinery, or **building** materials.

School means a **premises** as defined in the Education Act, R.S.O. 1990, Chapter E.2, and includes a private school, but does not include a **school, commercial**.

School, commercial means a **premises**, operated for gain or profit, in which is provided professional training and instruction in a trade, skill or service including secretarial skills, vocational skills, aviation, dog training, banking, commercial arts, automobile driving, language, modelling, business, hairdressing, beauty, cooking, culture, dancing or music, but does not include a **school, post-secondary, fitness centre** or a **recreation facility**.

School, post-secondary means a **premises used** for educational or instructional purposes by a degree, diploma, or certificate granting college or university as defined in the Ministry of Colleges and Universities Act and **University of Guelph** Act, and includes the **University of Guelph**.

Semi-detached dwelling see **Dwelling unit** definition.

Service establishment means a **premises** providing services related to the grooming of persons (including a hair salon or registered massage therapist), a **premises** providing the cleaning, maintenance or repair of personal articles and accessories (including dry cleaning and laundromat),

small appliances or electronics, or a **premises** providing services related to the maintenance of a residence or business (including a private mail box, photocopying, courier, or custodial services).

Setback means the horizontal distance from a **lot line** to a **building, structure, parking space, pool, or hot tub**.

Shipping container means a prefabricated container that is **used** for or has been **used** for the transportation and/or storage of goods and materials. A **shipping container** shall also include, but not be limited to, the body of a transport trailer or a straight truck and any prefabricated portable storage units.

Significant drinking water threat means a drinking water threat that, according to a risk assessment, poses or has the potential to pose a significant risk under the Clean Water Act, 2006.

Single detached dwelling see **Dwelling unit** definition.

Site alteration means activities such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

Social service establishment means a **premises** 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**.

Source protection plan means a drinking water **source protection plan** prepared under the Clean Water Act, 2006.

Stacking lane means a continuous on-site queuing lane that includes **stacking spaces** for **vehicles** separated from other vehicular traffic and pedestrian circulation by barriers, markings, or signs and does not include an exit **lane**.

Stacking space means a rectangular space designed to be **used** for the temporary queuing of a **vehicle** in a **stacking lane**.

Stepback means a portion of a **building** that is horizontally recessed from the **building** face below.

Storey means that portion of a **building**, other than a **basement**, that is situated between the top of any floor and the top of the floor next above it or that is situated between the top of the floor and the ceiling above the floor, if there is no floor above it, as defined in the Ontario Building Code Act, S.O. 1992, Chapter 23.

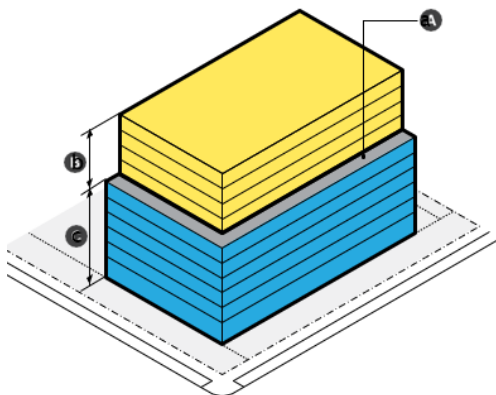
First storey means the **storey** that has its floor closest to **finished grade** and its ceiling more than 1.8 m above **finished grade**.

First storey height means the height, measured from finished floor to finished ceiling of the **first storey**.

Half storey means a finished floor area above the **first storey** and any attached **garage** that is located partially or wholly within a sloping roof and having a floor area that does not exceed 50 per cent of the floor area of the **storey** directly below the **half storey**.

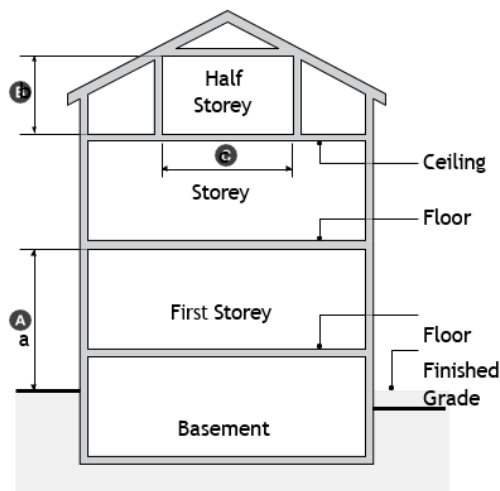
Stepback, tower, and podium graphic

Stepback, tower and podium



- A Stepback
- B Tower
- C Podium

Storey



- A More than 1.8 m above finished grade
- B At least 1.4 m
- C Does not exceed 50% of floor area for storey below

Stormwater management facility means a **premises used** for the temporary storage and treatment of stormwater runoff.

Street means a **street, private** and a **street, public**.

Street, private means a right-of-way or roadway providing access for **vehicles** to individual free hold **lots** and is maintained by a condominium corporation as a private road.

Street, public means a right-of-way or roadway that is **used** by **vehicles** and is maintained by a public authority but does not include a public **lane**.

Street line means a **lot line** dividing a **lot** from a **street** and is the limit of the **street** allowance.

Structure means anything erected, constructed, or built, permanently or temporarily, fixed or attached to the ground or any other **structure**. Includes a **flood control facility**, but does not include a sign, retaining wall, **fence**,

solar collector, composter, planter, statue, sculpture, play equipment, pole, antenna, garbage container and outdoor swimming pool or hot tub.

Support care bachelor units means a group of self-contained bachelor units including a **common room** designed for single adults and supervised as a residential care facility.

Supportive housing means the **use** of a **building** with **dwelling units**, suites, or bedrooms in a shared setting, 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. Support functions may include, but are not limited to, collective dining facilities, laundry facilities, counseling, educational services, and life skills training.

T

Tower means the portion of a **building** above the **stepback storey** indicated in the applicable precinct and located above the **podium**.

Townhouse (cluster townhouse, on-street townhouse, back-to-back townhouse, rear access on-street townhouse, stacked back-to-back townhouse) see **Dwelling unit** definition.

Trail means pedestrian and nature **trails**, bicycle **trails**, multi-use **trails**, fitness **trails**, nature **trails** for the disabled, or cross-country skiing **trails**.

Transit terminal means a **premises** where buses or trains are boarded or disembarked by fare-paying passengers but does not include a bus stop or **transportation depot**.

Transparent window means a window that is not tinted and provides clear visibility of the interior of the **building**.

U

University of Guelph means a **premises used** as a **school, post-secondary** as defined in the Ministry of Training, Colleges, and Universities Act and **University of Guelph** Act and any directly related operations.

Urban agriculture means the growing of crops for food at a small scale, including community gardens and backyard chickens and includes small-scale sales of urban agricultural products, and does not include **agriculture, livestock based** and **agriculture, vegetation based**.

Use means the arrangement of design of or the intended **use** or actual **use** of any **premises**.

Utilities means an essential commodity or service such as water, sewer, electricity, gas, oil, television, or communications/telecommunications that is provided to the public by a regulated company or government agency.

V

Vehicle means an automobile, truck, or any other **vehicle**, including motorized construction equipment or farm equipment, motor home, motorcycle, snowmobile, boat, **vehicle, recreational**, 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.

Vehicle, accessible means a motor **vehicle** designed and manufactured, or converted, for the purpose of transporting persons who **use** mobility aids.

Vehicle, commercial means any **vehicle** on which is displayed commercial lettering or commercial licence plates and includes construction equipment which is designed to be towed.

Vehicle, recreational means a **vehicle** which is **used** for temporary recreational travel or accommodation including a motor home, camper trailer, converted bus or the like.

Vehicle rental establishment means a **premises** where **vehicles** are stored and rented to the public, but does not include **vehicle, commercial**, farm

equipment, **vehicle, recreational**, trailer, snowmobile, motorized boat or a **vehicle sales establishment**.

Vehicle repair establishment means a **premises** where the general repair or service of **vehicles** is conducted.

Vehicle service station means a **premises** where motor fuel is sold and may include the general repair or service of **vehicles** including oiling, greasing, washing, ignition adjustments and tire inflation, the sale of **vehicle** parts, oils and fluids associated with operation of a **vehicle** may occur in relation to such repair or service and may include a gas bar and any other **vehicle repair establishment**, other than a **vehicle body shop**, or a **vehicle sales 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.

W

Waste transfer station means a **premises used** for the collection and storage of waste or hazardous waste for shipment, and which may include limited sorting or preparation of that waste to facilitate shipment for final disposal or transfer to a waste processing facility but does not include a **waste management facility** or **municipal works yard**.

Wellhead protection area means an area that is related to a wellhead and within which it is desirable to regulate or monitor drinking water threats (Ontario Regulation 287/07).

WHPA – A means a **wellhead protection area** which includes a 100 metre radius around the municipal well.

WHPA – B means a **wellhead protection area** which includes the distance between WHPA-A and the calculated 2-year time-of-travel to a municipal well.

Wholesale means selling of goods, wares, or merchandise in bulk to a business.

Y

Yard means that part of a **lot** extending from a **lot line** to the nearest foundation wall of a **main building** measured at right angles to the **lot line**.

Front yard means a **yard** that extends across the full width of a **lot** measured at right angles to the **front lot line** extending back to the nearest foundation wall of the **main building** facing the **street**;

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**;

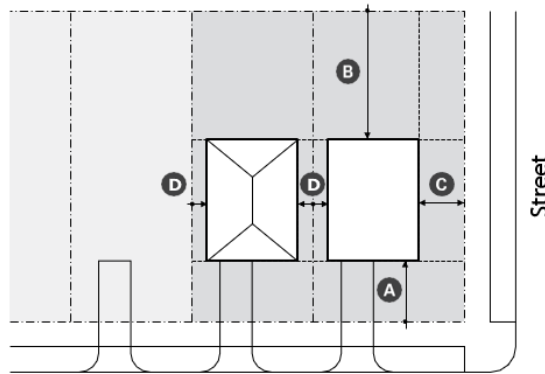
Side yard means an **exterior side yard** and an **interior side yard**;

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**;

Interior side yard means a **yard** that extends from the **front yard** to the **rear yard** between the interior side **lot line** and any part of any **building** on the **lot**.

Yard graphic

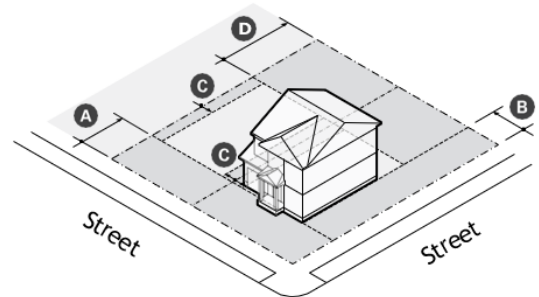
Yards



- A** Front yard
- B** Rear yard

Street

- C** Exterior side yard
- D** Interior side yard



- A** Front yard setback
- B** Exterior side yard setback

- C** Interior side yard setback
- D** Rear yard setback

4.0 General provisions

4.1 Variation to general provision

Any variation to a general provision as outlined in Section 4 will be classified as a Class 2 variation and will require a Community Planning Permit Application, unless otherwise noted.

4.2 Frontage on a street

No person shall erect any **building** or **structure** in any precinct unless:

- a) The **lot** upon which the **building** or **structure** is to be erected has frontage on a **street, public**. This provision shall not restrict the erection of any **building** on a **lot** in a registered plan of subdivision where a subdivision agreement has been entered into but the streets will not be assumed until the end of the maintenance period; or
- b) Despite any other provisions in this **by-law**, where a **building** has been erected prior to the **effective date** of this **by-law** on a **lot** which fronts on a **street, private**, such **building** may be enlarged, reconstructed, repaired, or renovated provided all other applicable provisions of this **by-law** are satisfied.

4.3 Permitted uses in all precincts

4.3.1 Uses allowed in all precincts

The following **uses** are allowed in any Precincts, subject to provision 4.3.4 (Requirements for **development**):

- a) **Community centre**
- b) **Food vehicle**
- c) **Medical clinic**
- d) **Parks and trails**
- e) **Place of worship**

- f) **Public hall**
- g) **Recreation facility**
- h) **School**
- i) Municipal parks and municipal recreation facilities
- j) Public and private infrastructure

4.3.2 **Public uses and utilities**

Unless otherwise regulated herein, **public uses** and **utilities** may be permitted in any precinct provided that:

- a) Such **use, building, or structure** complies with the regulations, parking and loading requirements of the applicable precinct.
- b) An accessory **outdoor storage area** may be permitted and shall not be located on a **lot** abutting a residential precinct (LDR, MDR, HDR).
- c) This exemption for **use** in any precinct shall not apply to any land or **building used** for executive or administrative offices or retail purposes by Alectra Utilities, Hydro One or any telephone or communications utility company.

4.3.3 **Urban agriculture**

Urban agriculture including community gardens may be permitted in all precincts with the exception of Natural Heritage System unless otherwise limited by the provisions of this **by-law** and will be subject to **City** by-laws and guidelines.

4.3.4 **Requirements for development**

Development of any of the **uses** listed in provision 4.3.1 (**Uses** allowed in all precincts) is subject to the following:

- a) The **development** must comply with any other provisions or standards which are generally applicable and required elsewhere in this **by-law**; and

-
- b) The **development** must comply with any other provisions or standards specified for the **use** and required elsewhere in this **by-law**.

4.4 **Prohibited uses**

Any **use** not specifically permitted by this **by-law** shall not be permitted in the **Community Planning Permit Area**. A **use**, whether defined or not defined by this **by-law**, that is not either (1) identified within a permitted **use** table in any precinct, or (2) permitted by site-specific provision, is prohibited. For clarity and transparency, but without limit to the foregoing, the following **uses** are prohibited in all precincts, either alone or in conjunction with other **uses**, unless specifically permitted by this **by-law**:

- a) **Abattoir**
- b) **Body rub parlour**
- c) **Bulk fuel depot**
- d) **Concrete plant**
- e) **Gaming establishment**
- f) **Parlour, adult entertainment**
- g) The incineration or disposal of biomedical wastes, organic or inorganic chemical wastes, or radioactive wastes
- h) **Salvage yard**
- i) **Waste transfer station**

4.5 **Number of buildings per lot**

No more than one **building** shall be located on a **lot** in a LDR precinct, with the exception of an **accessory building or structure** or an **additional dwelling unit**, and as specifically permitted in this **by-law**.

4.6 **Accessory buildings or structures**

The erection, alteration, enlargement, maintenance and **use of accessory buildings or structures** shall comply with the regulations of the applicable precinct, except as otherwise provided for in this Section.

4.6.1 **General regulations**

- a) No **accessory building or structure** shall be **used** for human habitation, except as provided for in provision 4.13.1 (**Additional dwelling units**).
- b) An **accessory building or structure** may be located in a **yard** other than a **front yard** or required **exterior side yard** on a **lot** provided that:
 - (i) Not more than 30 per cent of the **yard** is occupied; and
 - (ii) Such **accessory building or structure** is **setback** 0.6 metres from any **lot line**, except that two adjoining property owners may erect an **accessory building or structure** with a common party wall.

4.6.2 **Residential precincts (LDR, MDR, HDR)**

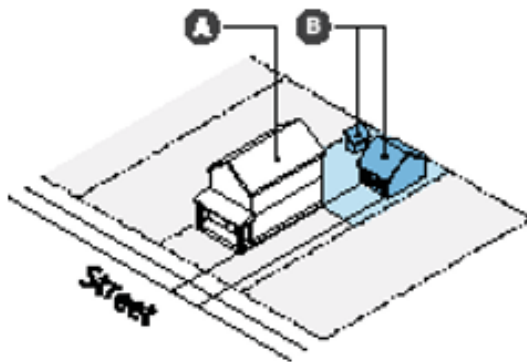
- a) The maximum total **ground floor area** of all **accessory buildings or structures** is 70 square metres.
- b) The maximum height of an **accessory building or structure** is 4 metres except as provided in Section 4.15 (**Building heights**).
- c) Despite provision 4.6.1 b) (General regulations), an **accessory building or structure** can occupy a **front yard** of a **through lot** directly abutting a **lane**.

4.6.3 **Other precincts (MUC, NCC, POS, NHS)**

The maximum height of an **accessory building or structure** is 4.5 metres except as provided for in Section 4.15 (**Building heights**).

Accessory building or structure graphic

Accessory building or structure



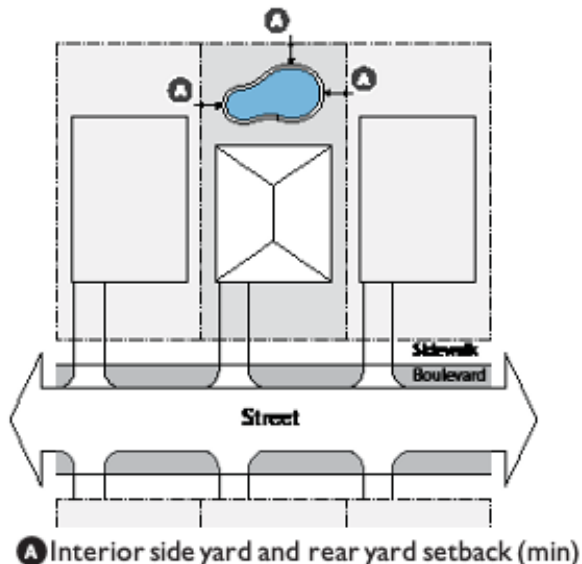
- A** Main building
- B** Accessory building or structure

4.6.4 Swimming pools and hot tubs

- a) No outdoor swimming pool or hot tub shall be located in any part of a **front yard** or required **exterior side yard**, unless it is located behind the rear wall of the **main building** and in compliance with provision 4.7.1 (**Corner lots**).
- b) A swimming pool or hot tub shall be **setback** a minimum of 1.5 metres from any **lot line**.
- c) Any decking surrounding the swimming pool or a portion of the swimming pool that is above 0.6 metres from **finished grade**, shall be **setback** a minimum of 1.5 metres from a **lot line**.
 - (i) Despite provision 4.6.4 c), any decking located between the **main building** and the swimming pool may be **setback** a minimum of 0.6 metres from all **lot lines**.

Swimming pool and hot tub graphic

Swimming pool and hot tub



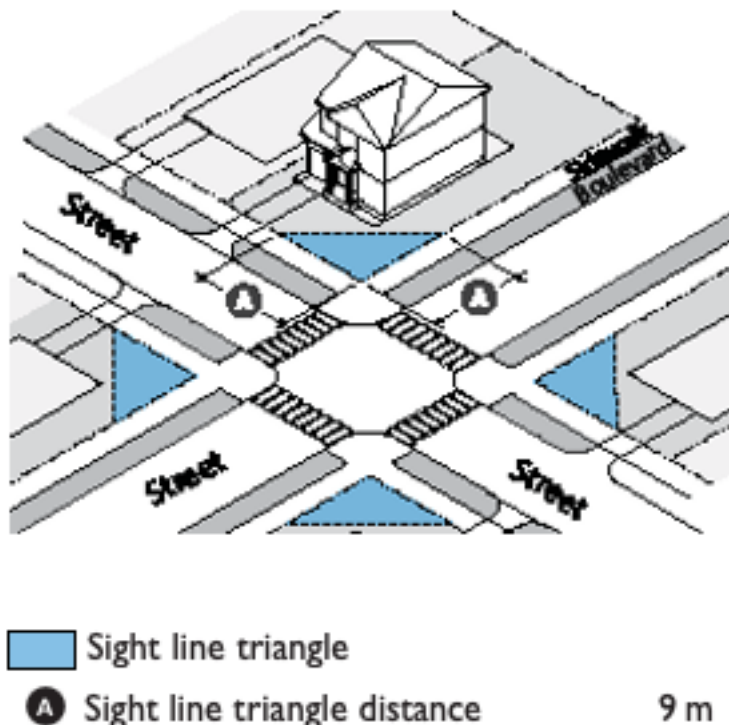
4.7 Sight line triangles

4.7.1 Corner lots

- a) On a **corner lot** in any precinct, no **building, structure**, play equipment, statue, swimming pool, hot tub or parked motor **vehicle** may be located within the sight line triangle formed by joining the point of intersection to points on each **street line**, measured 9 metres from that point of intersection.
- b) A **fence**, hedge, shrub, or foliage may be located within the sight line triangle provided it does not exceed 0.8 metres above the level of the travelled portion of the abutting **streets**. This provision shall not prevent the planting of one deciduous tree within the defined triangle, or municipal tree planting, which is not subject to any height limit.

Corner lot sight line triangle graphic

Corner lot sight line triangle



7.4.2 General sight lines

The following general sight line regulations apply to properties along the entire **block face**:

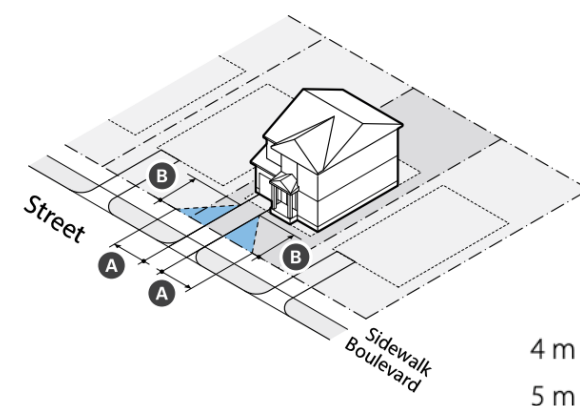
- a) The sightline triangle at a **driveway, residential** and **driveway, non-residential, lane, parking aisle** or other vehicular access from the **street** is the triangular area created by connecting the points measured as follows:
 - (i) commencing at each edge of the vehicular access on the **lot** side of the sidewalk or curb (whichever is closer to the **lot line**) and measuring a distance of 4 metres away from such edges at a 90 degree angle and commencing at the edge of the **lot** side of the

sidewalk and measuring a distance of 5 metres toward the **lot** at a 90 degree angle.

