The City of Guelph

Community Planning Permit By-law

Downtown Area

April 2026

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1 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, Downtown Area** 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** 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 Schedules A and B of this **By-law**.

1.1.4 Establishment of Community Planning Permit precincts

This **By-law** establishes the following precincts and places all lands within the **Community Planning Permit Area** in one or more of the following precincts:

a) Residential Precincts

   (i) Low **Density** Residential (LDR)

   (ii) Medium **Density** Residential (MDR)

   (iii) High **Density** Residential (HDR)

b) Commercial Precinct

   (i) Neighbourhood Commercial Centre (NCC)

c) Downtown Precincts

   (i) Downtown 1 (D1)

(ii) Downtown 2 (D2)

(iii) Downtown 3 (D3)

(iv) Downtown Major Transit Station (DMTS)

d) Institutional Precinct

(i) Downtown Institutional (DI)

di) Open Space Precinct

(i) Parks and Open Space (POS)

dii) Natural Heritage System Precinct

(i) 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 line**s and other similar elements and features, with the exception of the Natural Heritage System which follows the designation criteria in the Official Plan. 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** 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) to this **By-law** or a Natural Heritage System precinct identified in this **By-law** where such adjustments are supported by a technical assessment approved and or accepted by the **City** of Guelph, and consistent with applicable criteria in the Official Plan.

g) Changes to any reference to legislation or regulations or sections thereof approved by another public authority to include any amendments or successor legislation. This includes changes to the Provincial Bulletin on affordable housing rates, which are updated periodically.

h) Technical revisions to provide clarity in the administration of this **by-law** that do not change the intent of the provisions where deemed appropriate by the General Manager, Planning and Building Services.

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 approved 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, as per Ontario Regulation 173/16.

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.

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) **Development** where the only proposed work is a change of a lawfully existing **use** to another **use** that is permitted within the applicable Community Planning Permit precinct.

e) A new **single-detached dwelling**, an addition to a **single-detached dwelling** and/or any associated **accessory building or structure**, including **additional dwelling unit**(s), that meet all requirements of this **By-law**.

f) A new **semi-detached dwelling**, an addition to a **semi-detached dwelling** and/or any associated **accessory building or structure**, including **additional dwelling unit**(s), that meet all requirements of this **By-law**.

g) A new **on-street townhouse**, an addition to an **on-street townhouse** and/or any associated **accessory structure**, including **additional dwelling unit**(s), that meet all the requirements of the **By-law**.

h) A new **development** of 10 **dwelling units** or less (including a **duplex dwelling**, **triplex** or **fourplex**), an addition to a **development** of 10 **dwelling units** or less and/or any associated **accessory structure**, that meet all the requirements of the **By-law**, if the development is outside of the area prescribed for the purposes of subsection 41(1.2) of the Planning Act.

i) Swimming pools, awnings, hot tubs, gazebos, storage sheds no greater than 15 square metres, new or repaired fences, and **porches** that meet all the requirements of the **By-law**.

j) Minor works meeting the provisions of this **By-law** where deemed appropriate by the General Manager, Planning and Building Services for the City and/or delegate.

1.3 Enforcement

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**.

1.3.1 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.

1.3.2 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.

1.3.3 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)-14866, 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 a) (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 1.5.5 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**.

c) Notwithstanding provisions 1.5.3(a) and (b), nothing in this **by-law** shall prevent a minor amendment of an approved Site Plan under Section 41 of the Planning Act, or a minor amendment to an associated Site Plan Control Agreement, at the discretion of the General Manager, Planning and Building Services. Any minor amendment shall be reviewed against the Site Plan Control

By-law as it read the day before it was repealed by this **By-law**. More substantial amendments will require approval through the requirements 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** provided that:

(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 Transition clause related to in-progress Planning Act applications

a) An application under Section 34 of the Planning Act that was deemed complete prior to the **effective date** of this **By-law** and is approved by the **City** of Guelph City Council or the Tribunal after the **effective date** of this **By-law**, will be incorporated as a site-specific amendment into this **By-law**.

b) Nothing in this **By-law** shall prevent the erection or **use** of a **building** or **structure** for which an application under Section 34 of the Planning Act was deemed complete prior to the **City** of Guelph City Council's approval of this **by-law**, and is approved after the **effective date** of this **by-law**, OR in accordance with provision 1.5.5.1 provided:

(i) An application for a Site Plan Application or 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**.

(ii) The Site Plan application for the said **development** complies with the applicable Section 34 approvals.

c) Any site specific amendment approved by the **City** of Guelph City Council following the **effective date** of this **By-law**, shall prevail over the provisions of this by-law in the event of any conflict, and shall be incorporated into this **By-law** as a site-specific amendment or a Community Planning Permit.

d) Any site-specific applications that are subject to a Tribunal appeal at the time of the passing of this **By-law** and subsequently approved by the Tribunal shall prevail over the provisions of this **by-law** in the event of any conflict, and shall be incorporated into this **By-law** as a site-specific amendment or Community Planning Permit.

e) Nothwithstanding Section 1.4.1 of this **By-law**, applications meeting the requirements of Section 1.5.5 on the **effective date** of this **By-law**, the in effect Site Plan Control By-law may apply on a site-specific basis subject to the following:

(i) An application for Site Plan Application submitted in compliance with the provisions of 1.5.5(e) shall be accepted no more than two years after the **effective date** of this **By-law**.

(ii) An application that requires Class 2 or Class 3 variations from the site-specific precinct approvals shall require a Community Planning Permit application and be subject to the requirements of this **By-law**.

1.5.6 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 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 1.16 (Notice of decisions).

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

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** standards of this **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.

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 2 Community Planning Permit	Application generally meets the intent, standards, and provisions of this **By-law** but requires a Staff Variation based on: • 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 (Parking); or Section 7.0 (Site Specific Provisions).	General Manager, Planning and Building Services for the **City** and/or delegate.	General Manager, Planning and Building Services for the **City** and/or delegate.	Staff to post notification on **City** website for public access. 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.

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 3 Community Planning Permit	Application generally meets the intent, standards and provisions of this **By-law** but requires a Council Variation based on: • 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 1.14.3 (Provision for alternative facilities, services and matters).	Council/ Committee of Council	General Manager, Planning and Building Services for the **City** and/or delegate	Mail to residents within 120 metres of the subject property. Staff to post notification on **City** website for public access. 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.

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 1.19 (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),parking provisions found in Section 5.0 (Parking), and Section 7.0 Site Specific provisions 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 (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 (Community Planning Permit Precinct) 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, Class 2, and Building heights, Class 3

a) 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):

(i) The proposed **development** or a discretionary **use** implements the requirements and objectives of this **By-law**.

(ii) 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**.

(iii) The proposed **development** or a discretionary **use** shall consider provincial and municipal guidelines and regard for technical studies.

(iv) 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.

(v) The potential off-site and adverse impacts resulting from the proposal are identified and mitigated where suitable, as demonstrated by appropriate studies or reports.

(vi) The proposal is consistent with the intent of any applicable urban design policies, standards, and/or guidelines and,

(vii) The proposal is compatible with, and context sensitive to, the planned context and area character

(viii) Where a Class 3 Community Planning Permit is required for additional height over the maximum height as shown on Schedule C2 is proposed,

the proposed **development** shall only be permitted if it complies with the provisions of 1.9.1(a), 1.14.4, and meets the following:

1. Municipal services required for the proposed development are adequate and available.
2. Where successive phases of development are proposed, the submission of a plan which demonstrates the proposed phasing of development to the satisfaction of the approval authority.