- b) Within any part of a sight line triangle at vehicular access area no **building, structure**, play equipment, statue, swimming pool/hot tub or parked motor **vehicle** shall be located.
- c) Within the sight line triangle, a **fence**, hedge, shrub or foliage may be located provided it does not exceed 0.8 metres above the level of the travelled portion of the **street**.

General sight line triangle graphic

General sight line triangle



- Sight line triangle
- A Sight line triangle distance 5 m
- B Sight line triangle distance 4 m

4.8 Permitted yard projections

Required **yards** shall not be obstructed in any manner, except in accordance with the following:

- a) Where Section 4.7 (Sight line triangles) is in conflict with Section 4.8 (Permitted **yard** projections), Section 4.7 prevails.

-
- b) For **dwelling units** along **streets** with the road allowance requirements listed in Section 4.23 (Road allowance requirements for specific roads), the minimum **setback** of the projection shall be from the new **street line** required for the road widening as determined by Section 4.23 (Road allowance requirements for specific roads).

Graphic outlining projections for canopies and balconies

4.7.1 Canopies and awnings above door and window

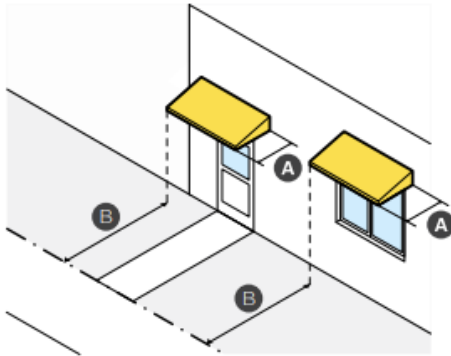


Table 4.7.1: Canopies and awnings above door and window

| | |
|---|-------|
| A Projection into the required yard (max) | 1.8 m |
| B Setback from lot line (min) | 0.5 m |

4.7.2 Balconies - applicable to floors above main floor / entry level

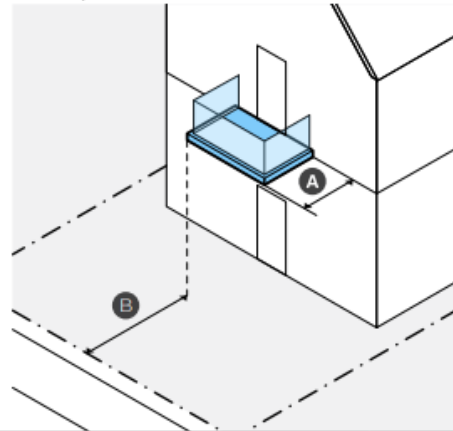


Table 4.7.2: Balconies - applicable to floors above main floor / entry level

| | |
|---|-------|
| A Projection into the required yard (max) | 2.4 m |
| B Setback from lot line (min) | 2 m |

4.7.3 Townhouse balconies - all yards

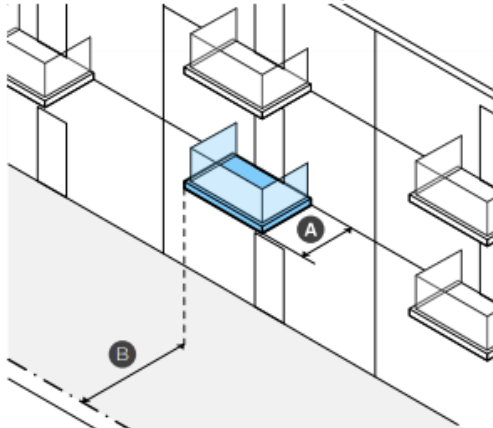


Table 4.7.3: Townhouse balconies - all yards

| | |
|---|-------|
| A Projection into the required yard (max) | 2.4 m |
| B Setback from lot line (min) | 2 m |

4.7.4 Apartment building balconies - all yards

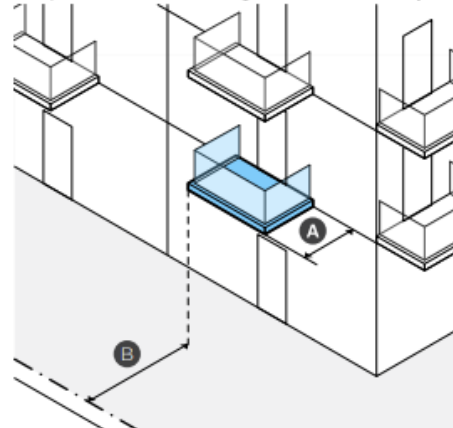


Table 4.7.4: Apartment Building Balconies - All Yards

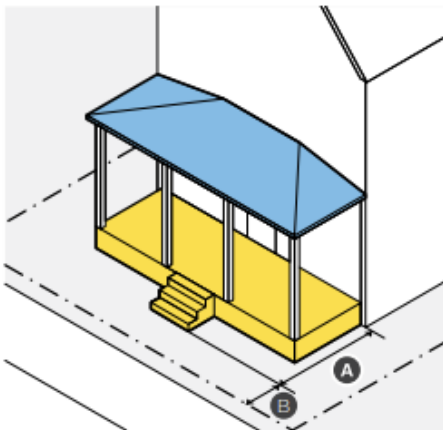
| | |
|---|-------|
| A Projection into the required yard (max) | 1.8 m |
| B Setback from lot line (min) | 2 m |

Note: A 2 metre deep **balcony** at the front of the house does not require a 2 metre **setback** from the **side lot line** when the **balcony** is within the **building envelope**.

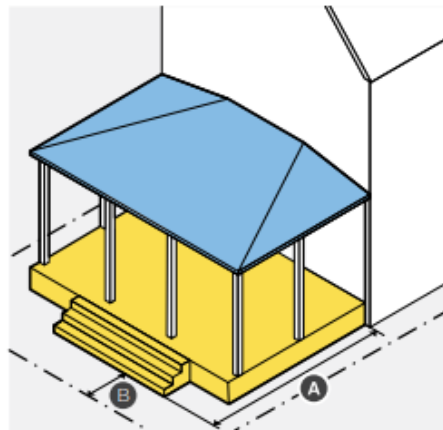
Permitted yard projections graphic

4.7.5 Permitted yard projections Open, roofed porch not exceeding 1 storey in height

Front / Exterior Yard



Rear Yard



Side Yard

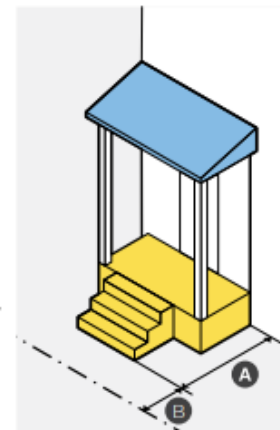


Table 4.7.5A: Front/exterior side yard

| | | |
|----------|--|--------------------|
| A | Projection into the required yard (max) | 2.4 m |
| B | Setback from lot line (min) | 2 m ⁽²⁾ |

Table 4.7.5B: Rear yard ⁽¹⁾

| | | |
|----------|--|--------------------|
| A | Projection into the required yard (max) | 5 m |
| B | Setback from lot line (min) | 2 m ⁽²⁾ |

Table 4.7.5C: Interior side yard

| | | |
|----------|--|----------------------|
| A | Projection into the required yard (max) | 1.2 m |
| B | Setback from lot line (min) | 0.6 m ⁽²⁾ |

Additional regulations for Tables 4.7.5A to 4.7.5C:

1. A **rear yard porch** exceeding 1 **storey** in height may have a roof subject to a maximum 5 metre projection into the **yard** provided there is a minimum 2 metre **setback** from the **side lot line** and **rear lot line**.
2. For a **lot** with a **dwelling unit** requiring a 0 metre **interior side yard**, there is no required **setback** to that **interior side lot line** from a **porch**, inclusive of stairs.

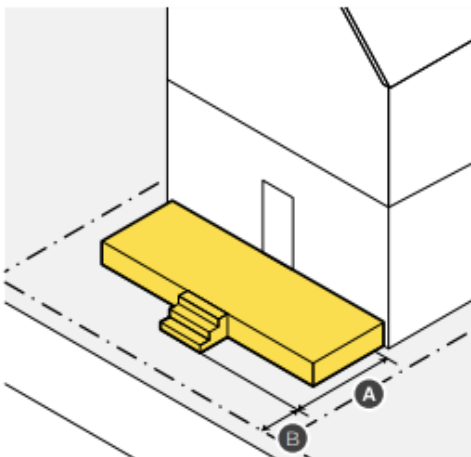
Note: Stairs associated with the **porch** are subject to the minimum **setback** from the **lot line**.

Permitted yard projections graphic

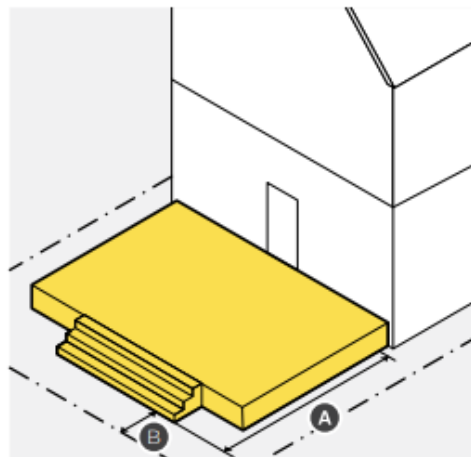
4 4.7.7 Permitted yard projections

Uncovered porch above 1.2 m to a maximum height not exceeding the main floor/entry level

Front / Exterior Yard



Rear Yard



Side Yard

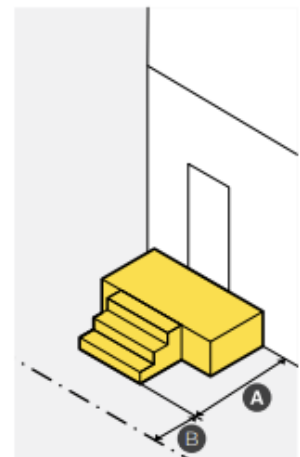


Table 4.7.7A: Front/exterior side yard

| | |
|---|----------------------|
| A Projection into the required yard (max) | 3 m |
| B Setback from lot line (min) | 0.8 m ⁽¹⁾ |

Table 4.7.7B: Rear yard

| | |
|---|-----------------------------|
| A Projection into the required yard (max) | No max. projection required |
| B Setback from lot line (min) | 0.6 m ⁽¹⁾ |

Table 4.7.7C: Interior side yard

| | |
|---|----------------------|
| A Projection into the required yard (max) | 2 m |
| B Setback from lot line (min) | 0.6 m ⁽¹⁾ |

Additional regulation for Tables 4.7.7A, 4.7.7B and 4.7.7C:

- For a **lot** with a **dwelling unit** requiring a 0 metre **interior side yard**, there is no required **setback** to that **interior side lot line** from a **porch**, inclusive of stairs.

Note: Stairs associated with the uncovered **porch** are subject to the minimum **setback** from the **lot line**.

Table 4.1 - Permitted required yard projections

| | Structure | Required yard | Maximum projection into the required yard | Minimum setback from lot line |
|----|--|---|--|--------------------------------------|
| 1. | Cold room | Front yard and exterior side yard | 3 m | 3 m |
| 2. | Fire escapes | Front yard and exterior side yard | Not permitted | Not permitted |
| | | Interior side yard | 1.2 m | 0.8 m |
| | | Rear yard | 1.5 m | No setback requirement |
| 3. | Cantilevered rooms to a maximum of 25 per cent of the wall area | Front yard, exterior side yard and rear yard | 0.8 m | 0.8 m |
| | | Interior side yard | Not permitted | Not permitted |
| 4. | Central residential air conditioners, heat pump units and other similar mechanical equipment | Front yard and exterior side yard | 1.2 m | No setback requirement |
| | | Interior side yard | 1.2 m | |
| | | Rear yard | No maximum projection requirement | |
| 5. | Architectural features (Belt courses, sills, cornices, chimney breasts and eaves) | All yards | 0.8 m | No setback requirement |

| | Structure | Required yard | Maximum projection into the required yard | Minimum setback from lot line |
|----|---------------------------------|--|--|--------------------------------------|
| 6. | Barrier free access ramp | Front yard and exterior side yard | No maximum projection requirement | 0.8 m |
| | | Interior side yard and rear yard | No maximum projection requirement | 0.6 m |
| 7. | Exterior stairs | Front yard and exterior side yard | 1.5 m | 0.8 m |
| | | Interior side yard and rear yard | | 0.6 m |

4.9 **Outdoor lighting**

- a) Outdoor flashing lights are prohibited.
- b) Outdoor lights and lighting shall not be erected in such a way as to be confused with or interfere with traffic lights or otherwise be hazardous to traffic.
- c) Outdoor lights and lighting shall not be erected in such a way as to shine into any window of any other property.

4.10 **Garbage, refuse and storage**

- a) No garbage or refuse shall be stored on any **lot** in any precinct except within the **building** or **structure** on such **lot** or in a container in an **interior side yard** or **rear yard** of such **lot**.
- b) Every garbage or refuse storage area required by this **by-law**, including any garbage loading or unloading area, which is visible from

an adjoining precinct or designation, shall have a visual screening consisting of a solid **fence**.

- (i) Despite 4.10 b) an enclosed in-ground waste container is not required to have visual screening.
- c) A dumpster or garbage container shall be regulated in the same manner as an **accessory building or structure** in accordance with Section 4.6 (**Accessory buildings or structures**), in the precinct in which it is located.
- d) Standard residential garbage containers provided by the **City** for a **single detached dwelling, semi-detached dwelling and on-street townhouse** are exempt from the provisions of Section 4.12 (Outdoor storage) when an individual container is less than 1 cubic metre in size.

4.11 **Municipal services**

No land shall be built upon and no **building or structure** shall be erected or expanded for any purpose unless all **municipal services** including sanitary sewers, storm sewers and drains, water mains, electric power lines and roads are **available and adequate**. No land, **building or structure** shall be **used** unless all **available municipal services** are connected.

- a) Despite Section 4.11 (**Municipal services**), the following **uses** may be permitted without full **municipal services**:
 - (i) Any **use, building or structure** permitted by a by-law which existed on the **effective date** of this **by-law**, or any predecessor thereof, and for which prior approval had been obtained from the Medical Officer of Health to permit the **use** of a private sewage disposal system.
 - (ii) Any legally existing agricultural, municipal parkland or **conservation use** on a **lot** with a minimum size of 4 hectares.
 - (iii) Additions to and **accessory buildings or structures** for existing legal non-conforming **single detached dwellings** if such additions and **accessory buildings or structures** comply with

each established **building setback** and all other regulations of the precinct in which the residential **building** is located.

- (iv) Partial services shall be permitted to address a failed individual on-site water service or individual on-site sewage services on an existing **lot** of record and only where **municipal services** are not **available** or are not expected to be **available** within 2 years.
- (v) When the owner of a property proposes to develop, redevelop, and/or sever the property, whether or not it has an existing **building** on it, the owner will be obligated to connect to **City** services if the **municipal services** are within 50 metres of a **building** at the owner's cost. Furthermore, the piping from the private well and/or septic tank must be disconnected and the well and septic tank must be decommissioned to the satisfaction of the Chief Building Official.

4.12 **Outdoor storage**

- a) An **outdoor storage area** is permitted if listed in the permitted **use** table of each precinct.
- b) An **outdoor storage area** is not permitted in any **front yard, interior side yard** or **exterior side yard**.
- c) An **outdoor storage area** shall be screened from any **street** and from any adjacent **lot** that is not a commercial or industrial precinct.
 - (i) An **outdoor storage area** requiring screening shall be screened by a **fence**, erected in accordance with Section 4.17 (Fences), or a wall of not less than 2 metres in height.
 - (ii) Despite 4.12 c) (i) a 3 metre **buffer strip** between an **outdoor storage area** and a residential precinct (LDR, MDR, HDR) may function as screening.
- d) Every **outdoor storage area** shall be provided and maintained with a stable surface that has been treated to prevent the raising of dust or loose particles and has proper drainage.

- e) No **outdoor storage area** shall be considered part of any **landscaped open space** or as part of a **buffer strip**.
- f) No required **parking space, parking aisle, snow storage or loading space** shall be **used** for outdoor storage purposes.
- g) The outdoor storage of portable toilets is not permitted in an **outdoor storage area** within 250 metres of a property in a residential precinct (LDR, MDR, HDR).

4.13 Residential intensification

4.13.1 Additional dwelling units

An **additional dwelling unit** is subject to the following provisions:

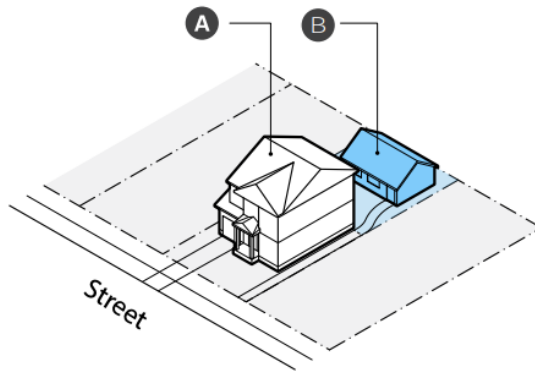
- a) For **single detached dwellings**, a total of four **dwelling units** is permitted on a **lot**. This includes the primary **dwelling unit** together with:
 - (i) Up to three **additional dwelling units** located within the same **building** as the primary **dwelling unit**, or
 - (ii) Up to two **additional dwelling units** located within the same **building** as the primary **dwelling unit** and one **additional dwelling unit** in a separate **building** on the same **lot**, or
 - (iii) One **additional dwelling unit** located in the same **building** as the primary **dwelling unit** and up to two **additional dwelling units** in a separate **building** on the same **lot**.
- b) **Additional dwelling units** are permitted with **semi-detached, duplex, townhouse, on-street, or townhouse, rear access on- street** dwellings to a maximum of three **dwelling units** on a **lot**.
- c) For the purpose of Section 4.13 (Residential intensification), a primary **dwelling unit** means the largest **dwelling unit** on the **lot** where one or more **additional dwelling unit(s)** exist.
- d) For the purposes of Section 4.12 (Outdoor storage), **residential floor area** includes **basements** with floor to ceiling heights of at least 1.95

-
- metres but does not include stairs, landings, cold rooms, **garages, carports** and mechanical rooms.
- e) A 1.2 metre wide unobstructed pedestrian access shall be provided to the entrance of the additional dwelling unit, unless access to the additional dwelling unit is provided directly from a street or lane. A gate may be constructed within the pedestrian access, but no encroachments are permitted within the 1.2 metre width, including exterior stairs, window wells, air conditioners, etc.
- f) Additional dwelling unit within a primary dwelling unit:
- (i) The **additional dwelling unit(s)** shall have a **residential floor area** that is less than the primary **dwelling unit**.
 - (ii) Despite Table 4.1 Row 7, exterior stairs to **storeys** above the **first storey** are prohibited in the **front yard, exterior side yard** and in the required **interior side yard**.
- g) **Additional dwelling unit(s)** within separate **building(s)** on the same lot:
- (i) Each **additional dwelling unit** shall not exceed 80 square metres of **residential floor area**.
 - (ii) Two **additional dwelling units** are permitted in one **building** with a maximum **floorplate** of 90 square meters.
 - (iii) **Additional dwelling unit(s)** shall not occupy more than 30% of the **yard**, including all **accessory buildings or structures**, and shall be in accordance with provisions 4.12.1 g) (i) and 4.12.1 g) (ii), whichever is less.
 - (iv) The maximum **building height** is 6.1 metres.
 - (v) A minimum 1.2 metre **interior side yard setback** is required for the primary **dwelling unit** in the **yard** closest to the unobstructed pedestrian access, unless access to the **additional dwelling unit** is provided directly from a **street** or lane.

-
- (vi) An **additional dwelling unit** in a separate **building** on a **lot** may occupy a **yard** other than a **front yard** or required **exterior side yard**.
- (A) **Despite 4.12.1 g) (vi), an additional dwelling unit in a separate building on a lot may occupy the front yard of a through lot directly abutting a lane.**
- (B) **Despite 4.12.1 g) (vi), an additional dwelling unit must be setback from an exterior side lot line no less than the exterior side yard setback of the main dwelling unit.**
- h) An **additional dwelling unit** in a separate **building** on a **lot** shall have a minimum **interior side yard** and **rear yard setback** consistent with the required minimum **interior side yard setback** for the primary **dwelling unit** in the applicable **zone** to a minimum of 1.2 metres.
- (i) Despite 4.12.1 g) (vii), the second **storey** of an **additional dwelling unit** shall have a minimum 3 metre **interior side yard** and **rear yard setback** where a second **storey** window faces a **lot line**.
- (ii) Any second **storey** balcony, entrance, or exterior stair to the second **storey**, must be **setback** a minimum of 3 metres from a **lot line**.
- (iii) Rooftop amenity area above the second storey is not permitted.
- i) A minimum distance of 3 metres shall be provided between the primary **building** and **additional dwelling unit(s)** in a separate **building**.

Additional dwelling unit graphic

Additional residential dwelling unit



- A** Primary dwelling unit
- B** Additional residential dwelling unit

4.13.2 Dwelling units in mixed-use buildings

A **dwelling unit** within a **mixed-use building** is subject to the following provisions:

- a) Every **dwelling unit** shall have a separate private entrance, which shall not be an open exterior stairway.
- b) Every **dwelling unit** shall function completely separate from any commercial **use**.

4.14 Outdoor patios

Despite any other provisions of this **by-law**, the following shall apply to an **outdoor patio** of a **restaurant** or **licensed establishment**:

4.14.1 Location

- a) No **outdoor patio** is permitted on a **lot** where more than one **lot line** adjoins lands which are in a residential precinct (LDR, MDR, HDR).

- b) Where only the **rear lot line** adjoins a residential precinct, an **outdoor patio** is permitted in the **front yard** or **exterior side yard** provided it is a minimum of 3 metres away from the **street**.
- c) Where only the **interior side lot line** adjoins a residential precinct, an **outdoor patio** is permitted if it is located in the **interior side yard** or **exterior side yard** which is not adjacent to a residential precinct.
- d) No **outdoor patio** shall be located above the **first storey** floor elevation of the **main building** where the **outdoor patio** adjoins a residential precinct unless the **outdoor patio** is a distance of at least 30 metres or more away from the boundary of the residential precinct.
- e) An **outdoor patio** shall be **setback** a minimum of 1 metre from any **loading space, parking space, parking aisle** or **driveway**.
- f) **Outdoor patios** shall comply with the **building setbacks** in the precinct.

4.14.2 **Boundary definition**

Every **outdoor patio** shall be enclosed by a wall or **fence** with a minimum height of 0.8 metres above the patio floor.

4.15 **Building heights**

4.15.1 **Exemptions**

The height restrictions of this **by-law** shall not apply to:

- a) an antenna or mast (when attached to or on a **building**)
- b) a chimney or smokestack
- c) a church spire or steeple
- d) clock tower, bell tower, belfry, or church tower
- e) ornamental architectural features such as, but not limited to, cupolas and finials
- f) an electrical power transmission tower or line and related apparatus

-
- g) **rooftop mechanicals** (subject to 4.15.3)
 - h) a light standard, including outdoor sportsfield lighting facilities
 - i) a flag pole
 - j) a Federally regulated and authorized telecommunications tower
 - k) a water tower
 - l) a windmill or turbine (not within a residential precinct)
 - m) a weathervane, lightning rod or other weather device
 - n) storage tank
 - o) solar panel

4.15.2 **Rooftop mechanicals and elevator penthouses**

- a) **Rooftop mechanicals** shall be **setback** a minimum of 5 metres from the **building** edge; or,
- b) **Rooftop mechanicals** shall be **setback** a minimum of 1.5 metres and shall be enclosed on four sides and be screened with solid screening equal to the height of **rooftop mechanical** unit.
- c) **Rooftop mechanicals** shall not exceed three metres in height.
- d) Elevator penthouses shall not exceed six metres in height.

4.16 **Home occupations**

4.16.1 **General regulations**

One or more **home occupations** are permitted within a **dwelling unit** subject to the following provisions:

- a) The **gross floor area** occupied by one or more **home occupations** within the **dwelling unit** shall not exceed 25 per cent of the **gross floor area** to a maximum of 50 square metres, whichever is less.

-
- b) A **home occupation** shall not obstruct or occupy the legal off-street **parking space** for a **dwelling unit** and shall not occupy any portion of an attached **garage** or **carport**. **Home occupations** are permitted in **accessory buildings and structures** and detached **additional dwelling units**.
 - c) Only 1 non-resident employee, partner or associate of a **home occupation** is permitted per **dwelling unit**, regardless of the number of **home occupations** in the **dwelling unit**.
 - d) Regardless of the number of **home occupations**, a maximum of 3 clients may be present on the property at any given time.
 - e) There shall be no **outdoor display and sales area** or **outdoor storage area** in conjunction with a **home occupation**.
 - f) No **home occupation use** shall result in a change of the residential character of the **building** in which it is located.

| |
|---|
| Note: See Municipal Sign By-law for home occupation sign regulations. |
|---|

4.16.2 **Parking for home occupations**

- a) **Home occupations** that have customers, clients or patients attending the **dwelling unit** shall provide 1 off-street **parking space** in addition to the required parking for the residential **use**.
- b) **Home occupations** that have 1 non-resident employee shall provide 1 off-street **parking space** in addition to the required parking for the residential **use**.
- c) **Home occupations** that do not have customers, clients or non-resident employees attending the **dwelling unit** are not required to provide additional **parking spaces**.
- d) Where a **home occupation** is located within a **dwelling unit** which does not have an individual **driveway** providing access to said unit, the **home occupation** shall be limited to one **office** only, no non-resident employee, partner, associate, or client shall be permitted.

4.16.3 **Restricted home occupation uses**

- a) No **manufacturing** activity involving the processing of raw or semi-processed materials shall be carried out in conjunction with a **home occupation** except for the fabrication of handmade goods or crafts associated with an **artisan studio**, home bakery, home sewing establishment and other similar small-scale businesses. The assembly of fully processed goods is permitted.
- b) A **retail establishment** is not permitted as a **home occupation**. Retail sales shall be limited to items that are prepared within the area associated with the **home occupation** or which are accessory to the **home occupation** and shall not occupy more than 25 per cent of the **gross floor area** of the **home occupation**.
- c) **Medical professionals** shall be limited to 1 practitioner per **lot**. No employees or other **home occupations** shall be permitted on the **lot**.
- d) A **repair service** shall be limited to the repair of personal effects and small household appliances such as electronic equipment. The repair of household appliances and equipment that have oil and grease-filled transmissions such as lawn care equipment, other power equipment, major appliances and vehicles is not permitted.

- e) The **home occupation** shall not involve the **use** of the **lot** or **dwelling unit** as a base for persons who are non-resident employees, partners or associates of the **home occupation** but work off-site, nor shall the **lot** or **dwelling unit** be **used** for the assembly of persons who require transportation to a work site.
- f) The **home occupation** shall not involve the shipping or receiving of goods or materials by vehicles, commercial other than automobiles or delivery vans **used** by courier services.

4.16.4 Regulations for bed and breakfast establishments

In addition to the **home occupation** regulations in provision 4.16.1 (General regulations), every **bed and breakfast** establishment shall be developed in accordance with the regulations for the precinct in which the **bed and breakfast** establishment is located.

- a) Despite 4.16.1 a), a **bed and breakfast** is not limited to a maximum **gross floor area**.
- b) Despite 4.16.1 d) a **bed and breakfast** is not limited to 3 clients at one time.

4.16.5 Regulations for private home day care establishments

- a) Despite 4.16.1 a), a **day care, private home** is not limited to a maximum **gross floor area**.
- b) Despite 4.16.1 d), a **day care, private home** can serve a maximum of 5 children on the property at one time.

Note: Every person conducting a home occupation shall ensure that the use is conducted in accordance with all other applicable law including but not limited to health and safety requirements, business licensing requirements and building and fire code requirements.

4.17 **Fences**

4.17.1 **Calculation of fence height**

The height of any **fence** shall be measured from the average ground elevation at the supporting posts. In the case of a mutual **fence**, height shall be measured from the highest ground elevation of either property at the supporting posts.

4.17.2 **General regulations**

Fences shall comply with the provisions of Section 4.7 (Sight line triangles).

4.17.3 **Residential precincts (LDR, MDR, HDR)**

- a) The maximum height of a **fence** located in the **front yard** is 0.8 metres in height;
 - (i) Despite 4.17.3 a), on a **corner lot** where the **principal entrance** of a **single detached dwelling** or **semi-detached dwelling** faces the **exterior side lot line**, a **fence** located in the **front yard** shall not exceed 1.9 metres in height from the midpoint of the **main building** to the **interior side lot line** when located up to 0 metres of a **front lot line**.
 - (ii) Despite 4.17.3 a), on a **corner lot** where the **principal entrance** of a **single detached dwelling** or **semi-detached dwelling** faces the **exterior side lot line**, a **fence** located in the **front yard** shall not exceed 2.5 metres in height from the midpoint of the **main building** to the **interior side lot line** when it is **setback** 4 metres from the **front lot line**.
- b) The maximum height of a **fence** located in the **exterior side yard** shall;
 - (i) Not exceed 1.9 metres in height from the midpoint of the **main building** to the **rear lot line** when located up to 0 metres of an **exterior side lot line**.
 - (ii) Not exceed 2.5 metres in height from the midpoint of the **main building** to the **rear lot line** when **setback** 4 metres from the **exterior side lot line**.

(iii) Not exceed 0.8 metres in height in the remaining **exterior side yard**, located from the midpoint of the **main building** towards the **front lot line**.

- c) The maximum height of a **fence** located in the **interior side yard** is 1.9 metres in height.
- d) The maximum height of a **fence** located in the **rear yard** is 2.5 metres in height.
- e) Despite 4.17.3 a), b), c), d), one **fence** gate is permitted in each **yard** with a maximum height of 3 metres and a maximum area of 5 square metres provided the **fence** gate is not located in the sight line triangles and general sight lines (Section 4.7). This **structure** may be located with a 0 metre **lot line setback**.

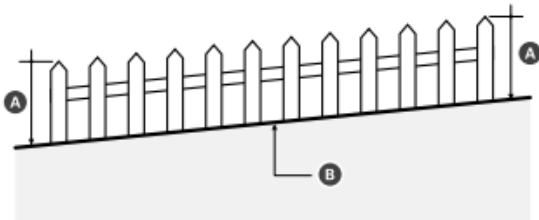
4.17.4 Other precincts (MUC, NCC, POS, NHS)

- a) The maximum height of a **fence** located in a **front yard, interior side yard** or **exterior side yard** is 0.8 metres.
- b) The maximum height of a **fence** located in a **front yard, interior side yard** or **exterior side yard, setback** 4 metres from a **street line**, is 1.6 metres in height.
- c) The maximum height of a **fence** located in a **rear yard** is 1.8 metres in height except where:
 - (i) the portion of the **fence** in excess of 1.8 metres in height is of an open nature with openings representing not less than 50 per cent of the surface area of the **fence** portion which exceeds 1.8 metres and in no case shall the maximum height of such **fence** exceed 3 metres.

| |
|---|
| Note: See regulation 4.19.4 for regulations regarding temporary fences. |
|---|

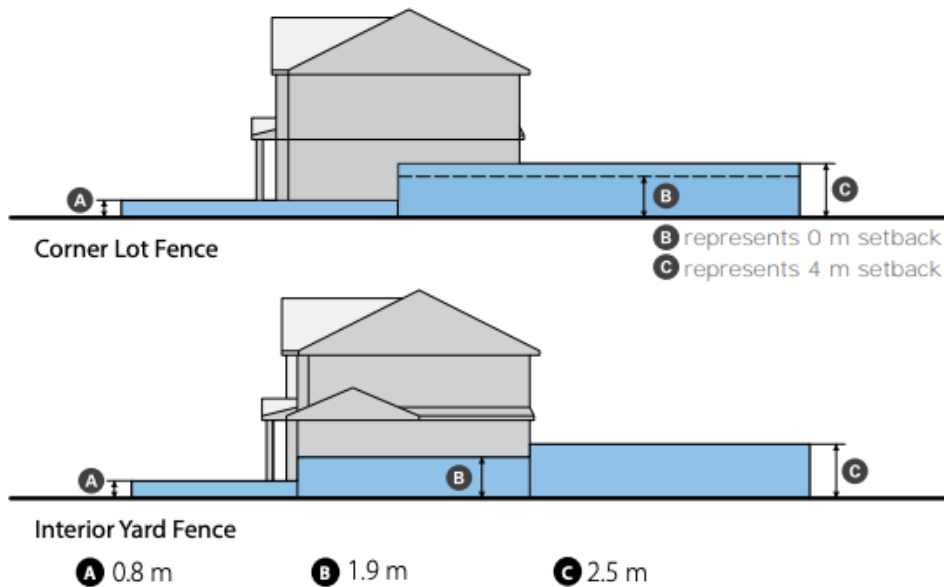
Fence height graphic

Calculation of fence height



- A** Height
- B** Ground elevation

Residential fence height



4.18 **Occasional uses**

4.18.1 **General regulations**

- d) **Occasional uses** are permitted for a time period of not more than a total of 120 days per calendar year.
- e) No **occasional use** shall be offensive by way of the emission of light, heat, including a **noxious use** or pollution of any kind.
- f) Any **occasional use** is permitted to be conducted outdoors and shall comply with Section 4.20 (Enclosed operations).
- g) Despite 4.20 d), an **occasional use** is permitted to occupy required **parking spaces**.
- h) A special event and associated temporary **structures** are permitted as an **occasional use**.

4.19 **Temporary buildings and structures**

4.19.1 **Construction trailer**

A trailer on a construction site is permitted provided such trailer is removed upon the construction being completed, a final inspection of such **building** being conducted or until the building permit is revoked, whichever occurs first.

4.19.2 **Real estate sales office**

A real estate sales **office** is permitted on a construction site until such construction is completed or a final building inspection is conducted, whichever event occurs first.

4.19.3 **Model home**

- a) A model home shall comply with all other requirements of this **by-law** for the applicable precinct with the exception of the legal off-street parking requirements.

-
- b) The **building** shall be **used** for the purpose of a model home only and shall not be occupied prior to the date of registration of the subdivision, condominium, or similar development agreement. The legal off-street parking must be restored once converted to residential **use**.

4.19.4 **Temporary fence**

Despite 4.17 (Fences), temporary construction fencing, as required by the **City** or other legislation, is exempt from **front yard fence** height regulation.

4.20 **Enclosed operations**

- a) The operations of every mixed-use, commercial or employment precinct shall be conducted within an enclosed **building** or **structure**, except for the following which may be conducted outdoors, where permitted by the precinct:
- (ii) An outdoor patio of a restaurant, nightclub or licensed establishment and in accordance with Section 4.14 (Outdoor patios);
 - (iii) An outdoor display and sales area associated with a permitted occasional use; and
 - (iv) An outdoor display and sales area of a garden centre or seasonal garden centre, vehicle sales establishment, major equipment supply and service, or building supply.
- b) Every **outdoor display and sales area** shall be **setback** a minimum of 3 metres from every **street line** and in accordance with Section 4.7 (Sight line triangles).
- c) An **outdoor display and sales area** or special event may have temporary tents or trailers in accordance with Section 4.6 (**Accessory buildings or structures**).
- d) No **outdoor display and sales area** shall occupy any required **parking space, driveway, parking aisle** or **loading space**.
- (i) Despite 4.20 d), **occasional uses** are permitted to occupy a required **parking space** in accordance with provision 4.18.1 d) (**Occasional uses**).

4.21 **Complementary use**

- a) Complementary **uses** are permitted if listed in the permitted **use** table of each precinct.
- b) Complementary **uses** are permitted within a **multi-unit building** in combination with a primary permitted **use**.

4.22 **Accessory uses**

- a) **Accessory uses** are only permitted if listed in the permitted **use** table of each precinct.
- b) Every **accessory use** shall be located in the same **building** or **structure** as the permitted **use** to which it is devoted and shall not occupy more than 25 per cent of the **net floor area** of the said **building** or **structure**.

4.23 **Road allowance requirements for specific roads**

Despite any other provision of this **by-law** except for provision 1.19.3 (Existing non-complying buildings and lots), no **building** or **structure** shall be erected or located closer to the original **street line** fronting the **street** listed in Table 4.1 of the City of Guelph Official Plan in force and effect on the **effective date** of this **by-law**, and included in Appendix B of this **by-law**, than the minimum **setback** required by this **by-law** plus the **Widening Specification** listed in Table 4.1 of Appendix B, for that **street**.

4.24 **Lodging house type 1**

- a) Where permitted by a precinct, a **lodging house type 1** is permitted to occupy the whole of a **single detached dwelling**.
- b) A **lot** containing a **lodging house type 1** shall not contain an **additional dwelling unit** within the primary **dwelling unit** or in a separate **building** on the same **lot**.
- c) A **lodging house type 1** is limited to a maximum of 12 **lodging units**.
- d) Off-street parking for a **lodging house type 1**:

(i) Despite Section 5 (Parking), where 1 or more **parking spaces** are located to the rear of the main front wall of the **lodging house type 1**, a maximum of 2 **parking spaces** with a minimum size of 2.5 metres wide by 5.5 metres long may be located in the **driveway, residential** and be counted as part of the parking requirement for the **lodging house type 1**.

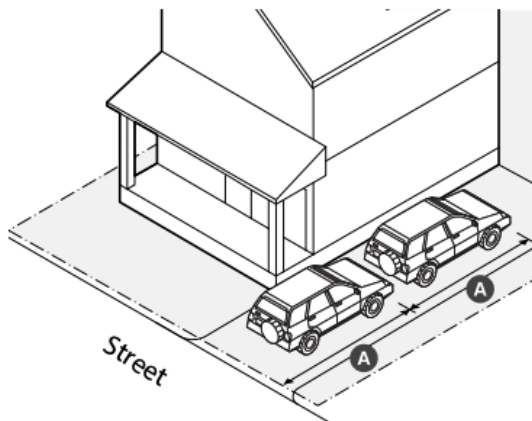
(ii) The **parking spaces** referred to in 4.24.1 d) (i) may be stacked.

4.25 **Group home**

- a) Where permitted by a precinct, a **group home** is permitted to occupy the whole of a **single detached dwelling**, or both units of a **semi-detached dwelling** or **duplex dwelling**.
- b) The minimum **amenity area** for any **group home** is 12 square metres for each resident, including live-in staff or receiving family, and not less than a total of 100 m² for each **group home**. Any **amenity area** shall be located in the **rear yard**.
- c) The maximum occupancy for a **group home** is 8 residents.
- d) Minimum off-street parking
 - (i) In accordance with Section 5.0 (Parking).

Stacked parking space graphic

Stacked parking spaces



A 5.5 m

(ii) **Parking spaces** required for a **group home** may be stacked.

4.26 **Day care centre**

- a) Every **day care centre** shall be developed and licensed in accordance with Provincial Legislation and shall:
 - (i) have a minimum **lot area** of 460 square metres; and
 - (ii) comply with the off-street parking requirements of Section 6.0 (Stone Road /Edinburgh Road Community Planning Permit Precinct).

4.27 **Food vehicle**

- a) Where permitted by the precinct, every **food vehicle** shall be located in accordance with the following provisions:
 - (i) **Within any mixed-use, commercial, downtown, employment or institutional precinct:**
 - A. Shall occupy a defined** parking space.

B. Shall not occupy any accessible parking space.

C. Shall be in accordance with Section 4.7 (Sight line triangles).

4.28 **Shipping container**

- a) A **shipping container** placed on a property shall be considered a **structure** and shall be subject to Site Plan Control.

| |
|---|
| Note: Shipping containers placed on a lot may require a building permit. Contact Building Services for more information. |
|---|

- b) A **shipping container** may be **used** for outdoor storage, for the primary **use** of the **building**, where permitted and in accordance with the following provisions:

(i) Shipping containers **used for storage shall be placed within the permitted** outdoor storage area, **in accordance with Section 4.12 (Outdoor storage).**

(ii) **A shipping container shall not be stacked on top of another shipping container.**

- c) A **shipping container** is not permitted to be **used** for storage on a **lot** in residential or mixed-use precincts on a permanent basis.
- d) Where a **shipping container** is converted and **used** as a construction material for a **building** or an **accessory building or structure** it is considered a **building** or **structure** and shall comply with the applicable precinct regulations and/or Section 4.6 (**Accessory building or structures**).
- e) Despite Section 4.28 b), a **shipping container** is permitted in association with a **storage facility use**.

4.28.1 **Temporary shipping containers**

- a) Despite Section 4.28 b), a **shipping container** may be permitted in a **driveway, residential** for a period not exceeding 30 days in any given year, provided that the **shipping container** is not located within or

-
- blocking access to a required **parking space**, and that the **shipping container** is **setback** a minimum of 0.6 metres from a **street line**.
- b) Despite any other provision of this **by-law**, a **shipping container** is permitted on a construction site in any precinct for the purposes of temporary storage of equipment and materials incidental to construction only, until such construction is substantially completed, or a final building inspection is conducted, whichever event occurs first.
 - c) A **shipping container** is permitted as an **occasional use** in accordance with Section 4.18 (**Occasional uses**).

5.0 Parking

No land shall be **used**, and no **building** or **structure** shall be **used** or erected in any **precinct** unless off-street **parking spaces**, **parking areas**, **driveways**, **loading spaces**, or any other applicable requirement specified within this section, are provided, and maintained in accordance with all applicable provisions, unless explicitly stated otherwise.

The parking and loading requirements of Section 6.0 may be varied in accordance with this **by-law** and the following:

- a) Any variation to the required number and dimension of parking, **driveways** and **parking aisles** and **loading spaces**, except **accessible parking space** requirements, shall be considered a Class 2 variation.
- b) Where a **dwelling unit** qualifies as an affordable dwelling unit, the minimum number of required resident **parking spaces** for the **dwelling units** may be reduced at the discretion of the Approval Authority.

5.1 Calculation

If the calculation of the required **parking spaces** or **bicycle parking spaces** results in a fraction, the required **parking spaces** or **bicycle parking spaces** shall be rounded up to the next higher whole number.

5.2 Location

Every off-street **parking area** shall be located on the same **lot** as the **use** requiring the parking and shall not infringe on or obstruct any required **loading spaces**, walkways, or other site elements required pursuant to this **by-law**.

5.2.1 Residential uses

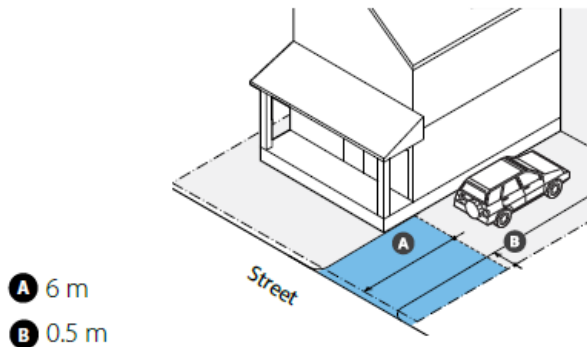
- a) For every **single detached dwelling**, **semi-detached dwelling**, **on-street townhouse**, **rear access on-street townhouse**, **duplex dwelling**, **triplex**, and **fourplex**, the following provisions apply:

-
- (i) One required **parking space** for the **uses** specified in 5.2.1 a) shall be located a minimum distance of 6 metres from the **street line** and to the rear of the front wall of the **main building**.
 - (ii) Where an off-street **parking space** does not exist and where such space cannot be provided to the rear of the front wall of the **main building** of an existing **dwelling unit**, 1 off-street **parking space** may be wholly or partially located within the required **front yard** provided such **parking space** is **setback** a minimum of 0.5 metres from the **side lot line**.
 - (iii) Despite 5.2.1 a) (i), in the case of a **through lot**, **parking spaces** may be wholly located within one of the **front yards**, behind the front wall of the **main building** and be **setback** a minimum of 0.5 metres from the **side lot line**.
 - (iv) When situated in the **rear yard**, an exterior **parking area** shall be **setback** 0.5 metre from any **lot line** and is to be screened from adjacent properties with a minimum 1.5 metre high solid **fence** or suitable landscaping consisting of sod, trees, shrubbery, or berms.