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

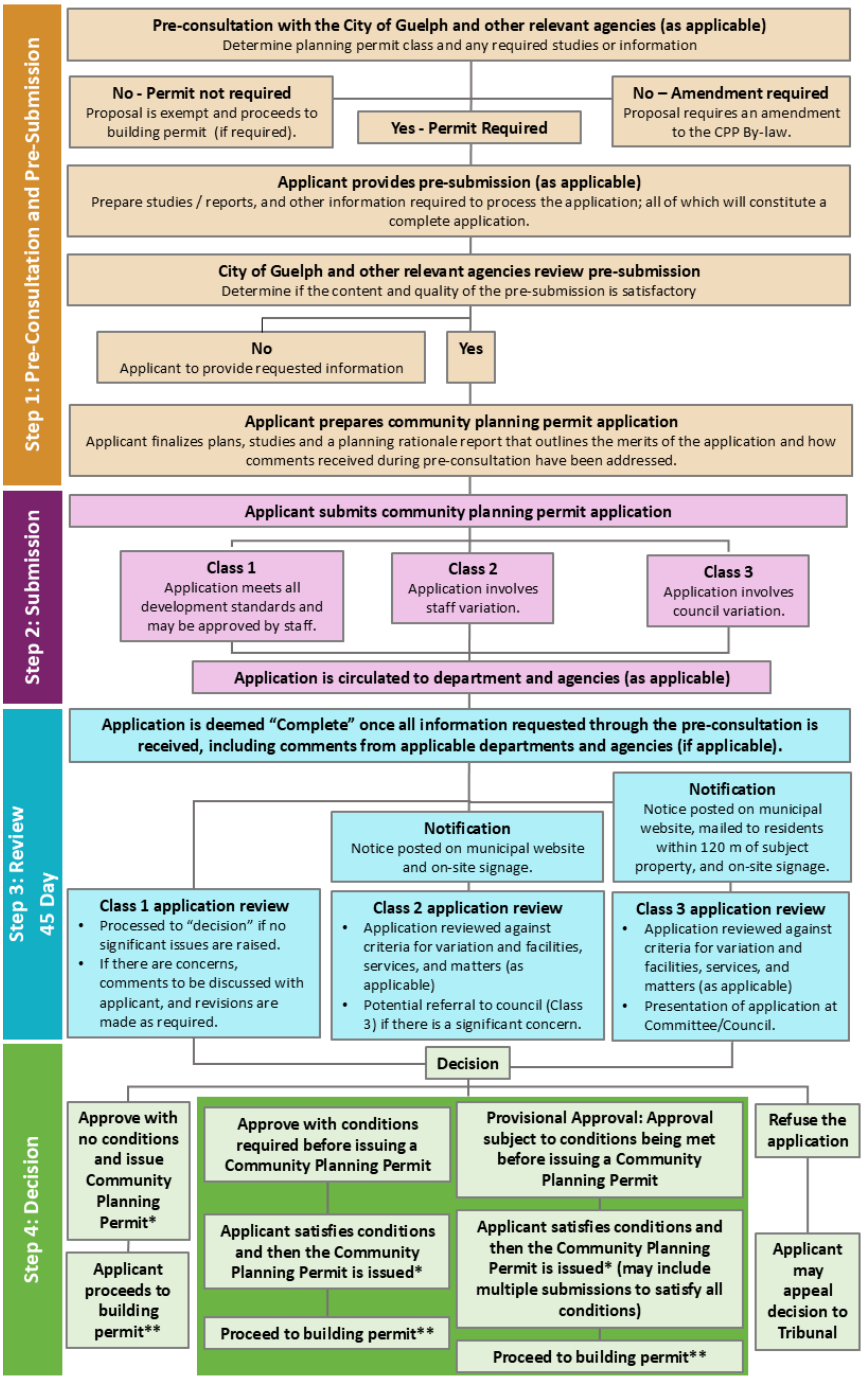
Pre-existing **development** agreements continue to be valid and binding and may be amended under this **By-law** if subject to a Community Planning Permit.

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 External Agencies (MTO, GRCA, Metrolinx, CN Rail, GJR, etc.) as applicable.

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 suitable.

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 Pre-Submission

a) Prior to the submission of a Community Planning Permit Application, pre-submission is strongly encouraged following the pre-consultation review.

1.11.4 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).

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

1.11.5 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.

1.11.6 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.

e) Refuse to approve the application.

1.11.7 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.

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**.

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 or water.

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 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).

v) Demonstrated compliance with any mitigation measures, such as monitoring requirements, identified in an Environmental Impact Study (EIS) or Environmental Impact Report (EIR).

w) 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.

1.12.5 Validity period of conditional approval

Conditional approval shall be valid for a period of three (3) years, failing which the conditional approval will lapse, except where otherwise stated within an Agreement.

1.12.6 Extension requests to conditional approval

Notwithstanding provision 1.12.5 (Validity period of conditional approval), requests for an extension of a conditional 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**.

a) An extension of a conditional approval of a Community Planning Permit may be granted in one (1) year intervals, to a maximum of two (2) requests, subject to this **By-law** and any provisions within, as amended.

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**.

a) 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 permitted through a Class 1 Community Planning Permit

The maximum **building height** that is permitted through a Class 1 Community Planning Permit is shown on **Schedule C2** for the Downtown Permit Area. Notwithstanding **Schedule C2** for the Downtown Permit Area, **development** associated with the additional **building height** identified in **Schedule D** is subject to the provision of facilities, services and matters in accordance with section 1.14.2 and Tables D.1 and D.2 in **Appendix D** of this **By-law**.

1.14.2 Building heights and the provision of facilities, services, and matters for a residential use

In exchange for the approval of additional **building height** for a **development** containing a residential **use**, the **City** will require the provision of facilities, services and matters as outlined in **Table 1.2** and **Table 1.2** 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 associated with the **building height**, identified on Schedule D.

b) The required complete community charge shall be calculated based on all residential units in the **building**. This charge applies to any residential **development** with 5 or more **storeys** or 10 or more residential units.

c) All affordable units provided as outlined in **Table 1.2** shall remain affordable for a term of no less than 25 years. The 25 year affordability period shall be registered in an agreement as outlined in provision 1.14.8.

d) The calculation of facilities, services and matters provided in Table 1.2 shall be based on the maximum proposed **building height** of **development**.

e) Notwithstanding provision 1.14.2(d), the charges in Row 2 of Table 1.2 shall only take effect on May 1, 2027.

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

Table 1.2: Overview of required facilities, services, and matters in exchange for additional **building height**			
	Any Residential **Development** with 5 storeys or 10 or more units	**Development** proposing **Building Height** within the limits of **Schedule D**	**Development** proposing **Building Height** beyond the limits of **Schedule C2** (but not higher than 20% of the maximum)
Row 1: Complete Community Charge	Complete community charges per Table 1.3.	Complete community charges per Table 1.3.	Complete community charges per Table 1.3.
Row 2: Additional facilities, services and matters required for units associated **building heights** identified on Schedule D		Option 1: A minimum of 5 per cent of all residential units (rental or ownership) associated with the increase in **building height** per **Schedule D**, must be provided as Affordable **Dwelling Units**, per Table D.1 in **Appendix D**. OR Option 2: A cash-in-lieu contribution for the required Affordable **Dwelling Units** as identified in Option 1, per Table D.2 in **Appendix D**.	Option 1: A minimum of 5 per cent of all residential units (rental or ownership) associated with the increase in **building height** per **Schedule D**, must be provided as Affordable **Dwelling Units**, per Table D.1 in **Appendix D**. OR Option 2: A cash-in-lieu contribution for the required Affordable **Dwelling Units** as identified in Option 1, per Table D.2 in **Appendix D**.

Table 1.2: Overview of required facilities, services, and matters in exchange for additional **building height**			
	Any Residential **Development** with 5 storeys or 10 or more units	**Development** proposing **Building Height** within the limits of **Schedule D**	**Development** proposing **Building Height** beyond the limits of **Schedule C2** (but not higher than 20% of the maximum)
		OR Option 3: A mix of Affordable **Dwelling Units** and cash-in lieu contribution for the required Affordable **Dwelling Units** identified in Option 1.	OR Option 3: A mix of Affordable **Dwelling Units** and cash-in lieu contribution for the required Affordable **Dwelling Units** identified in Option 1.
Row 3: Additional facilities, services and matters required for units associated with **building heights** beyond the limits of Schedule C2			Option 1: A minimum of 33 per cent of all residential units (rental or ownership) associated with the **building height** above what is permitted per **Schedule C2**, must be provided as Affordable **Dwelling Units**, per Table D.1 in **Appendix D**. OR Option 2: Additional facilities, services and matters to be greater than the value of Option 1, in

Table 1.2: Overview of required facilities, services, and matters in exchange for additional **building height**			
	Any Residential **Development** with 5 storeys or 10 or more units	**Development** proposing **Building Height** within the limits of **Schedule D**	**Development** proposing **Building Height** beyond the limits of **Schedule C2** (but not higher than 20% of the maximum)
			accordance with provision 1.14.4.

1.14.3 Complete Community Charge

Development with 5 or more **storeys** and 10 or more residential units are required to provide for complete community charges per Table 1.3 below:

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 the **development**.

1.14.4 Exemptions for the provision of facilities, services and matters

Notwithstanding the provisions of this section, 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 home** inclusive of a **group home** within the meaning of subsection 2(1) of the Fixing Long-Term Care Act, 2021.

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.

   (iii) A non-profit housing co-operative that is in good standing under the Co-operative Corporations Act.

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 approval by Council as 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 the 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 Development that exceed the maximum building height

Where a **development** proposal would exceed the maximum **building height** per **Schedule C2**, Council may authorize a variation provided the proposal provides the facilities, services and matters in **Table 1.2** as well as additional facilitises, services and matters.

Council may approve no more than a 20 per cent variation above the maximum **building height** on **Schedule C2** as a Class 3 application. Any **development**

application requesting more than 20 per cent more height shall require an amendment to this **By-law**.

In its review of an application for additional height over the Schedule C2 maximum, Council may approve 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 D.1;

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.

1.14.7 Application requirements

Where the **City** is able to collect facilities, services and matters through a Class 3 permit, an application for a Community Planning Permit for additional **building height** that would exceed the maximum **building height** established in **Schedule C2** 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.

1.14.8 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.

1.15 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.

   (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).

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; and

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.

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 1 application process, provided that the

enlargement, repair, renovation or reconstruction complies with all applicable provisions of this **By-law**.

c) Enlargement to an existing non-complying building or structure which existed legally prior to the effective date of this **By-law** where such new **development** does not comply with one or more applicable provision of this **By-law** shall be reviewed as a Class 2 or Class 3 application.

1.20 Lots reduced by acquisition for road widening or park dedications

1.20.1 Lots reduced for road and park dedications

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.

   (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 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
NCC	Neighbourhood Commercial Centre
D1	Downtown 1
D2	Downtown 2
D3	Downtown 3

DI	Downtown Institutional
DMTS	Downtown Major Transit Station
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) Notwithstanding subsection b, the Natural Heritage System precinct boundaries follow the mapped boundaries in the Official Plan.

d) 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.

e) 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**.

f) Where none of the above provisions apply, the precinct boundary or overlay boundary is to be scaled from Schedule B.

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 precinct's boundary dividing a **lot** into two or more precincts is not a **lot line** for the purposes of this **By-law**; and

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**; and

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 shall be rounded to the nearest decimetre, or rounded to the nearest tenth of a metre 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).

(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 are intended to communicate 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 Definitions

#

100 year flood means the flood which has a return period of 100 years on average or which has a 1% chance of occurring or being exceeded in any given year, as determined by the Grand River Conservation Authority.

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 and **used** as the primary entrance or one of the primary entrances facing a **street, public** or public square for use on a permanent basis, and excludes emergency egress doors, **garage** doors, sliding patio doors, service doors, loading doors and doors giving access to storage areas.

Active frontage area means a **lot** or portion thereof that is subject to the **active frontage area**, as shown on the Downtown **Active Frontage Area** Overlay, **Appendix C2**.

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**.

a) **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**.

b) **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**.

Animal boarding establishment means a **premises** for the caring, grooming and training of domesticated animals excluding livestock, for a fee on a temporary basis and may include overnight accommodation and outdoor facilities, but excludes the breeding of animals.

Animal care establishment means a **premises** for the caring, grooming and training of domesticated animals, excluding livestock, for a fee on a daily basis, excluding breeding, overnight boarding and outdoor facilities.

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**.

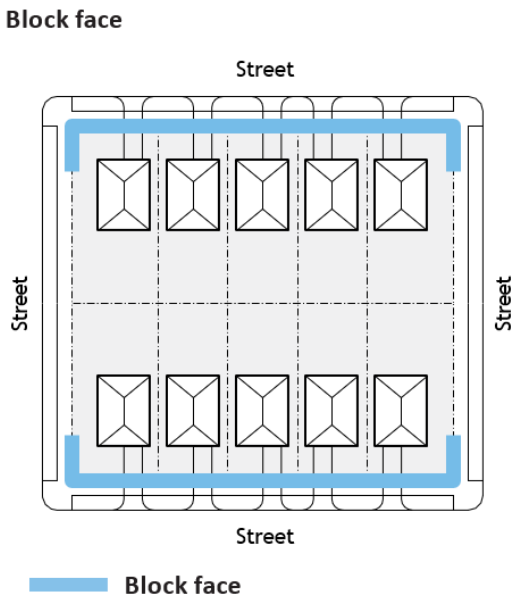
Barrier free access ramp means an uncovered, inclined ramp providing access to the main floor/ entry level of a **building** to allow a continuous unobstructed path for persons with disabilities.

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**.



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**.

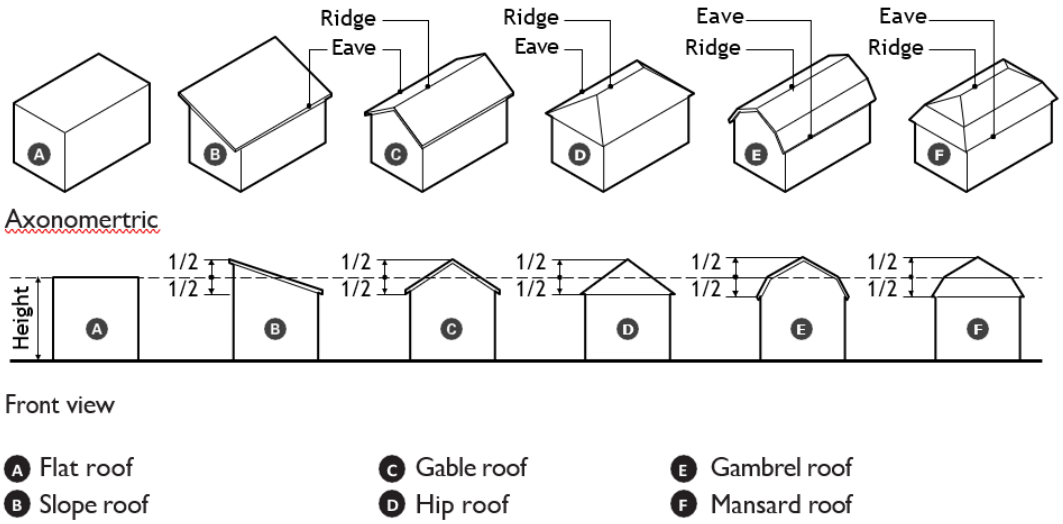
Building height means the vertical distance between the average **finished grade** of a **building** and the top of such **building**. The top is:(c)In the case of a flat roof, the highest point of the roof's surface or parapet, whichever is greater;

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



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 lane**s.

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**.

Catering service means a **premises** where food and beverages are prepared for consumption off-site, but are not served on the **premises** or for take-out.

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.

Cleaning establishment means a **premises** providing services to businesses, which include the cleaning, dyeing, or pressing of clothing or other articles including rugs, carpets, linens and draperies. Excludes a **service establishment**.

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**.

Computer establishment means a **building**, or part thereof, used for data processing and/or the design and distribution of computer programs.