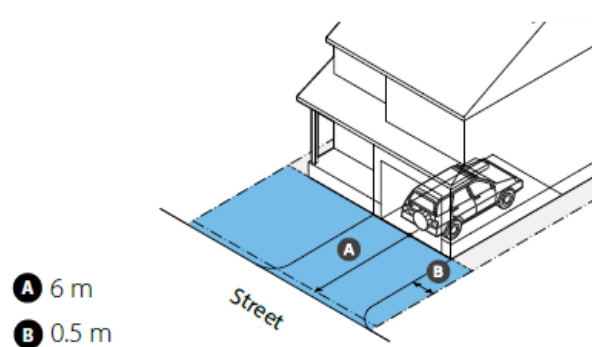
Parking location graphic

Parking location for residential uses

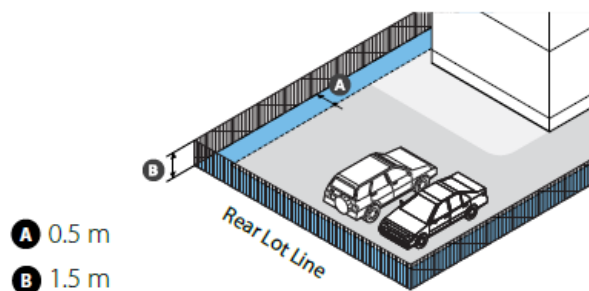
a. Exterior parking space



b. Interior parking space



c. Rear yard parking area



5.2.2 Cluster, stacked, back-to-back, stacked back-to-back townhouse, and apartment buildings

For any **cluster, stacked, back-to-back, stacked back-to-back townhouse, and apartment buildings**, the following provisions apply:

- a) Every **parking space** for the **uses** specified in 5.2.2 shall be located in the **interior side yard** or **rear yard**, and any **parking area** or **parking space** shall be **setback** 3 metres from any **lot line**.
- b) Any surface **driveway** or surface **parking area** shall be **setback** 3 metres from a **building** wall, entrance or any window of a **habitable room**.

- c) On a **lot** 9,000 square metres or greater, a maximum of 75 per cent of the residential **parking spaces** shall be permitted in surface **parking areas**.
- d) A minimum clearance of 1.5 metres shall be provided from an access **driveway** to any above ground utility **structure** and/or **City**-owned street tree.

5.2.3 **Commercial, mixed-use, employment, institutional, utility uses**

- a) No **parking area** or **parking space** shall be located within 3 metres of any **street line** or any other **lot line**.
- b) A **parking area** shall be screened from view from any **street** with suitable landscaping consisting of sod, trees, shrubbery or berms.
- c) In any commercial or mixed-use precinct, **parking spaces** and **parking areas** shall be located in **interior side yards** or **rear yards**.
- d) In any commercial or mixed-use precinct, no **parking area** or **parking space** shall be located within 15 metres of the **lot line** of a **corner lot** of any intersections of a **street, public**.
- e) In any mixed-use precinct, no **parking area** abutting an arterial road, identified in the **City's** Official Plan in force and effect on the **effective date** of this **by-law**, shall be greater in length than 25 per cent of the length of any **lot line** adjacent to an arterial road.
- f) On a **lot** 9,000 square metres and greater, a maximum of 75 per cent of the residential **parking spaces** shall be permitted in surface **parking areas**.

5.2.4 **Structured parking**

- a) An underground parking **structure** containing a **parking area** does not require a **setback** from any **lot line**.
- b) Where an underground parking **structure** is located in accordance with 5.2.4 a) and is located below a required **landscape open space** area or **buffer strip**, there shall be a minimum depth of 1.2 metres between grade and the **structure**.

-
- c) Within any residential or mixed-use precinct, a **structured parking area** within the **first storey** of a **building** shall be **setback** from the **street line** a minimum of 10 metres.

5.3 **Design**

5.3.1 **Driveways and parking aisles**

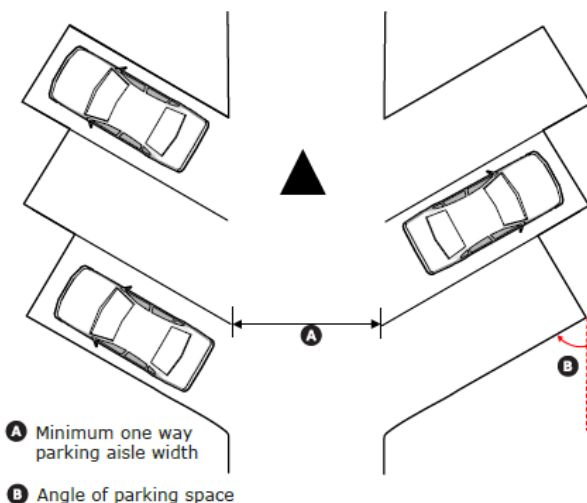
- a) Every off-street **parking area** shall be provided with adequate means of ingress and egress to and from a **street** or **lane** and shall not interfere with the normal **public use** of a **street**.
- b) Every **driveway** associated with such **parking areas** and **parking spaces** shall have a minimum width for access to a **street, public** or **lane** of 3 metres.
- c) For **lots** with 10 **dwelling units** or less, **vehicle** access to a **parking area** shall be by 1 **driveway, residential** only.
- d) The minimum width of a **parking aisle** providing two way access shall be 6.5 metres.
- e) The minimum width of a **parking aisle** providing two way access to parallel **parking spaces** shall be 6.1 metres.
- f) The minimum width of a **parking aisle** providing one way access to parallel **parking spaces** shall be 4 metres.
- g) The minimum width of a **parking aisle** providing one way access to angled **parking spaces** shall be provided in accordance with Table 5.1.

Table 5.1: Minimum one way parking aisle width for angled parking

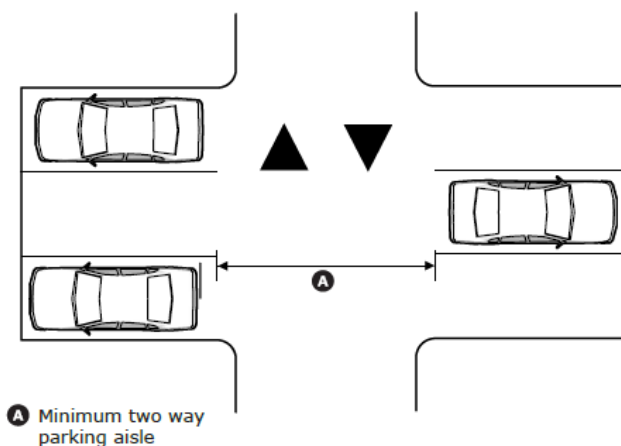
| Row | Angle of parking space | Minimum parking aisle width (m) |
|-----|-------------------------------|--|
| 1. | 90 degrees - 60 degrees | 6.5 |
| 2. | 59 degrees - 45 degrees | 5.5 |
| 3. | 44 degrees or less | 4.5 |

Angled and two way access parking graphic

One way access parking aisle width for angled parking



Two way access parking aisle width



5.3.2 Parking space dimensions

- a) All **parking spaces** shall be designed, installed and maintained in accordance with the dimensions set out in Table 5.2.

b) **Parking space** dimensions established in Table 5.2 are required to be provided exclusive on any obstructions such as stairs, doors, or other fixed **building** elements.

(i) Despite 5.3.2 b), stairs to the access door of the dwelling unit may be provided. The stair shall be wide enough to accommodate the width of the entrance and a maximum projection of 1 metre into the required parking space while maintaining the ability to use the required parking space.

Table 5.2: Minimum parking space dimensions

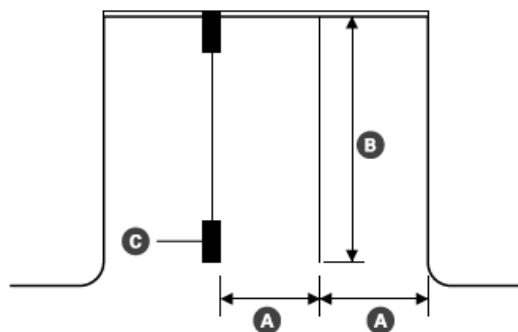
| Row | Parking space type or location for specified uses | Dimensions- minimum required |
|-----|---|---|
| 1. | Residential interior parking space (within a garage or carport) | 3 m width x 6 m length (1) |
| 2. | Residential exterior parking space | 2.5 m width x 5.5 m length |
| 3. | Apartment building (over 3 units), triplex , fourplex, mixed-use building , stacked townhouse and non-residential uses (interior or exterior parking spaces) | 2.75 m width x 5.5 m length (excluding any obstructions) |
| 4. | Interior or exterior parallel parking space | 2.6 m width x 6.5 m length |
| 5. | Interior or exterior stacked (tandem) parking space | Interior or exterior parking space dimensions, with length multiplied by 2 |

Additional regulations for Table 5.2:

1. An attached **garage** for **single detached dwellings, semi-detached dwellings, and townhouses, on-street, townhouses, rear access on-street**, shall have a minimum floor area of 20 square metres.

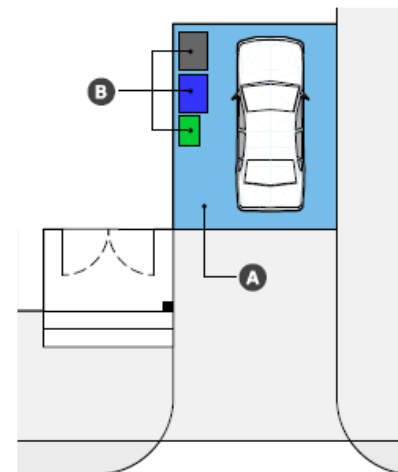
Parking space dimension graphic

Parking space dimensions



- A** Width
- B** Length
- C** Column

Attached garage parking space



- A** 20 square metres (min)
- B** Standard residential garbage containers

5.3.3 Compact parking space dimensions

- a) A maximum of 15 per cent of the minimum required **parking spaces** may be designed, provided, and maintained for compact **vehicles**.
- b) Despite any other provision, **parking spaces** for compact **vehicles** shall have a minimum size of 2.4 metres in width and 5.5 metres in length, except this shall not apply to parallel **parking spaces** or **accessible parking spaces**.

5.3.4 Surface treatment of parking areas

The surface treatment of **parking areas** and **parking spaces** shall be constructed and maintained with concrete, asphalt, or pavers, and curbed with a continuous poured concrete curb.

5.4 Loading space requirements

- a) All **loading spaces** shall be located to the rear of the front wall of a **building** or to the rear of an exterior side wall of a **building** facing a **street, public**.
- b) All **loading spaces** facing a **street, public** shall be screened with a minimum 3 metre wide **buffer strip**.

5.5 Required parking rates

- a) Off-**street parking spaces** for all **uses** on **lots** shall be provided in accordance with Table 5.3.
- b) If the existing number of **parking spaces** exceeds the maximum number of **parking spaces** permitted by Table 5.3, the maximum parking rate is the number of **parking spaces** provided on the **effective date** of this **by-law**.

Table 5.3: Required parking rates

| Row | Use | Minimum Number of Parking spaces | Maximum Number of Parking spaces |
|-------------|---|--|---|
| Residential | | | |
| 1. | Single detached, duplex, semi-detached dwelling, townhouse- on-street and townhouse- rear access on-street (1)(2) | 1 space per dwelling unit | Not applicable |

| Row | Use | Minimum Number of Parking spaces | Maximum Number of Parking spaces |
|-----|--|--|--|
| 2. | Additional Dwelling Unit | 1 ADU = No space required 2 ADUs = 1 space required 3 ADUs = 2 spaces required | Not applicable |
| 3. | Apartment building (3)(4) | 1 space per dwelling unit , plus 0.1 visitor spaces per dwelling unit | 1.25 spaces per dwelling unit , plus 0.25 visitor spaces per dwelling unit |
| 4. | Bed and breakfast | 1 space per building , plus 1 space for owner | Not applicable |
| 5. | Emergency shelter, supportive housing | 1 space per 10 beds | Not applicable |
| 6. | Fourplex (3)(4) | 3 spaces | Not applicable |
| 7. | Group home (5) | 1 space per building , plus 1 space per staff | Not applicable |
| 8. | Home occupation | In accordance with Section 4.16 | Not applicable |
| 9. | Hospice, long term care facility, retirement residential facility | 1 space per 3 beds | Not applicable |

| Row | Use | Minimum Number of Parking spaces | Maximum Number of Parking spaces |
|---|--|---|---|
| 10. | Live-work unit | In addition to the non-residential parking rate, 1 space per dwelling unit | Not applicable |
| 11. | Lodging house type 1 (5)(7) | 1 space per building , plus 1 per 3 lodging units | Not applicable |
| 12. | Mixed-use building (3) | In addition to the non-residential parking rate, 1 space per dwelling unit plus 0.1 visitor spaces per dwelling unit | In addition to the non-residential parking rate, 1.5 space per dwelling unit plus 0.25 visitor spaces per dwelling unit |
| 13. | Townhouse- back-to-back, cluster, stacked, and stacked back-to-back | 1 space per dwelling unit , plus 0.2 visitor spaces per dwelling unit | 1.5 space per dwelling unit , plus 0.5 visitor spaces per dwelling unit |
| 14. | Triplex (3)(4) | 1 space per dwelling unit | Not applicable |
| Commercial, service, retail, institutional and related land uses | | | |

| Row | Use | Minimum Number of Parking spaces | Maximum Number of Parking spaces |
|-----|---|---|---|
| 15. | Animal care establishment | 2 spaces per 100 m ² of GFA | 3 spaces per 100 m ² of GFA |
| 16. | Art gallery | 3.5 spaces per 100 m ² of GFA | 6 spaces per 100 m ² of GFA |
| 17. | Artisan studio | 1.5 spaces per 100 m ² of GFA | 3 spaces per 100 m ² of GFA |
| 18. | Carwash, self-serve | 2 spaces per bay, plus 3 waiting spaces | 2 spaces per bay, plus 3 waiting spaces |
| 19. | Commercial entertainment | 5 spaces per 100 m ² of GFA | 10 spaces per 100 m ² of GFA |
| 20. | Community centre | 3 spaces per 100 m ² of GFA | 5 spaces per 100 m ² of GFA |
| 21. | Conference and convention facility | 5.5 spaces per 100 m ² of GFA | 7.5 spaces per 100 m ² of GFA |
| 22. | Convenience store | 1.5 spaces per 100 m ² of GFA | 3 spaces per 100 m ² of GFA |
| 23. | Day care centre | 3 spaces per 100 m ² of GFA | Not applicable |

| Row | Use | Minimum Number of Parking spaces | Maximum Number of Parking spaces |
|-----|--------------------------------|---|---|
| 24. | Financial establishment | 3 spaces per 100 m ² of GFA | 4.5 spaces per 100 m ² of GFA |
| 25. | Fitness centre | 5 spaces per 100 m ² of GFA | 5.5 spaces per 100 m ² of GFA |
| 26. | Funeral home | 3.5 spaces per 100 m ² of GFA | 6 spaces per 100 m ² of GFA |
| 27. | Garden centre | 1.5 spaces per 100 m ² of GFA | 3 spaces per 100 m ² of GFA |
| 28. | Hotel | 0.75 spaces per guest room | 1 space per guest room |
| 29. | Micro-brewery | 1 space per 100 m ² of GFA | 1.5 spaces per 100 m ² of GFA |
| 30. | Medical clinic | 3 spaces per 100 m ² of GFA | 4 spaces per 100 m ² of GFA |
| 31. | Nightclub | 5 spaces per 100 m ² of GFA | 10 spaces per 100 m ² of GFA |
| 32. | Office | 2.5 spaces per 100 m ² of GFA | 5 spaces per 100 m ² of GFA |
| 33. | Place of worship | 5 spaces per 100 m ² of GFA | 6.5 spaces per 100 m ² of GFA |

| Row | Use | Minimum Number of Parking spaces | Maximum Number of Parking spaces |
|-----|----------------------------------|--|---|
| 34. | Public hall | 6 spaces per 100 m ² of GFA | 8 spaces per 100 m ² of GFA |
| 35. | Recreation facility | 5 spaces per 100 m ² of GFA | 5.6 spaces per 100 m ² of GFA |
| 36. | Restaurant | 5 spaces per 100 m ² of GFA | 12.5 spaces per 100 m ² of GFA |
| 37. | Restaurant, take-out | 5 spaces per 100 m ² of GFA | 10 spaces per 100 m ² of GFA |
| 38. | Retail establishment | 1.5 spaces per 100 m ² of GFA | 3 spaces per 100 m ² of GFA |
| 39. | School- elementary | 1 space per classroom, plus 4 visitor spaces | 1.25 spaces per classroom, plus 4 visitor spaces |
| 40. | School- secondary | 3 spaces per classroom | 3.5 spaces per classroom |
| 41. | School, commercial | 1 space per 100 m ² of GFA | 5 spaces per 100 m ² of GFA |
| 42. | Service establishment | 4 spaces per 100 m ² of GFA | 5 spaces per 100 m ² of GFA |

| Row | Use | Minimum Number of Parking spaces | Maximum Number of Parking spaces |
|-----|--|---|--|
| 43. | Vehicle rental establishment | 1 space per 100 m ² of GFA | 2 spaces per 100 m ² of GFA |
| 44. | Vehicle service station | In addition to required stacking spaces in Table 5.9, 5 spaces per 100m ² of GFA (GFA of any commercial building) | In addition to required stacking spaces in Table 5.9, 7.5 spaces per 100m ² of GFA (GFA of any commercial building) |
| 45. | Veterinary service | 2 spaces per 100 m ² of GFA | 3 spaces per 100 m ² of GFA |
| 46. | Multi-unit building, commercial use (6) (Includes individual buildings on the same lot as multi-unit building) | a. 0 spaces for the first 500 m ² of GFA ; b. Plus 3.5 spaces per 100 m ² of GFA in excess of 500 m ² and 5,000 m ² ; and, c. Plus 2.5 spaces per 100 m ² of GFA per 100 m ² of GFA in excess of 5,000 m ² (5) | 5 spaces per 100 m ² of GFA |

Additional regulations for Table 5.3:

1. The required off-street **parking spaces** for **additional dwelling units** may be stacked behind the required off-street **parking space** of the primary **dwelling unit** in the **driveway, residential**.
2. If no legal off-street **parking space** can be provided for the primary **dwelling unit**, as of the **effective date** of this **by-law**, no **parking spaces** are required for the **additional dwelling units**.
3. **Apartment buildings, mixed-use buildings** with less than 20 **dwelling units, triplexes, and fourplexes**, are not required to provide visitor **parking spaces**.
4. In **multi-unit buildings** with 4 **dwelling units** or less, if no legal off-street **parking space** can be provided for the existing **dwelling unit**, as of the **effective date** of this **by-law**, no **parking spaces** are required.
5. The second **parking space** required for a **group home and lodging house type 1** may be located in the **driveway, residential** in a stacked position.
6. Where a **restaurant or nightclub use** occupies more than 30 per cent of the **gross floor area** of a **multi-unit building**, the specific parking ratio requirement of the **restaurant or nightclub** shall be required in addition to the commercial requirement for the remaining **gross floor area**.
7. Where 1 or more **parking spaces** are located to the rear of the main front wall of the **lodging house type 1**, a maximum of 2 **parking spaces** may be located in the **driveway, residential** and be counted as part of the parking requirement for the **lodging house type 1**. These **parking spaces** may be stacked.

5.6 Accessible parking

Accessible parking shall be provided for **uses** on **lots** where parking is required pursuant to this **by-law**, in accordance with the provisions of this Section.

- a) Accessible parking rates

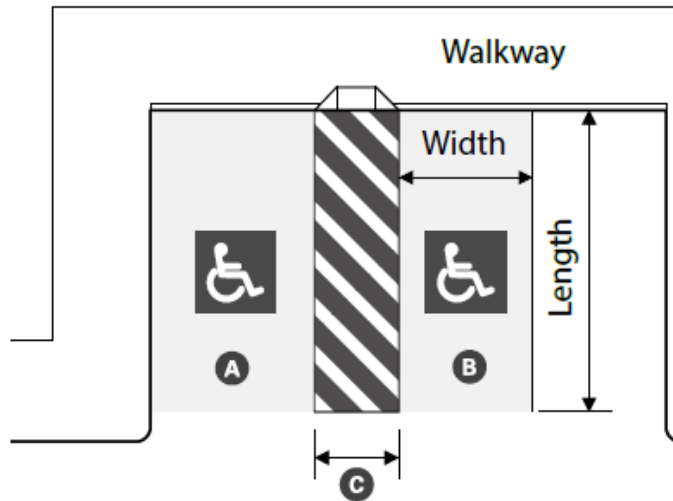
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- (i) **Accessible parking spaces** shall be provided in accordance with the requirements set out in Table 5.4. **Accessible parking spaces** shall be counted towards the minimum number of off-street **parking spaces** required under this **by-law**.
 - (ii) Despite Section 5.6 a) (i), a required Type B **accessible parking space** may be satisfied as a Type A **accessible parking space**.
 - (iii) Despite Section 5.6 a) (i), **single detached dwellings, semi-detached dwellings, duplex dwellings, townhouse, on-street, townhouse, rear access on-street, multi-unit buildings** with 3 **dwelling units** or less and **additional dwelling units** shall not require **accessible parking spaces**.
 - (iv) Where more than one **use** requiring off-street **parking spaces** is proposed on a **lot**, the number and type of **accessible parking spaces** shall be calculated based on the number of **parking spaces** required for each **use**.

b) **Accessible parking space** design requirements

- (i) **Accessible parking spaces** shall be designed, installed and maintained in accordance with the minimum specifications set out in Table 5.4 and Table 5.5.
 - A. Despite Table 5.5., a **driveway, residential** for a **vehicle, accessible** is permitted to have a width of 4.9 metres, 1.5 metres of which must be identified with hatched diagonal lines as a pedestrian access and no **vehicle** parking shall occur on the hatched portion of the **driveway, residential**.