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:

a) 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.

b) 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:

a) The construction, erection or placing of one or more **buildings** or **structures** on lands;

b) The making of an addition or alteration to a **building** or **structure** that has the effect of substantially increasing its size or usability,

c) The laying out and establishment of,

(i) A commercial parking lot,

(ii) Sites for the location of three or more mobile homes as defined in subsection 46 (1) of the Planning Act,

(iii) 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

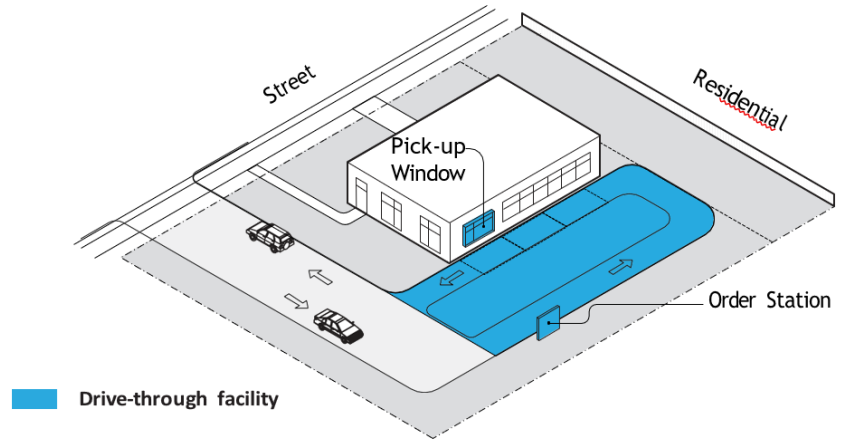
(iv) Sites for the location of three or more trailers as defined in subsection 164 (4) of the Municipal Act, 2001,

d) 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;

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

Driveway, residential means an area between a **street** or **driveway, access** 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**.

Fourplex means a **building** consisting of 4 **dwelling units** on a **lot** functioning independently, which are horizontally and/or vertically attached, which are entered from an independent entrance directly from the outdoors, and/or secured elevator access directly into unit(s), and/or from an internal entry vestibule and which share common facilities such as parking and **driveways**

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**, or **driveway, access** 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 may include **additional dwelling units. 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**.

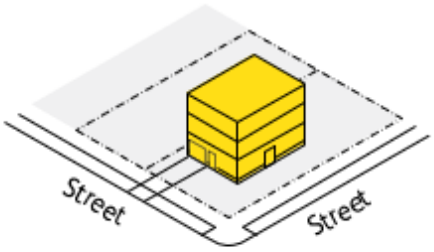
Townhouse, rear-access on-street means a **townhouse** where each **dwelling unit** is located on a separate **lot** and has legal frontage on a **street, public** and has an independent entrance to the **dwelling unit** from the outside accessed through the **exterior side yard** or **rear yard,** and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

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.

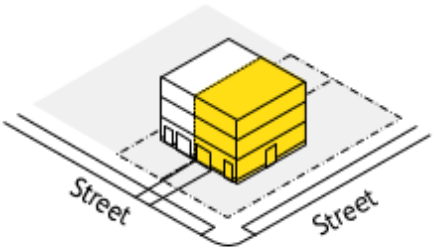
Triplex means a **building** consisting of 3 **dwelling units** functioning independently, which are horizontally and/or vertically attached, which are entered from an independent entrance directly from the outdoors or from an internal entry vestibule and which share common facilities such as **common amenity area**, parking, and **driveways**.

Dwelling unit (types)

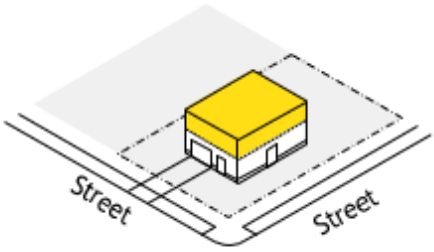
a. **Single detached dwelling**



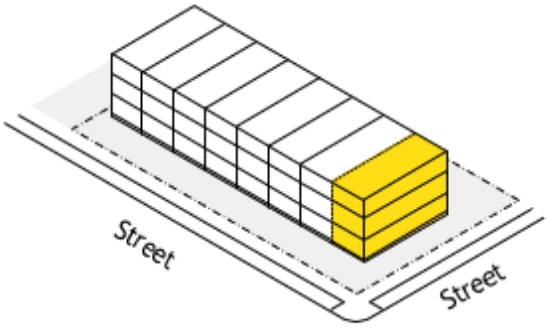
b. **Semi-detached dwelling**



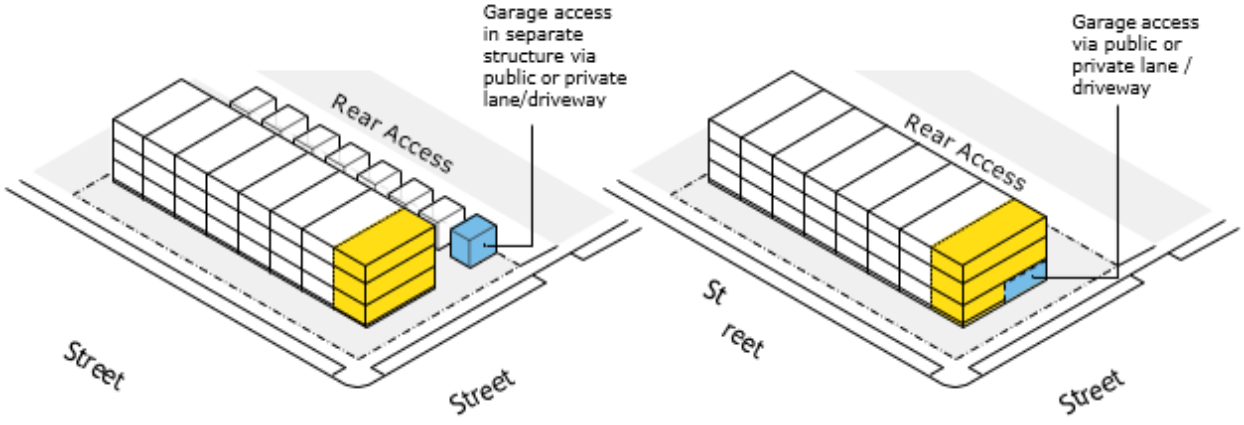
c. **Duplex dwelling**



d. **On-street townhouse**



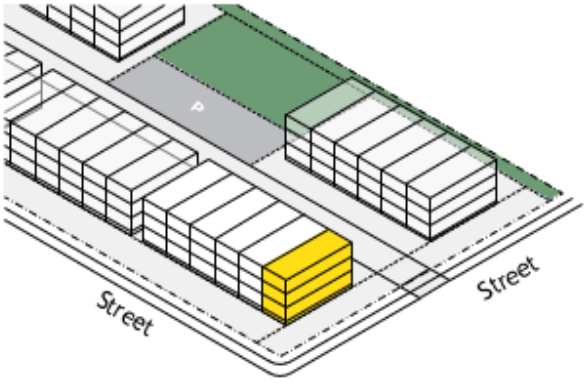
e. **Rear access on-street townhouse**



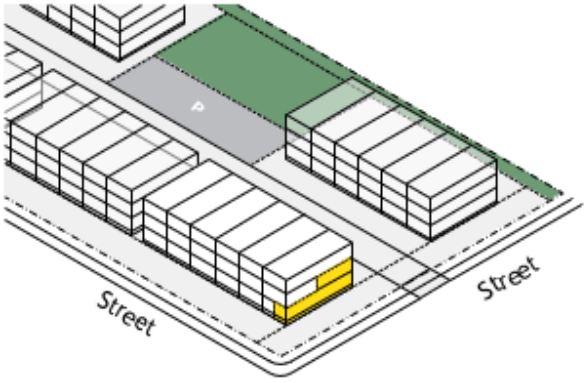
Dwelling unit **Garage**

Dwelling unit (types)

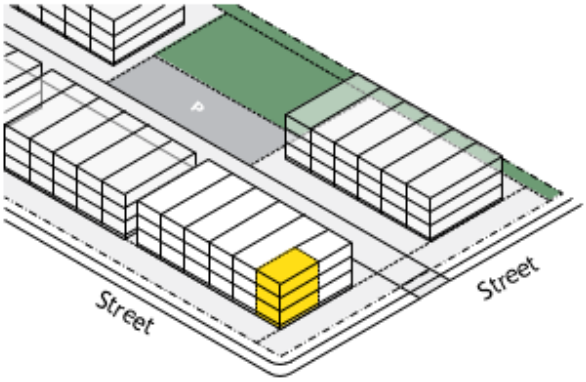
f. **Cluster townhouse**



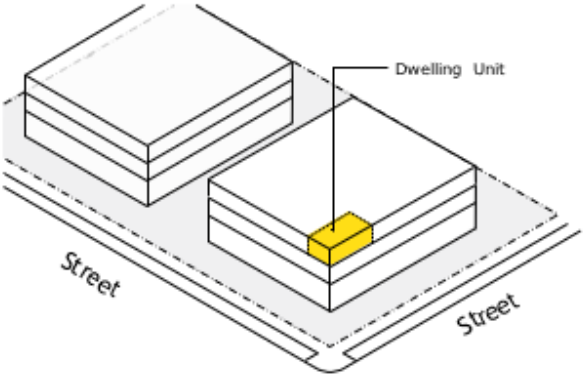
g. **Stacked townhouse**



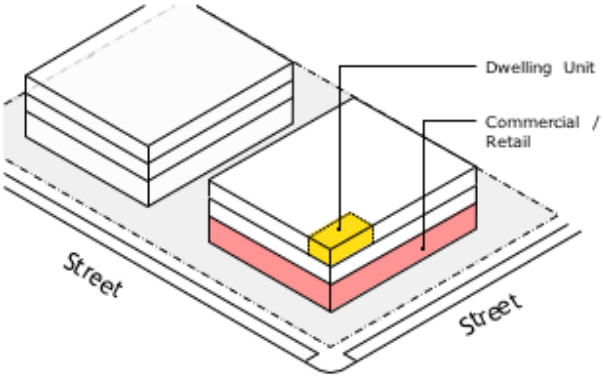
h. **Back-to-back townhouse**



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:

a) Any part of this **By-law** is further amended and passed by Council, applying to Downtown Guelph Area as identified on Schedule A; or

b) 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.

Emergency shelter means a facility which provides lodging and services to meet the needs of people experiencing homelessness.

Environmental assessment (EA) means a planning process to determine the potential impacts of an infra**structure** 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.

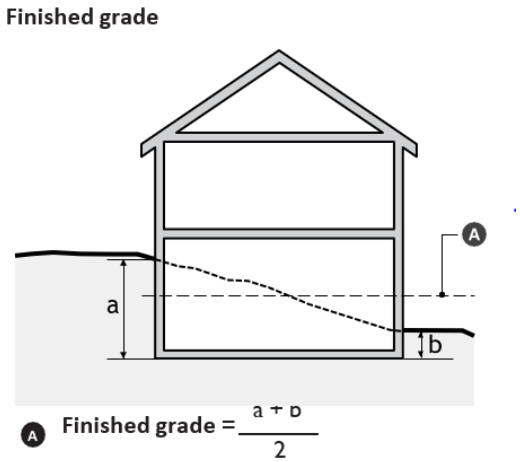
F

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**.



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.

Floodproofing means a combination of structural changes or adjustments incorporated into the basic design or construction of individual **buildings**, **structures** or properties subject to flooding so as to reduce or eliminate flood damage.

a) **Dry floodproofing** means the use of fill, columns, or design modifications to elevate openings in a **building** or **structure** above the **regulatory flood** level or the use of water-tight doors, seals, berms or floodwalls to prevent water from entering openings below the **regulatory flood** level.

b) **Passive floodproofing** means **floodproofing** techniques which are permanently in place and do not require advance warning and action in order to make the flood protection effective (for the purposes of Section 7 only).

c) **Flood control facility** means a channel, dam, dyke or like **structure** or facility, approved by the Grand River Conservation Authority and the Ministry of Natural Resources and Forestry, which is used to minimize the potential for damage in the event of a flood.

Floor area:

a) **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**.

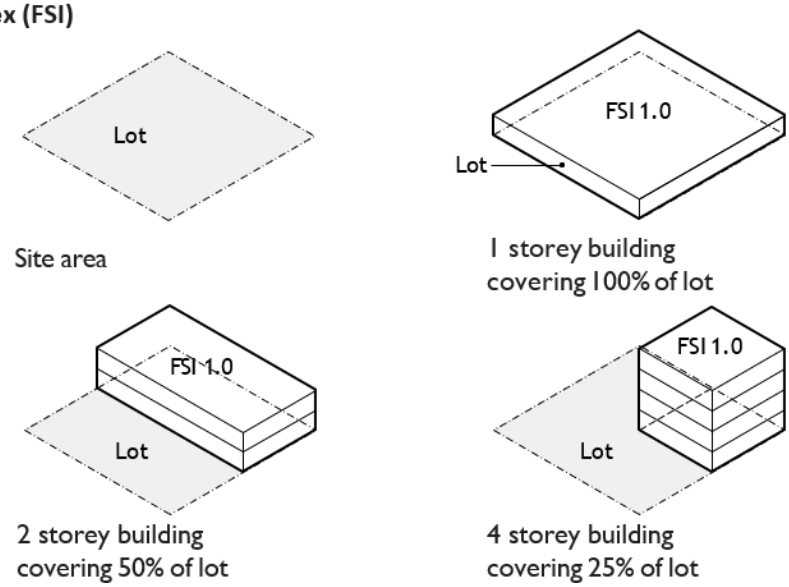
b) **Gross floor area (GFA)** means the **floor area** of a **building** measured from the centre line of partition walls and from the exterior face of outside walls.

c) **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.

d) **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**.

Hydraulic floodway means the minimum channel required to pass the **regulatory flood**, as calculated by the Grand River Conservation Authority.

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 home means a **premises** regulated by the Ontario Fixing Long-Term Care Act, 2021, 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:

a) 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;

b) Is all land held or owned under distinct and separate ownership from the ownership of the fee or equity of redemption in abutting land;

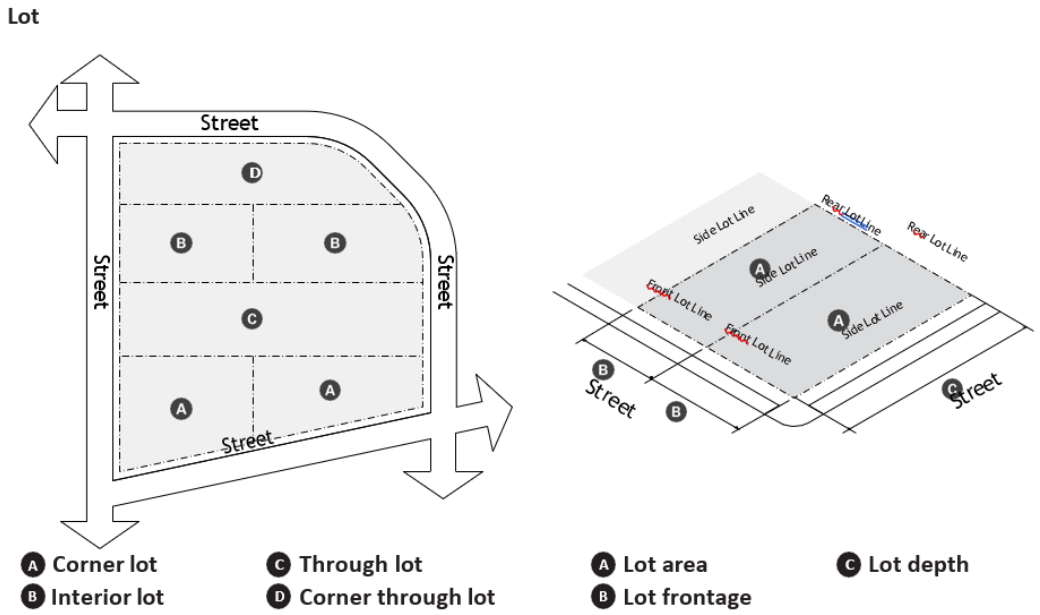
c) The description of which is the same as in a Deed which has been given consent pursuant to Section 53 of the Planning Act, as amended from time to time or any successor thereof; or

d) 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 line**s 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 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**, **porch**es, bay windows, canopies and overhanging eaves.