Accessible parking space dimensions graphic

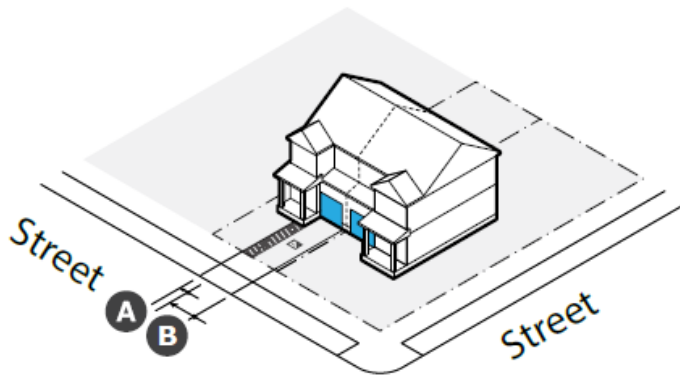
Accessible parking space dimensions



- A** Type A (3.4 m width x 5.5 m long)
- B** Type B (2.4 m width x 5.5 m long)
- C** Access aisle (2 m)

Accessible driveway graphic

Accessible driveway



- A** Access aisle (1.5 m)
- B** Driveway width (3.4 m)

Table 5.4: Accessible parking rates

| Row | Number of required parking spaces | Type A accessible parking spaces (minimum) | Type B accessible parking spaces (minimum) |
|-----|--|--|---|
| 1. | 12 or fewer | 1 | 0 |
| 2. | 13 to 100 | 4 per cent of total spaces ⁽¹⁾ with an equal number of Type A and Type B accessible parking spaces (2)(3) | |
| 3. | 101 to 200 | 1 accessible parking space plus an additional 3 per cent of total spaces ⁽¹⁾ with an equal number of Type A and Type B accessible parking spaces (2) | |
| 4. | 201 to 1,000 | 2 accessible parking spaces plus an additional 2 per cent of total spaces ⁽¹⁾ with an equal number of Type A and Type B accessible parking spaces (2) | |
| 5. | Over 1,000 | 2 accessible parking spaces plus an additional 2 per cent of total spaces ⁽¹⁾ with an equal number of Type A and Type B accessible parking spaces (2) | |

Additional regulations for Table 5.4:

1. Rounded up to the nearest whole number
2. If an odd number of **accessible parking spaces** is required, the additional space may be a Type B **accessible parking space**

-
3. If only one **accessible parking space** is required, the space must be a Type A **accessible parking space**.

Table 5.5: Accessible parking space dimensions

| Row | Type of parking space | Dimensions- minimum required |
|-----|---|------------------------------------|
| 1. | Type A accessible parking space (1)(2) | 3.4 metre width x 5.5 metre length |
| 2. | Type B accessible parking space (2) | 2.4 metre width x 5.5 metre length |

Additional regulations for Table 5.5:

1. Type A **accessible parking spaces** shall be identified with signage indicating spaces are van accessible
2. Access aisles shall be provided directly adjacent to all off-street **accessible parking spaces** in accordance with the following specifications:
 - (i) Access aisles shall be a minimum of 2 metres wide.
 - (ii) Access aisles shall extend along the entire length of the **accessible parking space**, with a minimum length of 5.5 metres.
 - (iii) When located on asphalt, concrete, or other hard surface, access aisles shall be marked with high tonal contrast diagonal lines.

5.7 **Bicycle parking**

1. **Bicycle parking spaces, long term** and **bicycle parking spaces, short term** shall be provided in accordance with Table 5.6.
2. Where a **lot** contains more than one **use**, not within a **multi-unit building**, the required number of **bicycle parking spaces** is the sum of all **bicycle parking spaces** required for each **use**.

Table 5.6: Required bicycle parking rates

| Row | Use | Bicycle parking spaces, short term-minimum required | Bicycle parking spaces, long term-minimum required |
|-----|--|---|--|
| 1. | Residential Apartment building (1) Townhouse- back-to-back, cluster, stacked, stacked back-to-back (where individual garages are not provided) (1) | 0.1 spaces per dwelling unit , 2 spaces minimum | 1 space per dwelling unit , 2 spaces minimum |
| 2. | Supportive housing | 0.1 spaces per dwelling unit or suite, 2 spaces minimum | 1 space per dwelling unit or suite, 2 spaces minimum |
| 3. | Live-work unit, mixed-use building | In addition to the non-residential parking requirement, 0.1 spaces per dwelling unit is required, 2 spaces minimum | In addition to the non-residential parking requirement, 1 space per dwelling unit is required, 2 spaces minimum |

| Row | Use | Bicycle parking spaces, short term-minimum required | Bicycle parking spaces, long term-minimum required |
|-----|--|--|--|
| 4. | Commercial uses and multi-unit building (commercial) (Includes individual buildings on the same lot as the multi-unit building) | 0.2 spaces per 100 m ² GFA , 2 spaces minimum | 0.1 spaces per 100 m ² GFA , 2 spaces minimum |
| 5. | Day care centre | 0.3 spaces per 100 m ² GFA , 2 spaces minimum | 0.2 spaces per 100 m ² GFA , 2 spaces minimum |
| 6. | Restaurant (restaurant and restaurant, take-out) | 2 spaces per use | 0.1 spaces per 100 m ² GFA , 2 spaces minimum |
| 7. | Office | 0.13 spaces per 100 m ² GFA , 2 spaces minimum | 0.2 spaces per 100 m ² GFA , 2 spaces minimum |
| 8. | Medical clinic | 0.2 spaces per 100 m ² GFA , 2 spaces minimum | 0.07 spaces per 100 m ² GFA , 2 spaces minimum |
| 9. | All other non-residential uses | 4 per cent of the required parking under Table 5.5, 2 spaces minimum | 4 per cent of the required parking under Table 5.5, 2 spaces minimum |

Additional regulations for Table 5.6:

-
1. In **buildings** having less than 10 **dwelling units**, no **bicycle parking spaces** are required for the residential component.

5.7.1 **Bicycle parking space design and location**

a) **Bicycle parking spaces, long term:**

- (i) **Bicycle parking spaces, long term** shall be provided in a secure, weather-proof enclosure with controlled access.
- (ii) A minimum of 25 per cent of the required **bicycle parking spaces, long term** shall be stored in a horizontal ground-mounted position. The remainder of the spaces may be provided as stacked or vertical spaces.
- (iii) For **apartment buildings, mixed-use buildings, and townhouses** where individual **garages** are not provided (**back-to-back, cluster, stacked and stacked back-to-back townhouses**), a minimum of 5 per cent of the required **bicycle parking spaces, long term** shall be provided in individually secured enclosures that are a minimum of 1 metre wide by 2.6 metres in horizontal length and a minimum 1.9 metre vertical clearance and shall have access to an electrical outlet.

b) **Bicycle parking spaces, short term:**

- (i) **Bicycle parking spaces, short term** shall be located no more than 25 metres from the primary pedestrian entrance to the **building**.
- (ii) A minimum 25 per cent of the required **bicycle parking spaces, short term** shall be weather protected.

5.7.2 **Bicycle parking space and aisle dimensions**

a) Horizontal **bicycle parking spaces** shall:

- (i) Be a minimum dimension of 0.6 metres wide by 1.8 metres horizontal length, with a minimum vertical clearance of 1.9 metres.
- (ii) Be accessed by an aisle with a minimum width of 1.5 metres.

b) Vertical **bicycle parking spaces** shall:

(i) Have a minimum dimension of 0.6 metres wide by 1.8 metres vertical length, where the bike, when secured on the storage rack is provided with a minimum horizontal clearance from the wall of 1.2 metres.

(ii) Be accessed by an aisle with a minimum width of 1.2 metres

c) Stacked **bicycle parking spaces** shall:

(i) Have a minimum dimension of 0.6 metres wide by 1.8 metres horizontal length, with a minimum vertical clearance of 1.2 metres.

(ii) Be accessed by an aisle with a minimum width of 1.2 metres.

5.8 **Electric vehicle parking requirements**

a) A minimum of 20 per cent of the total required **parking spaces** for **multi-unit buildings** with 3 or more **dwelling units** and **mixed-use buildings** shall be provided as **electric vehicle parking spaces**.

b) A minimum of 80 per cent of the total required **parking spaces** for **multi-unit buildings** with 3 or more **dwelling units**, **townhouse-cluster**, **stacked**, **stacked back-to-back**, and **mixed-use buildings** shall be provided as designed **electric vehicle parking spaces**.

c) For any non-residential **use**, a minimum of 10 per cent of required **parking spaces** shall be provided as **electric vehicle parking spaces** and a minimum of 20 per cent shall be provided as **designed electric vehicle parking spaces**.

5.9 **Parking spaces within automated parking systems**

Despite Table 5.3, **parking spaces** provided within an **automated parking system** may count towards satisfying the required minimum and maximum **parking space** calculations under this **by-law**, except this shall not apply to satisfying required **accessible parking spaces**, **visitor parking spaces**, and/or **electric vehicle parking spaces**.

5.10 **Garages and Driveways- residential**

5.10.1 **Maximum width of attached garage - residential**

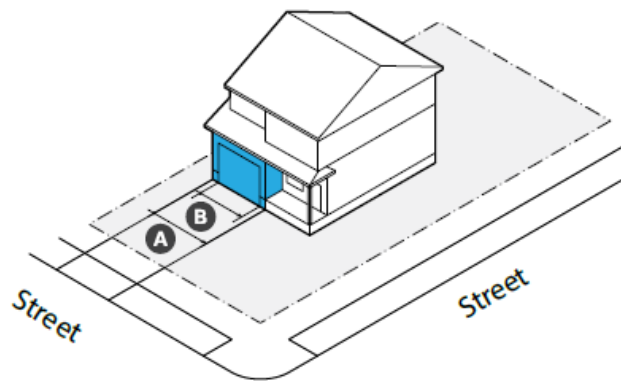
The maximum permitted **garage width** within residential precincts shall be in accordance with Table 5.7.

Table 5.7: Maximum width of attached garage - residential

| Row | Use | Width of attached garage - maximum permitted |
|-----|--|--|
| 1. | Single detached/duplex dwelling | 6.5 metres |
| 2. | Semi-detached dwelling | 50 per cent of the lot frontage or 5 metres, whichever is less. |
| 3. | Townhouses- on-street | 50 per cent of the lot frontage |
| 4. | Townhouse- cluster | 50 per cent of dwelling unit width |

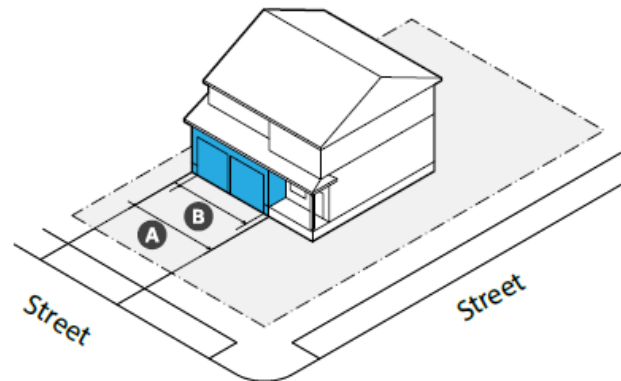
Garage width graphics

Garage width - single door garage



- A** Driveway width
- B** Garage width

Garage width - double door garage



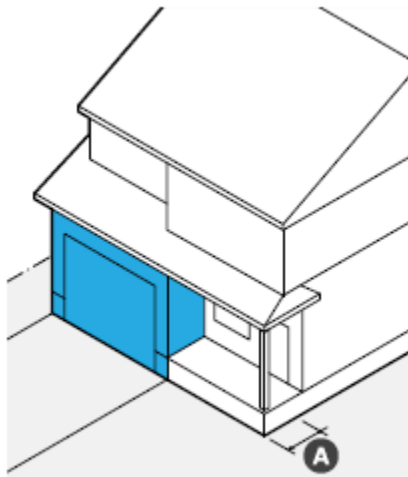
- A** Driveway width
- B** Garage width

5.10.2 Garage location

1. Within residential precincts, attached **garages** shall not project beyond the main front wall of the **first storey** containing **habitable floor space** oriented towards the **front lot line** or **exterior side lot line** abutting a **street line**. Where a roofed **porch** is provided, the attached **garage** may be located ahead of the main front wall, to a maximum projection of 2 metres.

Garage projection graphic

Garage projection



A Garage projection

5.10.3 Maximum residential Driveway widths

- a) The maximum **driveway, residential** width permitted in residential precincts shall be in accordance with Table 5.8.
- b) Despite Section 5.10.3 a), a surfaced walkway within 1.5 metres of the nearest foundation wall is permitted providing that it is not **used** for parking.
- c) The width of the **driveway, residential** is measured parallel to the front of an attached **garage** or in the case of a **lot** where there is no **garage** or there is a detached **garage**, the **driveway, residential** width is measured perpendicular to the direction in which the **vehicle** drives and parks on the **driveway, residential**.
- d) Every **driveway, residential** associated with required **parking spaces** shall have a minimum width of 3 metres. This **driveway, residential** width may be reduced to 2.5 metres at the point of entry of a **garage** entrance or **fence** opening.
- e) A maximum of 1 **driveway, residential** access is permitted per **lot**.

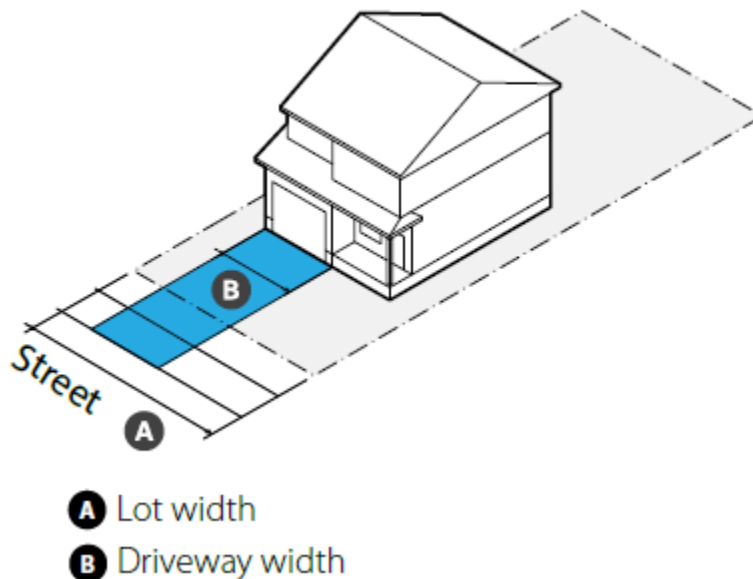
- f) All off-street parking in the **front yard** and **exterior side yard** shall be confined to the **driveway, residential** area and any legal off-street **parking area**. The **front yard** of any **lot** except the **driveway, residential** shall be landscaped.

Table 5.8: Maximum residential Driveway width

| Row | Use | Driveway, residential width- maximum permitted |
|-----|--|--|
| 1. | Single detached/duplex dwelling | 6.5 metres |
| 2. | Semi-detached dwelling | 60 per cent of the lot frontage or 5 metres, whichever is less |
| 3. | Townhouses- on-street | 65 per cent of the lot frontage or 5 metres, whichever is less |
| 4. | Townhouses-cluster | 65 per cent of the dwelling unit width or 5 metres, whichever is less |

Driveway width graphic

Driveway width



5.11 Vehicle service stations

- a) The minimum **setback** from a fuel pump island and a canopy **structure** of a **vehicle service station** to any **lot line** abutting a residential, institutional or **park use** shall be 15 metres.
- b) A visual barrier consisting of a minimum 1.8 metre high solid privacy **fence** or suitable landscaping shall be provided when a **vehicle service station** abuts a **lot line** of a residential, institutional or **park use**.

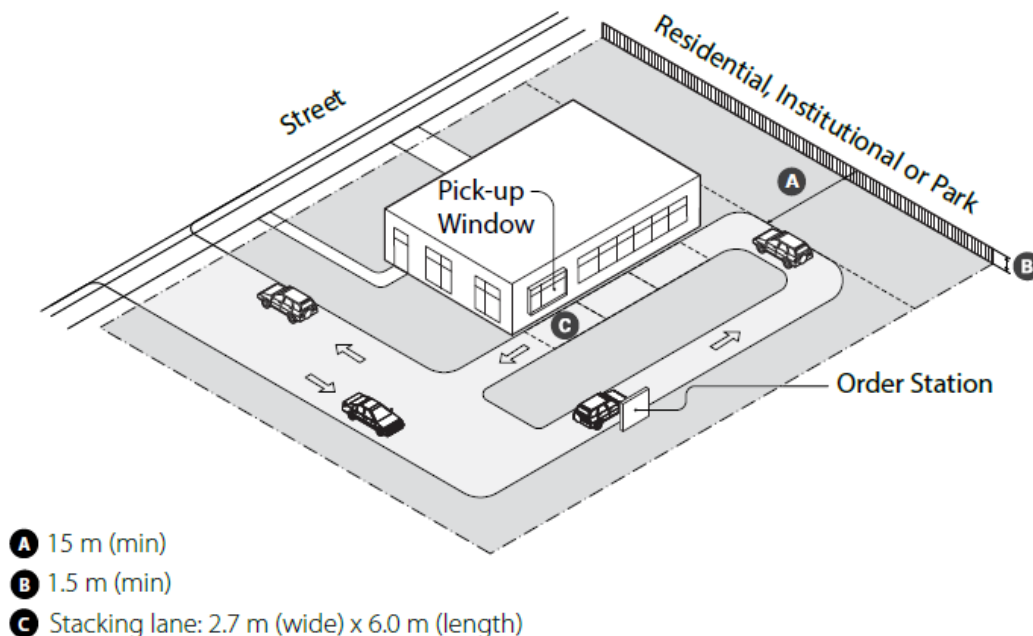
5.12 Drive-through facilities and automatic car washes

- a) The minimum **setback** from any **lot line** abutting a residential, institutional or **park use** for any **building** or **structure** associated with a **drive-through facility** or **car wash, automatic** shall be 15 metres.
- b) A visual barrier consisting of a minimum 1.8 metre high solid privacy **fence** or suitable landscaping shall be provided when a **drive-through facility** or **car wash, automatic** abuts a **lot line** of a residential, institutional or **park use**.

- c) A **drive-through facility** or **car wash, automatic** shall not be permitted in any **front yard** or **exterior side yard**.

Drive through and stacking lane requirement graphic

Drive-through and stacking lane requirements



5.13 Vehicle stacking regulations

- a) **Stacking lanes** shall not be permitted in any **front yard** or **exterior side yard**.
- b) **Stacking lanes** shall not be permitted within 3 metres of a **street line**.
- c) Each **stacking space** in a **stacking lane** shall have a width of 2.7 metres and a length of 6 metres.
- d) The minimum number of **stacking spaces** required in a **stacking lane** shall be calculated in accordance with the standards set out in Table 5.9.

Table 5.9: Minimum stacking space requirements

| Row | Use | Stacking space requirement- minimum required |
|-----|---|---|
| 1. | Car wash, automatic | 10 stacking spaces |
| 2. | Car wash, self-serve | 2 stacking spaces per bay |
| 3. | Drive-through facility (retail) | 3 stacking spaces |
| 4. | Drive-through facility (restaurant) | 10 stacking spaces |
| 5. | Drive-through facility (financial) | 3 stacking spaces |
| 6. | Drive-through facility (all others) | 3 stacking spaces |

5.14 **Other general off-street parking regulations**

a) The following applies to all residential precincts (LDR, MDR, HDR):

(i) No **vehicle, recreational** or boat shall be parked or stored except in a **garage, interior side yard** or **rear yard**, provided it:

A. Is **setback** a minimum of 1 metre from an **interior side yard lot line** and **rear yard lot line**; and

B. Does not obstruct any access to or from the required off-street **parking spaces** of a **dwelling unit**.

(ii) Every utility trailer, boat trailer and unmounted camper top, if not parked or stored in a **garage** or **carport**, shall be parked or stored behind the front wall of the **main building**.

b) No **vehicle, commercial** shall be parked in a residential precinct when such **vehicle, commercial**:

-
- (i) Exceeds a registered gross weight of 3,000 kilograms;
 - (ii) Exceeds a height of 2.6 metres above the ground surface (including any attached equipment); or
 - (iii) Has an overall length greater than 6 metres.
- c) Despite Section 5.14 b) (i), (ii) and (iii), no tow truck, tilt/n/load, dump truck, tractor trailer, semi-trailer, or any component thereof, shall be parked or stored in a residential precinct.

6.0 Stone Road/Edinburgh Road Community Planning Permit Precincts

6.1 Permitted and discretionary uses

Table 6.1 identifies the permitted and discretionary **uses** and associated criteria and conditions for each precinct within the Stone Road / Edinburgh Road **Community Planning Permit Area** as follows:

- Permitted **uses** are denoted by the letter **P**;
- Discretionary **uses** are denoted by the letter **D**; and
- Criteria and conditions are listed as footnotes below Table 6.1.