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

a) 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

b) 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:

a) 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.

Lot line means any boundary of a **lot**;

a) **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;

b) **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**;

c) **Side lot line** means an **exterior side lot line** or an **interior side lot line**;

d) **Exterior side lot line** means the **lot line** abutting a **street** that is not the **front lot line** or **rear lot line**;

e) **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 **premises** 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 **premises** 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 **premises** 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**.

a) **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.

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

c) **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 on a **balcony**.

d) **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.

e) **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.

f) **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:

a) To provide, when used in relation to services, includes to furnish, perform, solicit, or give such services and "providing" and "provided" have corresponding meanings;

b) 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;

c) Services designed to appeal to erotic or sexual appetites or inclinations include:

   (i) Services of which a principal feature or characteristic is the nudity or partial nudity of any person;

   (ii) Services in which persons perform any form of striptease; and;

   (iii) 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.

Primary dwelling unit means the principal residential unit within a dwelling. The **Primary dwelling unit** may take up the entirety or part of a dwelling.

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

Print or publishing establishment means a **premises** used primarily for printing, copying, lithographing, and/or publishing of printed materials.

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**.

Regulatory flood means the flood resulting from Hurricane Hazel Regional Storm, as determined by the Grand River Conservation Authority

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**.

Rental outlet means a **premises** which rents tools, appliances, **office** machines, recreation equipment, light construction equipment and party supplies or the like is provided.

Repair service means a **premises** where the maintenance or repair of goods or equipment is conducted, but does not include a major equipment supply and service, **vehicle body shop**, **vehicle repair establishment**, **vehicle sales establishment**, **vehicle service station**.

Research and development establishment means a **premises** which is used for scientific research, tests or investigations including prototyping and **manufacturing** related to research and development on site, data collection and manipulation or technical development of information, processes, products or devices for scientific application.

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 **premises** which displays, sells, or rents goods or materials.

Retirement residential facility means a **premises** 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 home** 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 **tower**s.

S

Safe access means unobstructed direct, or elevated access for pedestrians or **vehicles** in an area which may be covered by flood water at a regulatory storm level. The Grand River Conservation Authority has calculated this level to be: where the product of depth and velocity of flood water during a regulatory storm is less than or equal to 0.4 m2 per second and the depth and velocity does not exceed 0.8 metres and 1.7 metres per second, respectively.

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.

Storage facility means a **premises** where, for a fee, articles, goods or materials are stored, but does not include a warehouse.

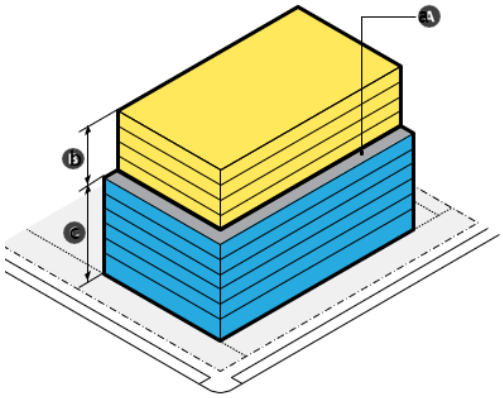
Storey means that portion of a **building**, other than a **basement**, that is situated between the top of any floor and the top of the floor next above it or that is situated between the top of the floor and the ceiling above the floor, if there is no floor above it, as defined in the Ontario **Building**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

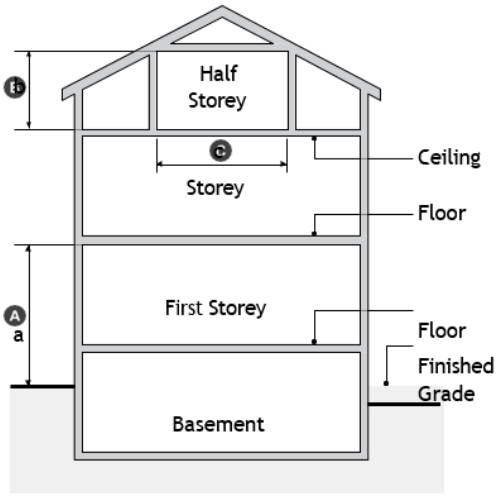
Half storey means a finished **floor area** above the **first storey** and any attached **garage** that is located partially or wholly within a sloping roof and having a **floor area** that does not exceed 50 per cent of the **floor area** of the **storey** directly below the **half storey**.

Stepback, tower and **podium**



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

Taxi establishment means a **premises** used as a dispatch and administration **office** for taxis and includes the area used for the parking of taxis when not engaged in transporting persons or goods.

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.

Tradesperson's shop means a **premises** in which is provided to the public a non-personal service or trade including a plumber's shop, painter's shop, carpenter's shop, electrician shop, contractor's shop or other similar trades which provides an installation and/or assembly service, but does not include a contractor's **yard**, **vehicle body shop**, **vehicle repair establishment**, **vehicle sales establishment**, **vehicle service station**, **retail establishment**, or **print or publishing establishment**.

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

Transit terminal means a **premises** where b**uses** 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 body shop means a **premises** where the body of **vehicles** are repaired or body work is conducted and includes the painting of **vehicles**.

Vehicle parts establishment means a **premises** where retail and **wholesale** sales occur of equipment and parts used to repair, service or customize **vehicles**, but does not include any other **vehicle** establishment.

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 sales establishment means a **premises** where new or used **vehicles** are leased, rented, displayed for sale or sold.

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).

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

b) 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**.

a) **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**;

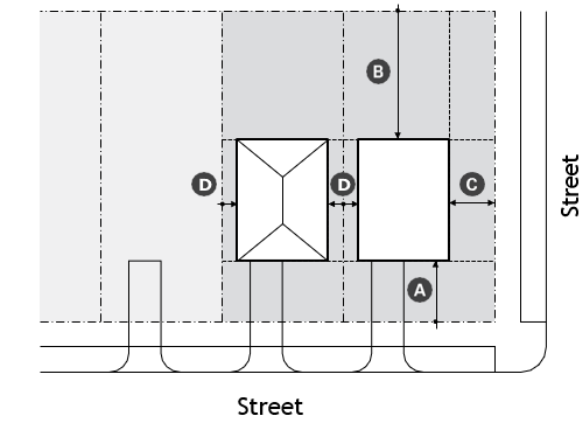
b) **Rear yard** means a **yard** that extends across the full width of a **lot** measured at right angles to the **rear lot line** from the nearest rear foundation wall of the **main building** and, in the case of a **corner lot**, a **yard** extending from the **exterior side yard** abutting a **street** to the **side lot line**;

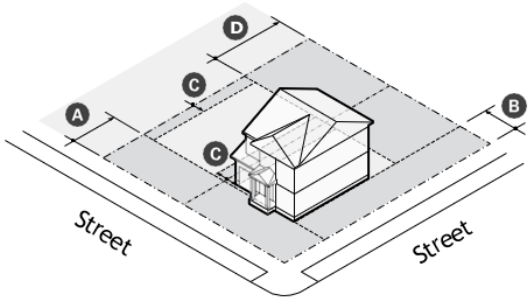
c) **Side yard** means an **exterior side yard** and an **interior side yard**;

d) **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**;

e) **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**.

Yards





A Front yard
B Rear yard
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 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.

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 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.

4.3.2 Elementary and secondary schools

Elementary and secondary **school**s shall be permitted on any **lot** within the following precincts: LDR, MDR, HDR, MUC, NCC, D1, D2, D3, and DI, subject to Section 4.3.4 of this **By-law**.

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, 4.3.2 and 4.3.3 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**.

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

c) Lands within the Special Policy Area Overlay is subject to the provisions of Section 7.10 of 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.