Table 6.1: Permitted and discretionary uses in applicable precincts

| Permitted or Discretionary Use | HDR | MDR | MUC | NCC | LDR | POS | NHS | |
|----------------------------------|-----|--------|-------|-------|-------|-----|-----|--|
| Accessory use | | | P (1) | P (1) | | -- | -- | |
| Additional dwelling unit | | P (21) | | | P | | | |
| Animal care establishment | -- | -- | P | P | -- | -- | -- | |
| Apartment building | P | P | P (2) | -- | P (3) | -- | -- | |
| Art gallery | -- | -- | P | -- | -- | -- | -- | |
| Artisan studio | -- | -- | P | P | -- | -- | -- | |
| Bed and breakfast | -- | -- | -- | -- | P | -- | -- | |
| Carwash | -- | -- | D (4) | -- | -- | -- | -- | |
| Commercial entertainment | -- | -- | P (5) | -- | -- | -- | -- | |
| Community centre | -- | P | P | P | -- | P | -- | |

| Permitted or Discretionary Use | HDR | MDR | MUC | NCC | LDR | POS | NHS | |
|---|----------|--------|--------|--------|--------|-------|-------|--|
| Conference and convention facility | -- | -- | P | -- | -- | -- | -- | |
| Conservation use | -- | -- | -- | -- | -- | P | P (6) | |
| Convenience store | P (7)(8) | -- | P | P | -- | -- | -- | |
| Day care centre | P (7)(8) | -- | P | P | P | -- | -- | |
| Day care, private home | -- | -- | -- | -- | P | -- | -- | |
| Drive-through facility | -- | -- | P | -- | -- | -- | -- | |
| Duplex dwelling | -- | -- | -- | -- | P | -- | -- | |
| Financial establishment | -- | -- | P | P | -- | -- | -- | |
| Fitness centre | -- | -- | P | P | -- | -- | -- | |
| Food vehicle | -- | -- | P (9) | P (9) | -- | P (9) | -- | |
| Funeral home | -- | -- | P | P | -- | -- | -- | |
| Garden centre | -- | -- | P | -- | -- | -- | -- | |
| Group home | -- | -- | P (10) | P (10) | P | -- | -- | |
| Home occupation | P (12) | P (12) | P (12) | P (12) | P (12) | -- | -- | |
| Hospice | -- | -- | -- | -- | P (11) | -- | -- | |
| Hotel | -- | -- | P | -- | -- | -- | -- | |
| Live-work unit | -- | -- | P | P | -- | -- | -- | |
| Long term care facility | P | P | P (2) | P (2) | -- | -- | -- | |
| Medical clinic | -- | -- | P | P | -- | -- | -- | |
| Micro-brewery | -- | -- | P (13) | P (13) | -- | -- | -- | |

| Permitted or Discretionary Use | HDR | MDR | MUC | NCC | LDR | POS | NHS | |
|--|-----|-----|--------|--------|-----|--------|-----|--|
| Micro-distillery | -- | -- | P (13) | P (13) | -- | -- | -- | |
| Mixed-use building | -- | -- | P (2) | P (2) | -- | -- | -- | |
| Nightclub | -- | -- | P (13) | -- | -- | -- | -- | |
| Occasional use | -- | -- | P (14) | P (14) | -- | P (14) | -- | |
| Office | -- | -- | P (15) | P (16) | -- | -- | -- | |
| Outdoor display and sales area | -- | -- | P (17) | P (17) | -- | -- | -- | |
| Outdoor storage area | -- | -- | -- | -- | -- | P | -- | |
| Place of worship | -- | P | P | P | -- | -- | -- | |
| Propane retail outlet | -- | -- | P (18) | P (18) | -- | -- | -- | |
| Public hall | -- | | P | P | -- | -- | -- | |
| Recreation facility | -- | -- | P | P | -- | P | -- | |
| Restaurant | -- | -- | P (5) | P (5) | -- | -- | -- | |
| Restaurant, take-out | -- | -- | P | P | -- | -- | -- | |
| Retail establishment | -- | -- | P | P | -- | -- | -- | |
| Retirement residential facility | P | P | P (2) | P (2) | -- | -- | -- | |
| School, commercial | -- | -- | P | P | -- | -- | -- | |
| Semi-detached dwelling | -- | -- | -- | -- | P | -- | -- | |
| Service establishment | -- | -- | P | P | -- | -- | -- | |

| Permitted or Discretionary Use | HDR | MDR | MUC | NCC | LDR | POS | NHS | |
|--|-----|-----|-------|-------|--------|-----|-----|--|
| Single-detached dwelling | -- | -- | -- | -- | P | -- | -- | |
| Supportive housing | P | P | P | P | P | -- | -- | |
| Townhouse, back-to-back | -- | P | -- | -- | -- | -- | -- | |
| Townhouse, cluster | -- | P | -- | -- | -- | -- | -- | |
| Townhouse, on-street | -- | -- | -- | -- | P (19) | -- | -- | |
| Townhouse, rear access on-street | -- | -- | -- | -- | P (19) | -- | -- | |
| Townhouse, stacked | -- | P | -- | -- | -- | -- | -- | |
| Townhouse, stacked back-to-back | -- | P | -- | -- | -- | -- | -- | |
| Triplex | -- | -- | -- | -- | P (20) | -- | -- | |
| Vehicle rental establishment | -- | -- | P | P | -- | -- | -- | |
| Vehicle service station | -- | -- | D (4) | D (4) | -- | -- | -- | |
| Veterinary service | -- | -- | P | P | -- | -- | -- | |
| Legally existing uses, building, and structures | P | P | P | P | P | P | P | |
| Other similar uses | D | D | D | D | D | D | D | |

1. In accordance with Section 4.22 (**Accessory uses**).
2. **Dwelling units** are not permitted in the **basement** or the **first storey** of a **building**. A lobby, amenity space, and residential components of **live-work units** are permitted in the **first storey**.

3. Maximum of 3 dwelling units and in accordance with provision 6.2.2 (**Single-detached dwellings/multi-unit buildings** up to 3 units and **semi-detached dwellings**).
4. Only one **vehicle service station** is permitted at each intersection of a **street**.
5. When a **lot line** abuts a low-density residential precinct (LDR) or a medium density residential precinct (MDR), **commercial entertainment** and **restaurant use** on that **lot** shall not exceed 500m² **gross floor area (GFA)**.
6. In accordance with provision 4.3.3, **urban agriculture** is permitted in all precincts except in the NHS precinct.
7. Permitted within an **apartment building**, not within a **dwelling unit**.
8. Maximum 400 square metres in floor area, not within a **dwelling unit**.
9. In accordance with Section 4.27 (**Food vehicle**).
10. In accordance with Section 4.25 (**Group home**).
11. Only **use** permitted in a **building**.
12. In accordance with Section 4.16 (**Home occupations**).
13. When a **lot line** abuts a low density residential precinct (LDR) or a medium density residential precinct (MDR), a **nightclub, micro-brewery** and **micro-distillery** shall not be permitted on that **lot**.
14. In accordance with Section 4.18 (**Occasional use**).
15. Maximum **gross floor area (GFA)** of 4,000 square metres.
16. Maximum 400 square metres on a property.
17. In accordance with Section 4.20 (Enclosed operations).
18. Only permitted as an accessory use in accordance with Section 4.22 (Accessory uses).
19. Maximum of 3 **dwelling units** and in accordance with provisions 6.2.3 and 6.3.4 (**On-street** and **back-to-back on-street townhouses**) and 6.2.4 (**Cluster townhouses, stacked townhouses, back-to-back townhouses, stacked back-to-back townhouses**).
20. Maximum of 3 **dwelling units** and in accordance with provision 6.2.2 (**Single-detached dwellings/multi-unit buildings** up to 3 units and **semi-detached dwellings**).

-
21. On-street townhouses and rear access on-street townhouses are permitted in the MDR precinct, in accordance with section 4.13 (Residential intensification).

6.2 Development standards

6.2.1 Apartment buildings, mixed-use buildings and commercial buildings

Table 6.2 identifies the **development** standards and provisions for **apartment buildings, mixed-use buildings, and commercial buildings** by precinct, where uses are permitted.

6.2.2 Single-detached dwellings/multi-unit buildings up to 3 units and semi-detached dwellings

Table 6.3 identifies the **development** standards and provisions for **single-detached dwellings/multi-unit buildings** up to 3 units and **semi-detached dwellings** for all precincts that allow these **uses** as permitted or discretionary.

6.2.3 On-street and back-to back on-street townhouses

Table 6.4 identifies the **development** standards and provisions for **cluster townhouses, stacked townhouses, back-to-back townhouses, stacked back-to-back townhouses** for all precincts that allow these **uses** as permitted or discretionary.

6.2.4 Cluster townhouses, stacked townhouses, back-to-back townhouses, stacked back-to-back townhouses

Table 6.5 identifies the **development** standards and provisions for **cluster townhouses, stacked townhouses, back-to-back townhouses, stacked back-to-back townhouses** for all precincts that allow these **uses** as permitted or discretionary.

6.2.5 **Building transition**

Where an **apartment building** is proposed that abuts a property identified as Low Density Residential or Medium Density Residential on Schedule 2 of the Guelph Official Plan, or abuts a property identified as LDR or MDR precinct on Schedule A of this **by-law**, or abuts an existing or new **park, development** shall incorporate transitions to minimize the impact of shadow and maximize access to sunlight, sky view, and privacy on neighbouring properties through one (1) or more of the following methods to be incorporated to the satisfaction of the Approval Authority, including but not limited to:

- a) Increased **yard setbacks**;
- b) **Building setbacks**;
- c) Reduction in **building** massing;
- d) Introduction of intervening ground-oriented dwelling or built form; or
- e) Other approaches informed by relevant **City** approved urban design guidelines

Table 6.2: Development standards

| | HDR | MDR | MUC | NCC | Class 2 Staff Variation |
|--|------|------|----------------------|----------------------|---|
| Lot regulations | | | | | |
| Lot frontage (min) | 30 m | 30 m | 50 m | 30 m | May be reduced by 25 per cent of the standard for HDR, MDR, and NCC. May be reduced by 30 per cent of the standard for MUC. |
| Lot area (min) | -- | -- | 7,500 m ² | 2,000 m ² | May be reduced by 30 per cent of the standard for MUC or NCC. |
| Lot area (max) | -- | -- | -- | 7,500 m ² | none |
| Residential density - units per hectare (uph) (min) | 100 | 35 | 100 (6) | N/A | none |
| Residential density - units per hectare (max) | 150 | 100 | 150 | 100 | HDR and MUC may be increased up to 250 units per hectare (net density). MDR and NCC have no Class 2 staff variation. |
| Setback regulations | | | | | |

| | HDR | MDR | MUC | NCC | Class 2 Staff Variation |
|---|--|--|--|--|--|
| Front yard or exterior side yard (min) | 6 m | 6 m | 3 m | 3 m | none |
| Front yard or exterior side yard (max) | 11 m | 11 m | 13 m | 13 m | none |
| Interior side yard (min) | 3 m (1) | 3 m (1) | 3 m (1) | 3 m (1) | none |
| Rear yard (min) | 7.5 m | 7.5 m | 7.5 m | 7.5 m | May be reduced by 20 per cent of the standard. |
| Buffer strip (min) | <p>A 3 m buffer strip is required adjacent to interior side lot lines and rear lot lines</p> <p>3 m buffer strip is required around the perimeter of surface parking lots</p> | <p>A 3 m buffer strip is required adjacent to interior side lot lines and rear lot lines</p> <p>3 m buffer strip is required around the perimeter of surface parking lots</p> | <p>A 3 m wide buffer strip is required adjacent to interior side lot lines and rear lot lines</p> | <p>A 3 m wide buffer strip is required adjacent to interior side lot lines and rear lot lines</p> | none |

| | HDR | MDR | MUC | NCC | Class 2 Staff Variation |
|---------------------------------------|--|--|---------------------------------------|---------------------------------------|--|
| Landscaped open space (min) | 40 per cent of lot area (4)(5) | 40 per cent of lot area (4)(5) | 20 per cent of lot area (5) | 20 per cent of lot area (5) | May be reduced by 5 per cent of the standard (e.g., 35 per cent for HDR or MDR). Staff may accept a reduction of up to 30 per cent of the standard if the required landscape open space can be provided as a green roof or blue roof . |
| Building regulations | | | | | |

| | HDR | MDR | MUC | NCC | Class 2 Staff Variation |
|---|---|--|--|--|---|
| Building height (min) | 3 storeys | 2 storeys | 7.5 m for buildings located within 15 m of an existing and proposed arterial and/or collector road, as identified in the City's Official Plan in force and effect on the effective date of this by-law | 7.5 m for buildings located within 15 m of an existing and proposed arterial and/or collector road, as identified in the City's Official Plan in force and effect on the effective date of this by-law | None for HDR and MDR. May be reduced to no minimum building height for MUC and NCC. |
| Building height (max) | 10 storeys in accordance with Section 4.15 (Building heights) | 6 storeys and in accordance with Section 4.15 (Building heights) | 14 storeys | 6 storeys | MUC may be increased up to 18 storeys . HDR, MDR, and NCC may be increased up to 14 storeys . |
| Floorplate size (max) 7th and 8th Storeys | 7th and 8th storeys - 1,200 m ² | -- | 7th and 8th storeys - 1,200 m ² | -- | May be increased up to 10 per cent of the standard. |
| 9th and above storeys | Each storey above 9th storey - 1,000 m ² | | Each storey above 9th storey - 1,000 m ² | | |

| | HDR | MDR | MUC | NCC | Class 2 Staff Variation |
|------------------------------------|--|---|--|---|--|
| Building stepbacks (min) | 3 m for all portions of the building above the 6th storey facing a street for buildings located within 15 m of a street | -- | 3 m for all portions of the building above the 6th storey facing a street for buildings located within 15 m of a street | -- | Class 2 permit may be issued subject to the intent of the standard being achieved through an alternative method to the satisfaction of the Approval Authority. |
| Building length (max) | 75 m for buildings located within 15 m of a street for the portion of the building adjacent to the street | 75 m for buildings located within 15 m of a street for the portion of the building adjacent to the street . | 75 m for buildings located within 15 m of a street for the portion of the building adjacent to the street | 75 m for buildings located within 15 m of a street for the portion of the building adjacent to the street | Class 2 permit may be issued subject to the intent of the standard being achieved through an alternative method to the satisfaction of the Approval Authority. |

| | HDR | MDR | MUC | NCC | Class 2 Staff Variation |
|---|--|---|---|---|--|
| Distance between buildings (min) | Where two or more buildings are located on a lot , the distance between the wall of one building and the wall of another building either of which contain windows of habitable rooms , shall be one- half of the building height to a maximum of 15 m and a minimum of 3 m The distance between the faces of any two buildings with no windows to habitable rooms shall be a minimum of 3 m | Where two or more buildings are located on a lot , the distance between the wall of one building and the wall of another building either of which contain windows of habitable rooms , shall be one - half of the building height to a maximum of 15 m and a minimum of 5 m | Where two or more buildings are located on a lot , the distance between the wall of one building and the wall of another building either of which contain windows of habitable rooms , shall be one - half of the building height to a maximum of 15 m and a minimum of 5 m The distance between the faces of any two buildings with no windows to habitable rooms shall be a minimum of 5 m | Where two or more buildings are located on a lot , the distance between the wall of one building and the wall of another building either of which contain windows of habitable rooms , shall be one - half of the building height to a maximum of 15 m and a minimum of 5 m The distance between the faces of any two buildings with no windows to habitable rooms shall be a minimum of 5 m | Class 2 permit may be issued subject to the intent of the standard being achieved through an alternative method to the satisfaction of the Approval Authority. |

| | HDR | MDR | MUC | NCC | Class 2 Staff Variation |
|-------------------------------------|---|---|--|--|--|
| Active entrance | When a building(s) or portion thereof is within 15 m of a street line , a minimum number of 1 active entrance for every 30 m of street line shall be required for the portion of the building facing the street | When a building(s) or portion thereof is within 15 m of a street line , a minimum number of 1 active entrance for every 30 m of street line shall be required for the portion of the building facing the street | When a building(s) or portion thereof is within 15 m of an existing and proposed arterial and/ or collector road, as identified in the City's Official Plan in force and effect on the effective date of this by-law , a minimum number of 1 active entrance for every 30 m of street line shall be required for the portion of the building facing the street | When a building(s) or portion thereof is within 15 m of an existing and proposed arterial and/ or collector road, as identified in the City's Official Plan in force and effect on the effective date of this by-law , a minimum number of 1 active entrance for every 30 m of street line shall be required for the portion of the building facing the street | Class 2 permit may be issued subject to the intent of the standard being achieved through an alternative method to the satisfaction of the Approval Authority. |
| Tower separation regulations | | | | | |

| | HDR | MDR | MUC | NCC | Class 2 Staff Variation |
|-------------------------|--|-----|--|-----|--|
| Tower separation | <p>The tower portion of the building, which is the portion of a building 7 storeys and above, shall be setback a minimum of 25 m from any portion of another tower measured perpendicularly from the exterior wall of the 6th storey</p> <p>The tower portion of a building shall be setback a minimum of 12.5 m from an interior side lot line and a rear lot line measured perpendicularly from the exterior wall of the 6th storey</p> | -- | <p>The tower portion of the building, which is the portion of a building 7 storeys and above, shall be setback a minimum of 25 m from any portion of another tower measured perpendicularly from the exterior wall of the 6th storey</p> <p>The tower portion of a building shall be setback a minimum of 12.5 m from an interior side lot line and a rear lot line measured perpendicularly from the exterior wall of the 6th storey</p> | -- | Class 2 permit may be issued subject to the intent of the standard being achieved through an alternative method to the satisfaction of the Approval Authority. |

| | HDR | MDR | MUC | NCC | Class 2 Staff Variation |
|----------------------------------|--|--|---|-------|--|
| Common amenity area (min) | 20 m ² per dwelling unit (2)(3) | 20 m ² per dwelling unit (2)(3) | 20 m ² per dwelling unit (2) | -- | May be reduced by 10 per cent of the standard. |
| First storey height (min) | -- | -- | 4.5 m | 4.5 m | May be reduced to 3.2 m. |

| | HDR | MDR | MUC | NCC | Class 2 Staff Variation |
|--|-----|-----|---|--|---|
| First storey transparency (min) | -- | -- | 40 per cent of the surface area of the first storey of a building , up to 4.5 m from the ground, shall be comprised of transparent windows and/or active entrances when a building is within 15 m of an existing and proposed arterial and/ or collector road, as identified in the City's Official Plan in force and effect on the effective date of this by-law | 40 per cent of the surface area of the first storey of a building , up to 4.5 m from the ground, shall be comprised of transparent windows and/or active entrance when a building is within 15 m of an existing and proposed arterial and/ or collector road, as identified in the City's Official Plan in force and effect on the effective date of this by-law | May be reduced by 5 per cent of the standard (e.g., 35 per cent). |
| Commercial regulations | | | | | |

| | HDR | MDR | MUC | NCC | Class 2 Staff Variation |
|---|-----|-----|--|--|---|
| Gross floor area (GFA) (min) | -- | -- | <p>Not less than 25 per cent of the commercial gross floor area (GFA) existing on the effective date of this by-law.</p> <p>If no commercial gross floor area (GFA) exists, the minimum commercial gross floor area (GFA) shall be 0.15 floor space index (FSI).</p> | <p>Not less than 25 per cent of the commercial gross floor area (GFA) existing on the effective date of this by-law.</p> <p>If no commercial gross floor area (GFA) exists, the minimum commercial gross floor area (GFA) shall be 0.15 floor space index (FSI).</p> | May be reduced by 5 per cent of the standard (e.g., 20 per cent). |
| Gross floor area (GFA) of individual retail use (max) | -- | -- | N / A | 3,250 m ² | May be increased up to 50 per cent of the standard. |

Footnote: Additional regulations for HDR, MDR, MUC and NCC precincts

1. Where windows of a **habitable room** face an **interior side yard**, the minimum **interior side yard setback** shall be 7.5 m.

2. **Common amenity area:**

- (i) **Common amenity areas** shall be aggregated into areas not less than 50 m² and shall be designed and located so that the length does not exceed 4 times the width.
 - (ii) **Common amenity areas** shall be located in any **yard** other than the required **front yard** or required **exterior side yard**.
 - (iii) **Landscaped open space** areas, **building** rooftops, patios, and above ground decks may be included as part of the **common amenity area** if recreational facilities are provided and maintained, such as swimming pools, tennis courts, lounges, and landscaped areas.
 - (iv) Rooftop **common amenity area** shall be located a minimum of 2 m from the roof edges facing an **interior side yard**.
3. **Buildings** on a **lot** with less than 20 **dwelling units** are not required to provide **common amenity area**.
4. 50 per cent of **landscaped open space** shall be covered by soft landscaping in the form of natural vegetation, such as grass, flowers, trees and shrubbery.
5. 30 per cent of the required **landscaped open space** may be in the form of a **green roof** or **blue roof**.
6. Minimum residential **density** is only required when freestanding residential **uses** are provided within a mixed-use precinct.
7. Minimum residential **density** does not apply within a **mixed-use building**.

Table 6.2: Development standards for single detached dwellings/multi-unit buildings up to 3 units, and semi-detached dwellings

| | Minimum requirements for Single detached dwellings/multi-unit buildings up to 3 units | Minimum requirements for Semi-detached dwellings | Class 2 Staff Variation |
|-----------------------------|---|--|-------------------------|
| Lot Regulations | | | |
| Lot area (min) | 460 m ² | 230 m ² for each unit | none |
| Lot frontage – (min) | 15 m for an interior lot | 7.5 m for each unit | none |

| | | | |
|---|--|---|---|
| <p>Landscaped open space (min)</p> | <p>The front yard, except the driveway, residential shall be landscaped and no parking shall be permitted within this landscaped open space.</p> <p>Despite the definition of landscaped open space, a minimum setback of 0.5 m between the driveway, residential and the nearest lot line must be maintained as landscaped space in the form of natural vegetation, such as grass, flowers, trees and shrubbery.</p> <p>For multi-unit buildings with 3 units, 35 per cent of lot area is required to be landscaped open space.</p> | <p>The front yard, except the driveway, residential shall be landscaped and no parking shall be permitted within this landscaped open space.</p> <p>Despite the definition of landscaped open space, a minimum setback of 0.5 m between the driveway, residential and the nearest lot line must be maintained as landscaped space in the form of natural vegetation, such as grass, flowers, trees and shrubbery.</p> <p>Where driveways are joined, a 0.5 m setback is not required between the two driveways.</p> | <p>5 per cent of landscaped open space (e.g., 30 per cent)</p> |
|---|--|---|---|

| | Minimum requirements for Single detached dwellings/multi-unit buildings up to 3 units | Minimum requirements for Semi-detached dwellings | Class 2 Staff Variation |
|----------------------------|---|---|-------------------------|
| Setback regulations | | | |
| Front yard | Min: 6 m (1)(2) Max: 10 m | Min: 6 m (1)(2) | none |
| Exterior side yard | Min 4.5 m (2)(3) Max: 10 m | Min 4.5 m (2)(3) | none |
| Interior side yard | 1.5 m | 1.2 m 0 m is required along the common lot line of semi-detached dwellings | none |
| Rear yard (min) | 7.5 m or 20 per cent of the lot depth , whichever is less (1) | 7.5 m or 20 per cent of the lot depth , whichever is less (1) | none |
| Building regulation | | | |

| | Minimum requirements for Single detached dwellings/multi-unit buildings up to 3 units | Minimum requirements for Semi-detached dwellings | Class 2 Staff Variation |
|---------------------------------|---|---|---------------------------------|
| Building height (max) | 3 storeys and in accordance with Section 4.15 (Building heights) | 3 storeys and in accordance with Section 4.15 (Building heights) | none |
| Principle entrance | A principal entrance shall be provided that faces the front lot line or exterior side lot line | A principal entrance shall be provided that faces the front lot line or exterior side lot line | N/A |
| Garage regulations | | | |
| Garage location | In accordance with provision 5.10.2 (Garage location) | In accordance with provision 5.10.2 (Garage location) | In accordance with Section 5.0. |
| Garage width | In accordance with Table 5.7 (Maximum width of attached garage , residential) | In accordance with Table 5.7 (Maximum width of attached garage , residential) | In accordance with Section 5.0. |

| | Minimum requirements for Single detached dwellings/multi-unit buildings up to 3 units | Minimum requirements for Semi-detached dwellings | Class 2 Staff Variation |
|----------------|---|---|---------------------------------|
| Carport | Despite any required interior side yard , a carport shall be permitted with a 0.6 m setback to any interior side lot line | Despite any required interior side yard , a carport shall be permitted with a 0.6 m setback to any interior side lot line | In accordance with Section 5.0. |

Footnote: Additional regulations for **semi-detached dwellings** (LDR)

1. Where **buildings** or **structures** are located on a **through lot**, the **setback** shall be a minimum of the average of the setbacks of the adjacent properties, or in the case of a **corner lot**, the minimum **setback** shall be the same as the nearest adjacent **main building**.
2. Where a transformer easement is located in the **front yard** or **exterior side yard** of a **lot**, portions of the **dwelling unit** shall be required to maintain a minimum separation of 3 metres between the transformer easement and any part of the **dwelling unit**.
3. A 6 metre **exterior side yard setback** is required on existing and proposed arterial and collector roads, as identified in the **City's** Official Plan in force and effect on the **effective date** of this **by-law**.

Table 6.2: Development standards for on-street and back-to back on-street townhouses

| | Minimum Requirements | Class 2 Variation |
|---|--|-------------------|
| Lot Regulations | | |
| Lot area per dwelling unit (min) | 180 m ² for each unit Back-to-back 90 m ² | none |
| Lot frontage | 6 m Back-to-back 7 m | none |
| Setback regulations | | |
| Front yard | Min: 6 m | none |
| Exterior side yard | Min 4.5 m | none |
| Interior side yard | 1.5 m 0 m for back-to-back townhouse dwelling units | none |
| Rear yard (min) | 7.5 m or 20 per cent of the lot depth , whichever is less (3) | none |

| | Minimum Requirements | Class 2 Variation |
|---|--|--|
| Lot coverage (max) - per cent of lot area | 55 per cent | 5 per cent (e.g., up to 60 per cent) |
| Landscape open space (min) | 35 per cent (1) | 5 per cent (e.g., down to 30 per cent) |
| Building regulation | | |
| Building height (max) | 3 storeys and in accordance with Section 4.15 (Building heights) | None |
| Number of dwelling units in a row (max) | 8 (2) | Up to 10 units in a row |
| Dwelling unit width (min) | 6 m Back-to-back 7 m | none |
| Entrance regulations | | |
| Elevation of principle entrance (max) | 1.5 m measured from the front lot line elevation | none |

Footnote: Additional regulations for **on-street townhouses** and **back-to back on-street townhouses**

1. 50 per cent of the total **landscaped open space** must be covered by soft landscaping in the form of natural vegetation, such as grass, flowers, trees and shrubbery.
2. **Additional dwelling units** are permitted in addition to the maximum 8 units in a row.
3. Despite any other provision of this **by-law**, where a private **garage** or **parking area** is accessed by a **Driveway** crossing a **rear lot line** or a **front lot line** of a **through lot** with access to a **lane**, the private **garage** or **parking area** shall be permitted to be a minimum of 0.6 metres from the **lot line**.

Table 6.2: Development standards for cluster townhouses, stacked townhouses, back-to-back townhouses, stacked back-to-back townhouses

| | Minimum Requirements (MDR) | Class 2 Staff Variation |
|--|--|-------------------------|
| Lot Regulations | | |
| Lot frontage (min) | 30 m | none |
| Density (max) – units per hectare (uph) | 100 | none |
| Setback Regulations | | |
| Front yard (min) | 6 m (1) | none |
| Exterior side yard (min) | 4.5 m | none |
| Interior side yard (min) | One-half the building height , and no less than 3 m | none |

| | Minimum Requirements (MDR) | Class 2 Staff Variation |
|---|---|--|
| Lot coverage (max) - per cent of lot area | 40 per cent | 5 per cent (e.g., up to 45 per cent) |
| Landscape open space (min) | 40 per cent of lot area (14) (15) | 5 per cent (e.g., minimum 35 per cent) |
| Active entrance | When a building(s) or portion thereof is within 15 m of a street line , a minimum number of 1 active entrance for every 30 m of street line shall be required for the portion of the building facing the street . | 50 per cent of 30 metres (e.g., 45 m) |
| Buffer strip (min) | A 3 m buffer strip is required adjacent to interior side lot lines and rear lot lines 3 m buffer strip is required around the perimeter of surface parking lots | 50 per cent (e.g. 1.5 m) |
| Common amenity area (min) | Cluster townhouses – 5 m ² per dwelling unit (5)(6)(7)(8)(9)(10) Stacked and back-to-back townhouses - 10 m ² per dwelling unit (5)(6)(7)(8)(9)(10) | none none |

| | Minimum Requirements (MDR) | Class 2 Staff Variation |
|---|--|--|
| Private amenity area (min) | 20 m ² per dwelling unit (11) (12) (13) | 5 per cent (e.g. 15m ²) |
| Building regulations | | |
| Building height (max) | 4 storeys and in accordance with Section 4.15 (Building heights) | May be increased up to 6 storeys (if within the maximum density permitted for MDR) |
| Dwelling width (min) | 6 m (2) Back-to-back - 7 m (3) Stacked - N/A | 10 per cent |
| Front yard from private curb or sidewalk or lot line (min) | 6 m (1) Stacked with no garage - 3 m | none |
| Exterior side yard from private street back of curb or sidewalk or lot line (min) | 4.5 m | none |

| | Minimum Requirements (MDR) | Class 2 Staff Variation |
|---|---|---------------------------------|
| Rear yard from private street back of curb or sidewalk or lot line (min) | 7.5 m 0 m from back-to-back townhouse dwelling units | none |
| Interior side yard (min) | 0 m | none |
| Distance between buildings (min) | The minimum distance between any two buildings on the same lot shall be 3 m (4) | none |
| Overall building length of townhouse building (max) | 49 m | May be increased by 10 per cent |

Footnote: Additional regulations for **cluster townhouses, stacked townhouses, back-to-back townhouses, stacked back-to-back townhouses**

1. Minimum 5 metre **front yard setback** where a laneway **garage** is provided.
2. Minimum **dwelling width** of 5.5 m for a **townhouse** with a detached **garage** in the **rear yard**.
3. Minimum **dwelling width** of 6 m for a **back-to-back townhouse** without an attached **garage**.
4. Distance between **buildings**:

(i) A minimum distance of 15 m is required between the front, exterior side and rear walls containing openings to **habitable rooms** of one **building** and the front, exterior side and rear walls containing openings to **habitable rooms** of another **building**.

(ii) A minimum distance of 9 m is required between the rear wall of a **townhouse** and the side wall of another **townhouse**.

Common amenity area:

1. **Buildings** with less than 20 **dwelling units** are not required to provide **common amenity area**.
2. **Common amenity area** shall be aggregated into areas of not less than 50 m².
3. **Common amenity area** for combined **cluster** and **stacked, back-to-back**, or **stacked back-to-back townhouses** shall be calculated on a block by block basis using the applicable precinct requirements.
4. **Common amenity areas** shall be designed and located so that the length does not exceed 4 times the width.
5. A **common amenity area** shall be located in any **yard** other than a required **front yard** or required **exterior side yard**.
6. **Landscaped open space** areas, building rooftops, patios and above ground decks may be included as part of the **common amenity area** if they are associated with recreational facilities that are provided and maintained, such as swimming pools, tennis courts, lounges and landscaped areas.
7. **Private amenity areas**
8. The following regulations apply to **private amenity areas** for **cluster townhouses**:
 - a) Have a minimum depth of 4.5 metres, measured from the wall of the **dwelling unit**, and a minimum width equal to the **dwelling unit** width and no less than 4.5 metres, whichever is greater;
 - b) Not form part of a required **front yard** or **exterior side yard**;
 - c) Be **setback** a minimum of 3 metres from **rear lot line**;

-
- d) Not face onto a **street, public**;
 - e) Be accessed from the **dwelling unit**;
 - f) Be separate and not include walkways, play areas, or any other communal area;
 - g) Be defined by a wall or **fence** between adjacent units;
 - h) A minimum distance of 6 metres is required between **private amenity areas** of two separate **buildings** or 3 metres for the **private amenity areas** between two end units of a **building**; and
 - i) A minimum distance of 4.5 metres is required between the **private amenity area** and a wall of another **building** containing windows of **habitable rooms** which face the **private amenity area**.
9. **Private amenity areas** for ground level units in **stacked townhouses, back-to-back townhouses** and **stacked back-to-back townhouses** shall be a minimum of 10 m² in area and may be provided in the **front yard** on an unenclosed **porch** or **balcony** with no privacy screen. **Private amenity areas** for units below **finished grade** shall be a minimum of 10 m² in area and have a maximum 50 per cent **first storey** projection above the below grade patio.
10. **Private amenity areas** for above grade units in **stacked townhouses, back-to-back townhouses** and **stacked back-to-back townhouses** shall be a minimum of 10 m² in area, consist of a **balcony** and be defined by a wall or railing between adjacent units to a height of 1.8 m and a minimum depth of 1.8 m.
11. 50 per cent of the total **landscaped open space** must be covered by soft landscaping in the form of natural vegetation, such as grass, flowers, trees and shrubbery.

-
12. 30 per cent of the required **landscaped open space** can be in the form of a **green roof** or **blue roof**.

7.0 Site specific provisions

7.1 Holding provisions

7.1.1 H8

(H8) 138 College Avenue West – southerly portion

As shown on Appendix A of this **by-law**.

a) Purpose:

To ensure that **development** does not occur until the southerly portion of the site, identified as NCC-8 (H8), has been decommissioned to the satisfaction of the **City**.

b) Conditions:

Prior to the removal of the holding provision (H), the owner shall demonstrate to the **City** that the southerly portion of the subject lands known municipally as 138 College Avenue West have been decommissioned for residential **use**, in accordance with the current edition of the Ministry of the Environment, Conservation and Parks document entitled "Guideline for Use at Contaminated Sites in Ontario" and that the owner has filed a Record of Site Condition.

7.1.2 H12

(H12) **Municipal services**

a) Purpose:

To ensure that **municipal services** are **adequate** and **available**, to the satisfaction of the **City**, prior to construction of new **buildings** and/or additional residential **development** of the lands.

b) **Uses** Subject to Removal of the (H)

For such time as the holding provision (H) is in place, these lands may be **used** for all **uses** permitted in the applicable **precinct** except for new residential **uses** as set out in Table 6.1. The **use** of these lands for

new residential **uses** is subject to the interim regulations in (c) as follows:

c) Conditions:

Prior to the removal of the holding provision (H) a **municipal services** review shall be completed to the satisfaction of the **City**. The scope and boundary of the **municipal services** review will be determined by the **City** and may include but is not limited to: watermain condition and water supply; sanitary sewer condition and sanitary capacity; storm sewer condition and capacity; **stormwater management facility** condition and capacity; road and intersection condition and capacity; transportation facilities; and hydro services.

d) Should the **municipal services** review demonstrate that all necessary **municipal services** required for the proposed construction of a new **building** and/or residential **development** are **adequate** and **available** to the satisfaction of the **City**, the (H) may be lifted; or,

e) Should the **municipal services** review determine that all necessary **municipal services** required for the proposed construction of a new **building** and/or residential **development** are not **adequate** and **available**, then prior to the (H) being lifted:

(i) Adequate security for the actual design and construction costs of any **municipal services** required for the proposed new **building** and/or residential **development** shall be provided to the **City** in a matter satisfactory to the **City**; and,

(ii) Any **municipal services** required for the proposed new **building** and/or residential **development** shall be designed to the satisfaction of the **City**; and,

(iii) Any **municipal services** required for the proposed new **building** and/or residential **development** shall be constructed to the satisfaction of the **City**.

7.1.3 **Parking Adjustment (PA) Area**

Where a precinct shown on Appendix A is followed by a (PA) suffix, the parking adjustment regulations found in Table 5.3 apply.

7.2 **Site-Specific Medium Density Residential Precincts**

7.2.1 **MDR-5**

278 College Avenue West

As shown on Schedule B of this **by-law**.

a) Regulations

In accordance with Table 6.2 (MDR precinct) of this **by-law**, with the following exceptions and additions:

(i) Maximum **lot coverage**:

Despite Table 6.2, (MDR precinct), of this by-law, the maximum building coverage shall be 52 per cent.

(ii) Minimum **interior side yard**:

Despite Table 6.2, of this by-law, the minimum interior side yard shall be 3 metres.

7.3 **Site-Specific High Density Residential Precincts**

7.3.1 **HDR-12**

205-245 Chancellors Way

As shown on Schedule B of this **by-law**.

a) Permitted **uses**

Apartment building

- (i) Within the HDR-12 precinct, the definition of **lodging house** as defined by this **by-law**, does not apply. Section 4.24 does not apply in the HDR-12 precinct.
- (ii) For the purposes of this precinct, the definition of **street** in Section 3 shall include a private road, and **street line, front lot line, front yard** and **exterior side yard** shall have corresponding meanings. Despite Section 4.2 individual **building** sites may abut and have access to a private road (right-of-way).

b) Regulations

In accordance with Section 4 and Table 6.2 of this **by-law**, with the following additions and exceptions:

- (i) Maximum **building height**

Despite Table 6.2, the maximum building height shall be 7 storeys and provision 6.2.5 shall not apply.

- (ii) Minimum **rear yard**

Despite Table 6.2, the minimum rear yard at 400 Edinburgh Road South shall be 7.58 metres.

- (iii) Minimum **interior side yard**

Despite Table 6.2, the minimum interior side yards at 480 and 490 Edinburgh Road South, except for exterior side yards, shall be:

- 470 Edinburgh Road South East – 6.63 metres
- 480 Edinburgh Road South East – 4.85 metres
- 480 Edinburgh Road South West – 6.33 metres
- 490 Edinburgh Road South East – 6.0 metres
- 490 Edinburgh Road South West – 4.85 metres

In all other cases the minimum interior side yard (except for exterior side yard) shall be 7.5 metres.

(iv) Minimum distance between **buildings**:

Despite Table 6.2, the minimum distance between buildings at 480 and 490 Edinburgh Road South shall be 9.75 metres. In all other cases the minimum distance between buildings shall be 15 metres.

(v) Minimum **common amenity area** per **dwelling unit**:

The minimum common amenity areas **shall be**:

- 14.4 square metres per unit for 400 Edinburgh Road South
- 20.2 square metres per unit for 430 Edinburgh Road South
- 14.3 square metres per unit for 460 Edinburgh Road South
- 16.8 square metres per unit for 480 Edinburgh Road South

Additional Regulation 2(a) for Table 6.2 shall not apply in the RH.7-12 precinct.

(vi) **Density**

Despite Table 6.2, the maximum density for 400 Edinburgh Road South shall be 105 units per hectare.

(vii) **Floor space index (FSI)**

The maximum floor space index (FSI) **for building sites shall be**:

- 1.03 for 400 Edinburgh Road South
- 1.06 for 430 Edinburgh Road South
- 1.15 for 460 Edinburgh Road South
- 1.04 for 480 Edinburgh Road South
- 1.43 for 490 Edinburgh Road South

(viii) Minimum off-street parking

Despite Table 5.3, the minimum number of parking spaces shall be:

- 74 **parking spaces** for 400 Edinburgh Road South
- 38 **parking spaces** for 420 Edinburgh Road South
- 22 **parking spaces** for 490 Edinburgh Road South.

(ix) Location of off-street **parking spaces**

Despite Section 5.2.2(a) parking spaces may be located within 3 metres of any interior side lot line in between individual building sites and may be located within 3 metres of any window to a habitable room.

7.3.2 HDR-8(PA)

233 and 237 Janefield Avenue

As shown on Schedule B of this **by-law**.

a) Permitted **uses**

In accordance with the **uses** permitted by Table 6.1 (HDR precinct) of this **by-law**.

b) Regulations

In accordance with Section 4 and Table 6.2 of this **by-law**, with the following exceptions:

(i) Minimum westerly interior side yard

Despite Table 6.2 the westerly interior side yard shall be a minimum of 15 metres.

(ii) Minimum setback from Torch Lane

Despite Table 6.2 the minimum exterior side yard fronting onto Torch Lane shall be 30 metres.

(iii) Maximum building height

- A. Despite Table 6.2 the maximum **building height** shall be limited to 8 **storeys** within 30 metres of the westerly **interior side lot line**.
- B. In addition to provision 6.2.5, **building height** shall not exceed an **angular plane** of 35 degrees projected from the **centre line** of Torch Lane.

(iv) Maximum building length

That a maximum building length of 65 metres be permitted above the second storey.

(v) Built form stepback

That the building must stepback a minimum of 6 metres above the 9th storey from the edge of the building facing the easterly interior side lot line.

7.3.3 HDR-9

166-178 College Avenue West

As shown on Schedule B of this **by-law**.

a) Permitted **uses**

In accordance with the permitted **uses** under Table 6.1 (HDR precinct) of this **by-law**, and the following additional **uses** are permitted:

- **Day care centre** in accordance with Section 4.26 of this **by-law**
- **Seniors day use**

The following definition shall apply in the HDR-9 precinct:

For the purposes of this precinct, a **seniors day use** is defined as a place in which programs and activities are offered for older adults in the community, offering a place for people to gather and interact. No medical assistance is provided and overnight stays are not permitted.

b) Regulations

In accordance with Table 6.2 of this **by-law**, with the following exceptions and additions:

(i) Maximum net **density**:

Despite Table 6.2, the net density for the HDR-9 precinct shall be a maximum of 172 units per hectare.

(ii) Maximum **building height**

Despite Table 6.2 and provisions 4.15.1, 6.2.5, the maximum building height shall be 6 storeys.

(iii) **Common amenity area design**

The length of common amenity areas can exceed 4 times the width.

(iv) Minimum **landscaped open space**

Despite Table 6.2, the minimum landscaped open space shall be 32 per cent of the lot.

(v) Minimum off-street parking

Despite Table 5.3 of the by-law, a minimum of 1 parking space per residential dwelling unit and a minimum of 1 parking space per 30 square metres of gross floor area for a seniors day use or day care centre shall be required.

(vi) Residential visitor parking

Residential visitor parking can be shared with required parking for the seniors day use or day care centre.

(vii) **Floor space index (FSI)**

The maximum floor space index (FSI) shall be 1.64.

(viii) Maximum **gross floor area (GFA)**

A seniors day use and/or day care centre shall have a maximum total gross floor area (GFA) of 537 square metres.