Note: Section 4.6 does not apply to **additional dwelling units** in a separate **building**. Refer to Section 4.13 for the regulations that apply to **additional dwelling units** in a separate **building**.

4.6.1 General regulations

a) No **accessory building or structure** shall be **used** for human habitation.

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.

(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, excluding **accessory buildings or structures** used exclusively for **bicycle parking spaces**

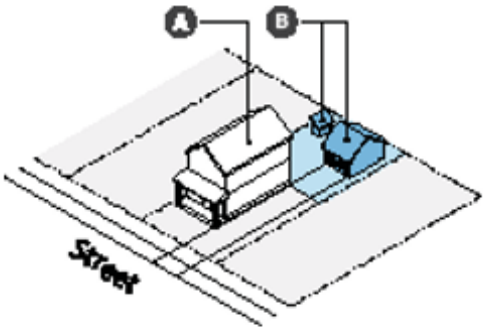
b) The maximum height of an **accessory building or structure** is 4 metres except as provided in Section 4.16 (Building heights).

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

The maximum height of an **accessory building or structure** is 4.5 metres except as provided for in Section 4.16 (**Building heights**).

Accessory building or structure



A Main building
B Accessory building or structure

4.6.4 Swimming pools and hot tubs

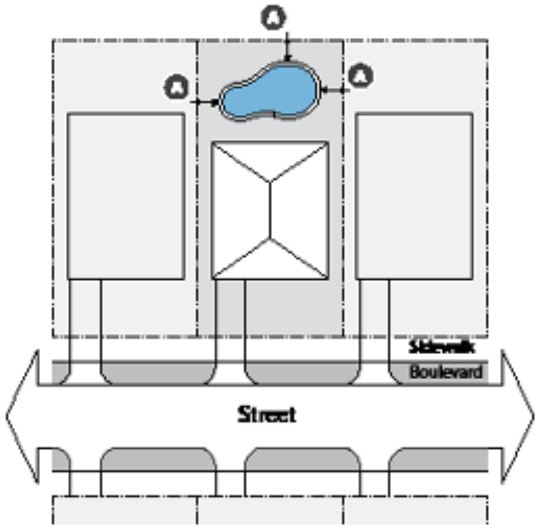
a) No outdoor swimming pool or hot tub shall be located in any part of a **front yard** or required **exterior side yard**, unless it is located behind the rear wall of the **main building** and in compliance with provision 4.7.1 (Corner lots).

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



A Interior side yard and rear yard setback (min)

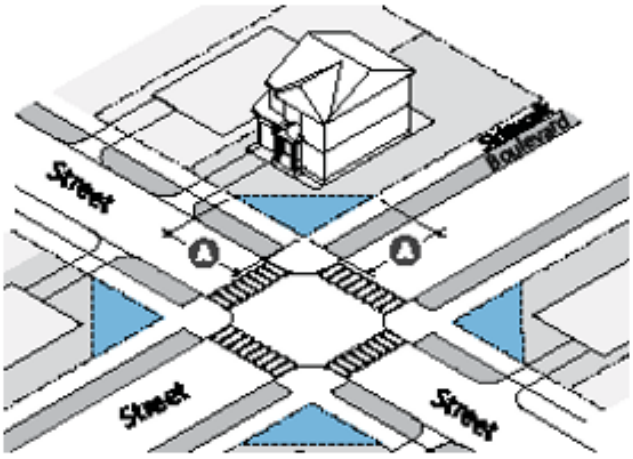
4.7 Sight line triangles

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



Sight line triangle

A Sight line triangle distance 9 m

4.7.2 General sight lines

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

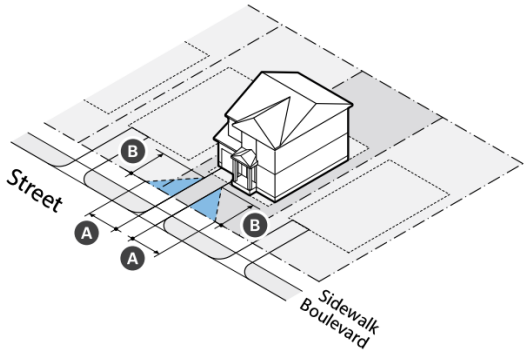
a) The sightline triangle at a **driveway, residential** and **driveway, non-residential**, **lane**, **parking aisle** or other vehicular access from the **street** is the triangular area created by connecting the points measured as follows:

   (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



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

4.8 Permitted yard projections

Required **yard**s 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 4.24 (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 4.24 (Road allowance requirements for specific roads).

4.7.1 Canopies and awnings above door and window

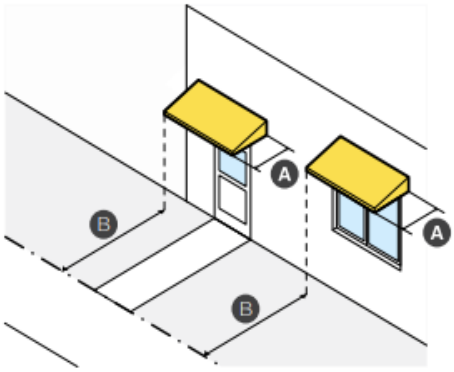


Table 4.7.1: Canopies and awnings above door and window	
A Projection into the required **yard** (max)	1.8 m
B **Setback** from **lot line** (min)	0.5 m

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

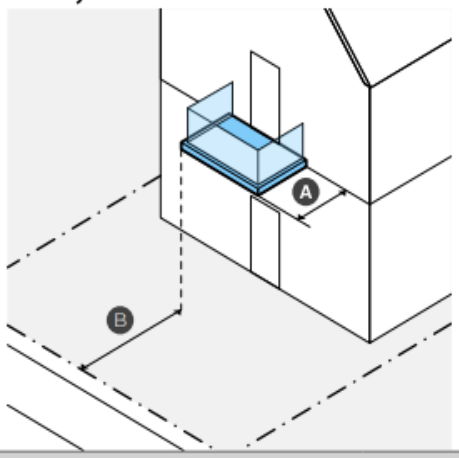


Table 4.7.2: Balconies - applicable to floors above main floor / entry level	
A Projection into the required **yard** (max)	2.4 m
B **Setback** from **lot line** (min)	2 m

4.7.3 Townhouse balconies - all yards

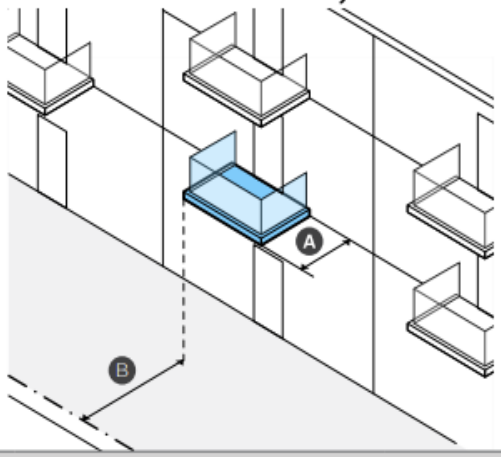


Table 4.7.3: Townhouse balconies - all yards	
A Projection into the required **yard** (max)	2.4 m
B **Setback** from **lot line** (min)	2 m

4.7.4 Apartment building balconies - all yards

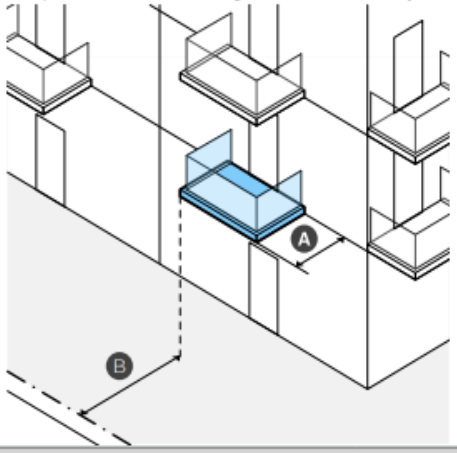
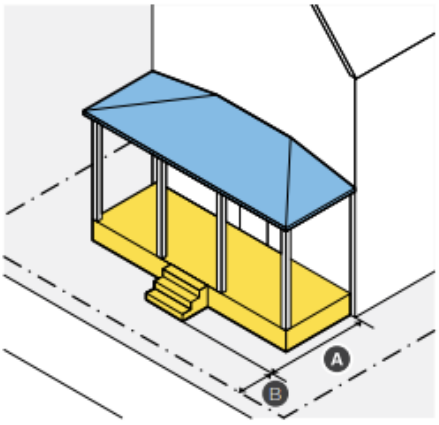