7.4 Site-Specific Mixed-Use Corridor 1 Precincts

7.4.1 MUC-1(PA)(H12)

615 Scottsdale Drive, 109, 110 Silvercreek Parkway North

As shown on Schedule B and Appendix A of this **by-law**.

a) Permitted uses

In addition to the permitted **uses** listed in Table 6.1 (MUC precinct), the following additional **uses** shall be permitted:

- Vehicle service station
- Carwash

7.4.2 MUC-2(PA)(H12)

601 Scottsdale Drive

As shown on Schedule B and Appendix A of this **by-law**.

a) Permitted uses

In addition to the permitted **uses** listed in Table 6.1 (MUC precinct), the following additional **uses** shall be permitted:

- Apartment building (permitted on the first storey of a building)
- Residential suites

For the purposes of this precinct, the following definition shall apply:

Residential suites: means a **building** containing 5 or more suites that are **used** to provide living accommodation where access to each suite is obtained through a common entrance or entrances from the **street** level and subsequently through a common hall or halls. Each suite

shall contain bathroom facilities but does not have exclusive **use** of a kitchen.

b) Regulations

(i) Maximum **building height**

Despite Table 6.2, the maximum building height **shall be 8** storeys.

(ii) Calculating **density** and off-street parking

For the purpose of determining the number of units, a suite shall be considered equivalent to a dwelling unit.

(iii) Minimum **common amenity area**

Despite Table 6.2, the minimum common amenity area **shall be 1,300 square metres.**

7.4.3 **MUC-3(PA)(H12)**

151, 175, 185, 201 Stone Road West

As shown on Schedule A of this **by-law**.

a) Permitted **uses**

(i) All **uses** permitted by Table 6.1 (MUC precinct) including a freestanding (Junior) Department Store

(ii) All **uses** permitted by Section 18.20.5 (IRP-5) of the City of Guelph Zoning By-law (2023)-20790, as of the **effective date** of this **by-law**.

For the purposes of this precinct, the following definition will apply:

(Junior) department store shall mean a **retail establishment** engaged primarily in the sale to the public of a wide variety of commodities organized into a number of departments within the **building** such as, but not limited to,

apparel, jewellery, cosmetics, toiletries, health products, food, home furnishings, housewares, electronics, sporting goods, toys, photographic equipment, hardware and home improvement materials, automotive accessories or other household goods, and may also include an ancillary outdoor **garden centre** and services such as, but not limited to, **financial establishment, restaurant, take-out restaurant, vehicle service station, vehicle specialty repair shop, personal service establishment, pharmacy, optical dispensary and photofinishing place. (Junior) department stores** are differentiated from full line department stores, in that they typically sell general merchandise items at prices lower than that of the full line department stores, and are popularly described as a discount operation).

b) Regulations for **uses** permitted by provision 7.4.3 (a) (i):

In accordance with all regulations of the MUC precinct as specified in Sections 4 and Table 6.2 of this **by-law** with the following revisions:

(i) **Lot area**

Despite Table 6.2 (NCC precinct), the maximum lot area shall be 52,747 square metres.

(ii) **Minimum yards**

Despite Table 6.2, the minimum interior side yard and rear yard shall be 3 metres.

(iii) **Floor area**

The maximum gross floor area (GFA) shall not exceed 15,200 square metres of which a maximum of 11,241 square metres may be used for a (junior) department store exclusive of a 465 square metre garden centre.

(iv) **Buffer strips**

Despite Table 6.2, a buffer strip shall not be required.

(v) **Minimum parking stall size**

2.75 metres by 5.5 metres.

- (vi) Off-street parking

The following additional parking ratio shall apply:

A (junior) department store: **1** parking space **per every 20 square metres of** gross floor area (GFA).

- a) Regulations for **uses** permitted by provision 7.4.3 (a) (ii):

In accordance with all the regulations of the IRP-5 zone as specified in Section 18.20.5 of the City of Guelph Zoning By-law (2023)-20790, as of the **effective date** of this **by-law**, with the following exceptions:

- (i) For the purposes of Section 4.2, a **lot** may have frontage on a privately owned **street** or **driveway**.
- (ii) The definition of **street** in Section 3 shall include a privately owned **street** or **driveway**.
- (iii) Severability provision

The provisions of this **by-law** shall continue to apply collectively to the whole of the lands identified on Schedule B as MUC-3, despite any future severance, partition, or division for any purpose.

7.4.4 Site-Specific Neighbourhood Commercial Centre Precincts

7.4.5 NCC-8(H12)

138 College Avenue West

As shown on Schedule B and Appendix A of this **by-law**.

- a) Permitted **uses**

In addition to the permitted **uses** listed in Table 6.1 (NCC), the following additional **uses** shall be permitted:

- **Convenience store**
- **Vehicle service station**

b) Regulations

(i) Maximum **gross floor area (GFA)**

The maximum gross floor area of the convenience store shall be 242 square metres.

(ii) Minimum **setback**

(A) The convenience store shall be setback a minimum of 7.5 metres from the west lot line(s) and a minimum of 10 metres from the north lot line. This does not preclude the use of the area between the convenience store and the west lot line(s) for landscaping, utility, and sidewalk purposes.

(B) The weather canopy shall be set back a minimum of 4 metres from the north lot line.

(C) Any garbage enclosures shall be set back a minimum of 4 metres from the west lot line(s).

(iii) Special regulations for **vehicle service station**

Development **of the vehicle service station shall be in accordance with Section 7.10 of this** by-law.

7.5 **Wellhead Protection Area (WHPA) Overlay**

- a) The Wellhead Protection Area Overlay, included on Schedule B, is applied to lands within radius of a **City** drinking water supply well, this includes the area for **WHPA - A** and **WHPA - B**. The purpose of this overlay is to place restrictions on permitted uses and activities in these areas in order to protect existing and future sources of municipal drinking water. The regulations in this section are established in accordance with the **City's** policies contained within the Grand River Source Protection Plan and the Clean Water Act, 2006.

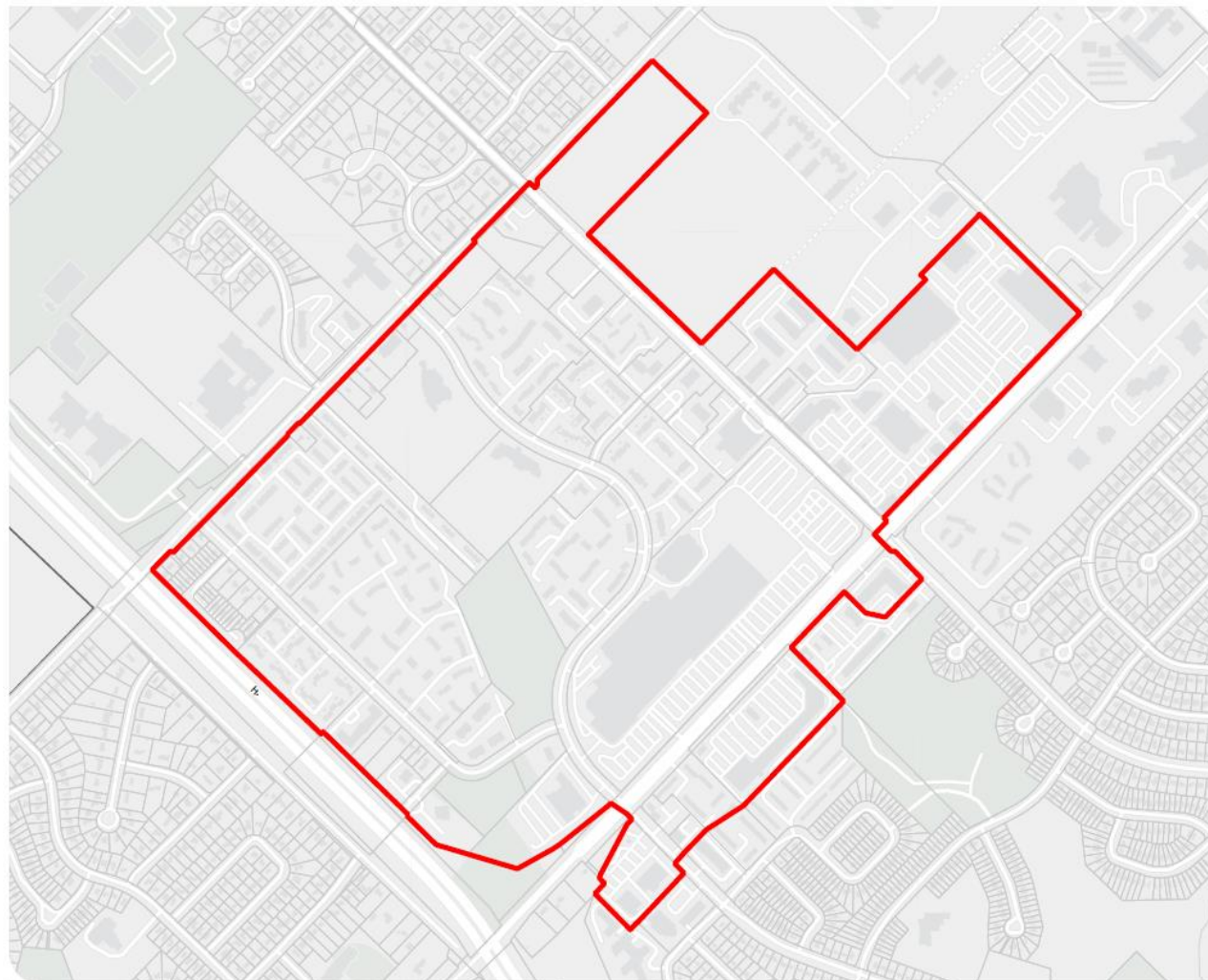
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- b) The storage, **use, manufacturing** of any of the following uses or activities where they pose a **significant drinking water threat**, except in association with normal household use, shall be prohibited within the Wellhead Protection Areas Overlay for the **WHPA - A**, as shown on Schedule B of this **by-law**:
- (i) New or expanded storage, **manufacturing** and **wholesale warehousing** facilities with storage of greater than 2,500 kilograms of commercial fertilizer.
 - (ii) New **manufacturing** and **wholesale warehousing** facilities with storage of greater than 2,500 kilograms of pesticide or the storage of greater than 250 kilograms for retail sale or for extermination.
 - (iii) Storage of road salt of greater than 5,000 tonnes.
 - (iv) Handling and storage of fuel in conjunction with a new or expanded **vehicle service station** and new or expanded bulk fuel storage facility (excluding bulk fuel storage associated with a municipal emergency generator facility).
 - (v) New or expanded storage of the specified **dense non-aqueous phase liquids** identified as a **significant drinking water threat**.
 - (vi) New or expanded storage of the specified organic solvents in the quantities identified as a **significant drinking water threat**.
- c) That new or expanded storage of road salt of greater than 5,000 tonnes where they pose a significant drinking water threat shall be prohibited within the Wellhead Protection Area Overlay for the **WHPA - B**, as shown on Schedule B of this **by-law**.
- d) The enlargement or expansion of uses identified in 7.5 a) and c) and existing on the effective date of the approval of the **source protection plan** shall be prohibited, unless otherwise expressly permitted by approval from all regulating public authorities, as may be required.

7.5.1 Servicing Requirements

To ensure that on-site sewage systems never become a significant drinking water threat, new lots that rely on servicing by onsite sewage systems with a design flow of less than or equal to 10,000 litres per day and regulated under the Ontario Building Code.

Schedules


Community Planning Permit Area



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COMMUNITY PLANNING PERMIT PRECINCTS

SCHEDULE A - COMMUNITY PLANNING PERMIT AREA

 CPP By-law Area

SCALE 1:6,500

0 80 160 320 m



MAP DRAWING INFORMATION:
DATA PROVIDED BY CITY OF GUELPH

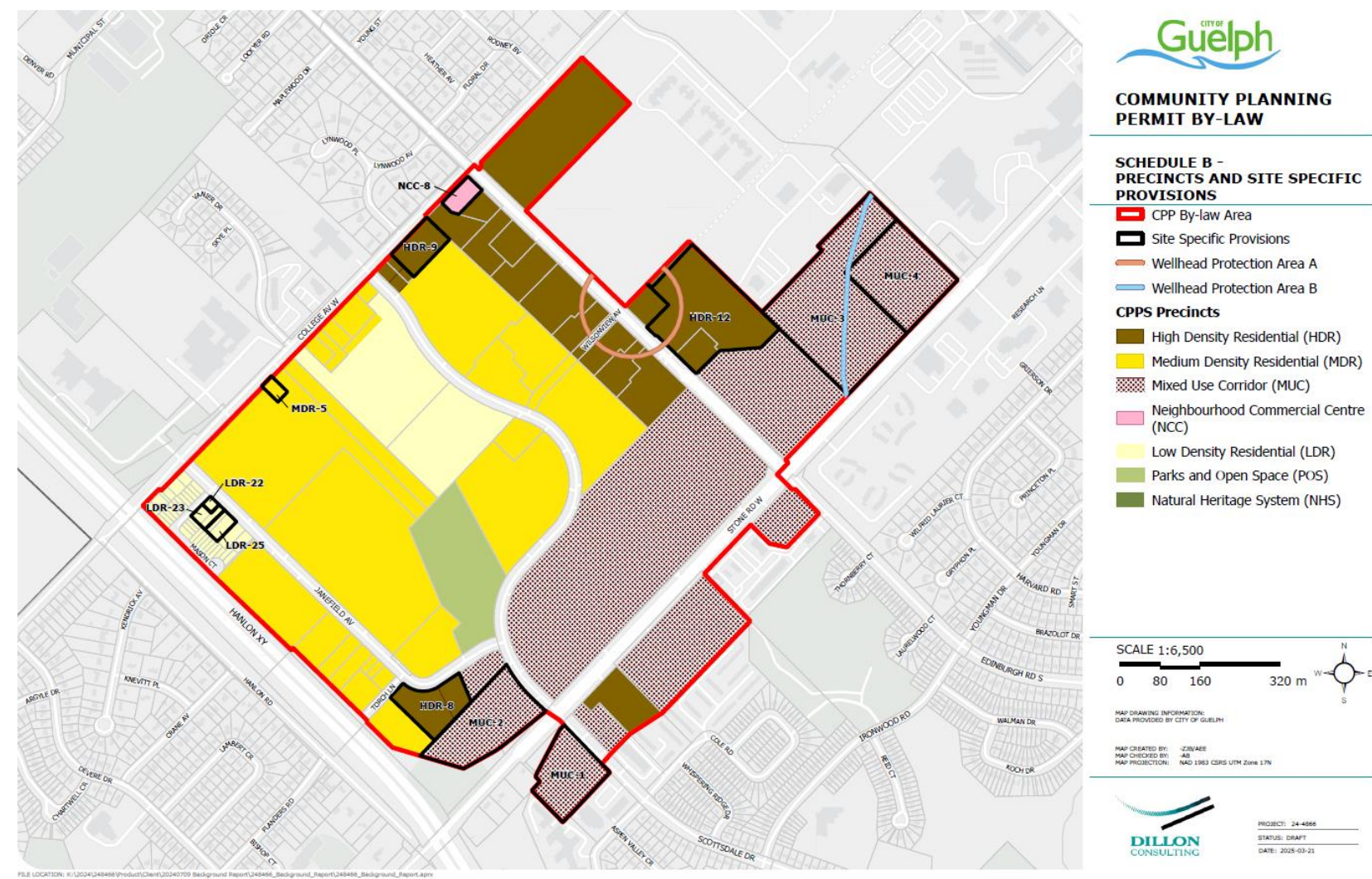
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MAP CHECKED BY: AB
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PROJECT: 24-4886

STATUS: DRAFT

DATE: 2025-03-21

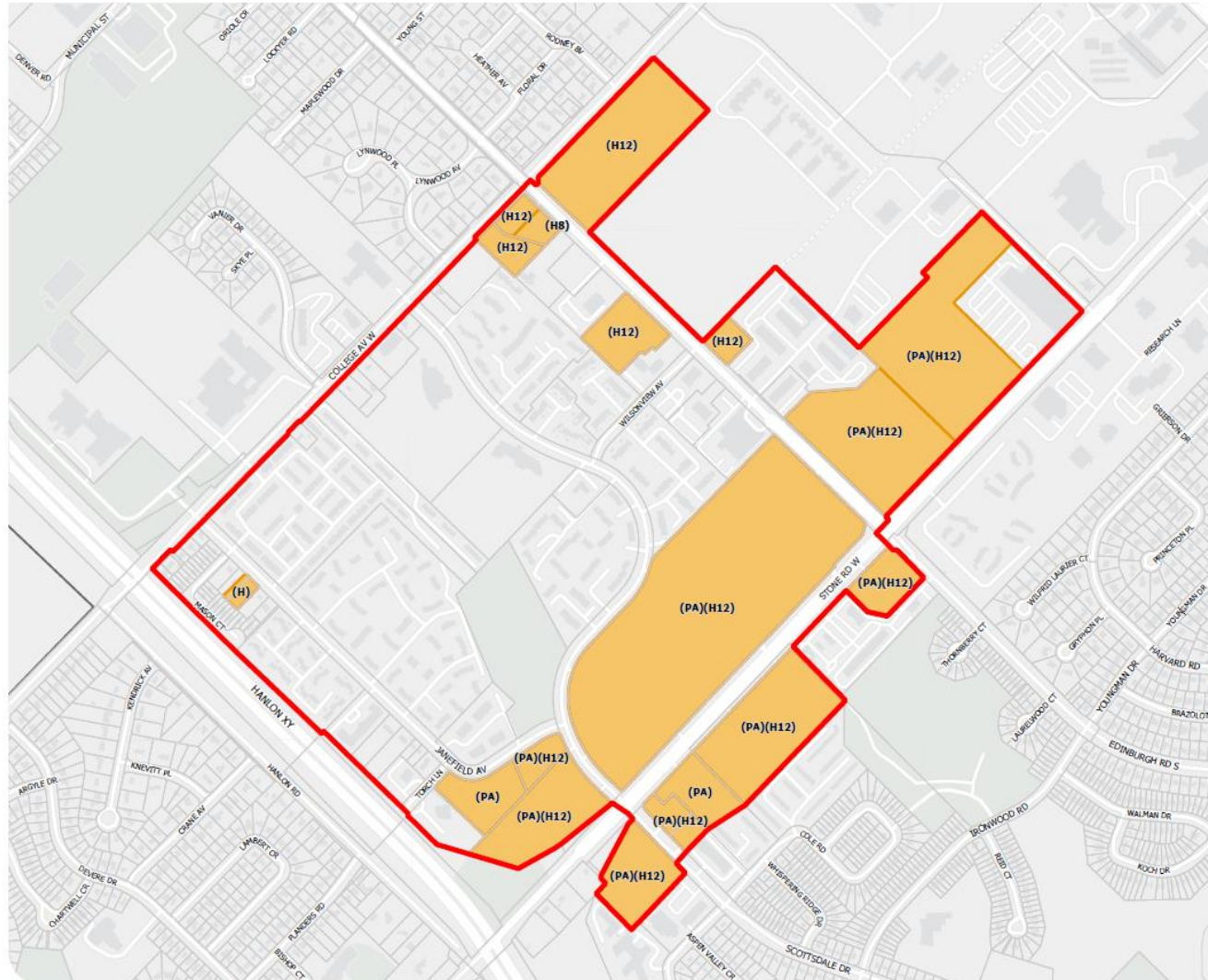
Schedule B - Precincts and site specific provisions



Appendix A

Map of Holding provisions and parking adjustment areas

Appendix A - Holding provisions and parking adjustment areas



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COMMUNITY PLANNING PERMIT BY-LAW

APPENDIX A - HOLDING PROVISIONS AND PARKING ADJUSTMENT AREAS

- CPP By-law Area
- Holding Provisions

SCALE 1:6,500

0 80 160 320 m



MAP DRAWING INFORMATION:
DATA PROVIDED BY CITY OF GUELPH

MAP CREATED BY: JZB/AEE
MAP CHECKED BY: AEE
MAP PROJECTION: NAD 1983 CSRS UTM Zone 17N



PROJECT: 24-4866
STATUS: DRAFT
DATE: 2025-03-25

Appendix B

Minimum buffers, established buffers and adjacent lands to natural heritage features and areas

Table A.1 Minimum buffers, established buffers and adjacent lands to natural heritage features and areas

| Natural Heritage Features and Areas | Width of Minimum Buffers | Width of Established Buffers | Width of Adjacent Lands |
|---|---------------------------------|---|--------------------------------|
| Significant Areas of Natural and Scientific Interest (ANSIs) | No minimum buffer | To be established through an EIS or EA in consultation with the provincial government | 50 m – 120 m |
| Habitat of Endangered Species and Threatened Species | No minimum buffer | To be established through an EIS or EA in consultation with the provincial government | 120 m |
| Significant Wetlands i. Provincially Significant Wetlands ii. Locally Significant Wetlands | i. 30 m ii. 15 m | To be established through an EIS or EA | i. 120 m ii. 120 m |
| Fish Habitat i. Cold/coolwater Fish Habitat ii. Warm water Fish Habitat, permanent and intermittent streams and undetermined Fish Habitat | i. 30 m ii. 15 m | To be established through an EIS or EA | i. 120 m ii. 120 m |
| Significant Woodlands | 10 m from the drip line | To be established through an EIS or EA | 50 m |
| Significant Valleylands | No buffer required | To be established through an EIS or EA | 50 m |

| Natural Heritage Features and Areas | Width of Minimum Buffers | Width of Established Buffers | Width of Adjacent Lands |
|--|--|--|----------------------------------|
| Significant Landform | No buffer required | No buffer required | 50 m |
| Significant Wildlife Habitat | i. No minimum buffer ii. No minimum buffer iii. No buffer required | i. To be established through an EIS or EA ii. To be established through an EIS or EA iii. No buffer required | i. 50 m ii. 50 m iii. 50 m |
| Other Wetlands | No minimum buffer | To be established through an EIS or EA and is required where all or part of the feature is to be protected. | 30 m |
| Cultural Woodlands | No minimum buffer | To be established through an EIS or EA and is required where all or part of the feature is to be protected. | 50 m |
| Potential Habitat for Significant Species (excluding provincially Endangered and Threatened Species) | No minimum buffer | To be established through an EIS or EA and is required where all or part of the feature is to be protected. | 50 m |