Table 4.7.4: Apartment Building Balconies - All Yards	
A Projection into the required **yard** (max)	1.8 m
B **Setback** from **lot line** (min)	2 m

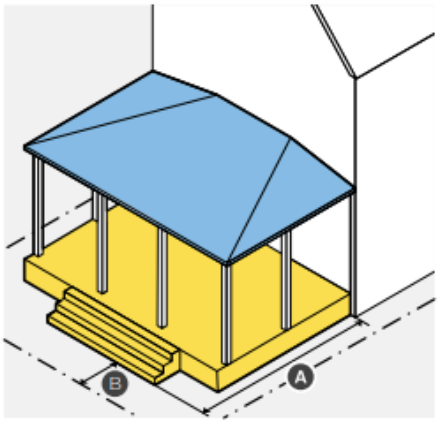
Note: A 2 metre deep **balcony** at the front of the house does not require a 2 metre **setback** from the **side lot line** when the **balcony** is within the **building** envelope.

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

Front / Exterior Yard



Rear Yard



Side Yard

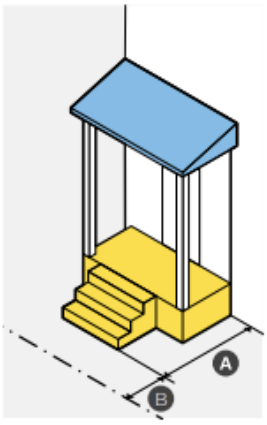


Table 4.7.5A: Front/exterior side yard	
A Projection into the required **yard** (max)	2.4 m
B **Setback** from **lot line** (min)	2 m (2)

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:

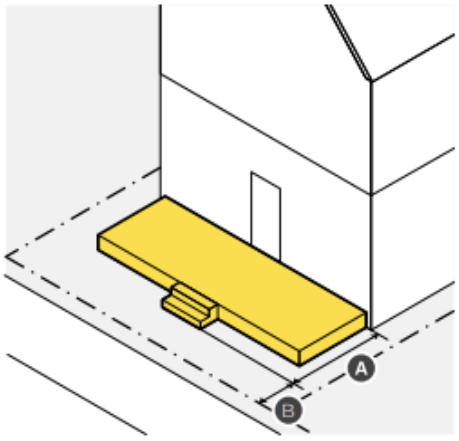
1. A **rear yard porch** exceeding 1 **storey** in height may have a roof subject to a maximum 5 metre projection into the **yard** provided there is a minimum 2 metre **setback** from the **side lot line** and **rear lot line**.
2. For a **lot** with a **dwelling unit** requiring a 0 metre **interior 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**.

4.7.6 Permitted yard projections

Uncovered porch not more than 1.2 m above finished grade

Front / Exterior Yard



Rear / Side Yard

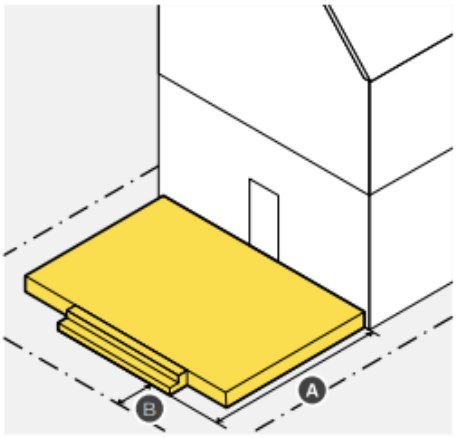


Table 4.7.6A: Front/exterior side yard	
A Projection into the required **yard** (max)	3 m
B **Setback** from **lot line** (min)	0.8 m[1]

Table 4.7.6B: Rear/interior side yard	
A Projection into the required **yard** (max)	No max. projection required
B **Setback** from **lot line** (min)	0.6 m[1]

Additional regulation for Tables 4.7.6A and 4.7.6B:

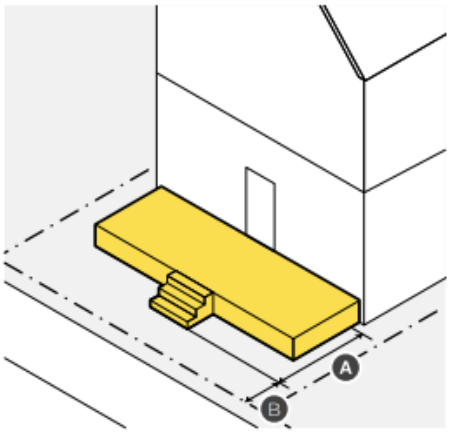
1. For a **lot** with a **dwelling unit** requiring a 0 metre **interior side yard**, there is no required **setback** to that **interior side lot line** from a **porch**, inclusive of stairs.

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

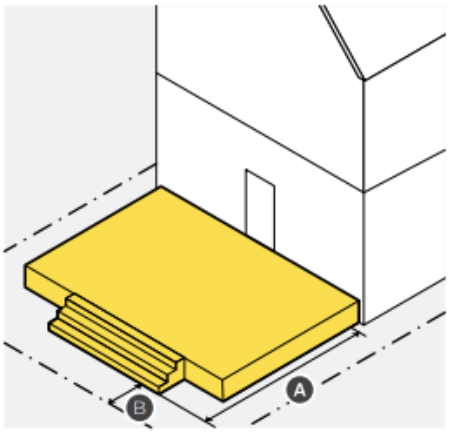
4.7.7 Permitted yard projections

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

Front / Exterior Yard



Rear Yard



Side Yard

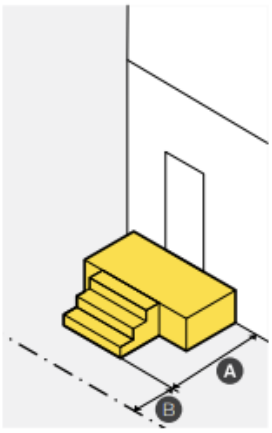


Table 4.7.7A: Front/exterior side yard	
A Projection into the required **yard** (max)	3 m
B **Setback** from **lot line** (min)	0.8 m[1]

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:

1. 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 proj into the requir **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
	Fire escapes	**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
	Cantilevered rooms to a maximum of 25 per cent of the wall area	**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 **yard**s	0.8 m	No **setback** requirement
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 4.18** (**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** are 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**.

(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**.

(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 within **semi-detached dwellings**, **duplex dwellings**, **townhouse, on-street**, or **townhouse, rear access on-street** dwellings up 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 the **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 4.13.1 g) (i) and 4.13.1 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**.

- Despite 4.13.1 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**.

- Despite 4.13.1 g) (vi), an **additional dwelling unit** must be **setback** from an **exterior side lot line** no less than the **setback** of the main dwelling unit.

(vii) 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 precinct to a minimum of 1.2 metres.

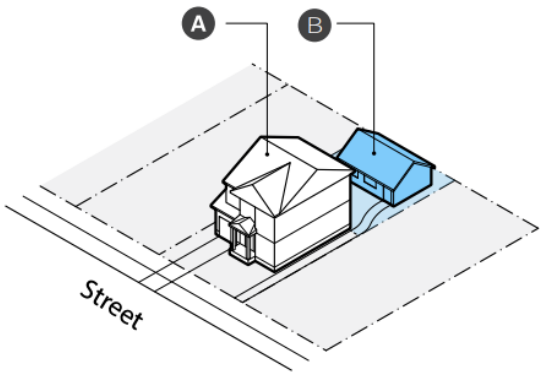
- Despite 4.13.1 g) (vii), the second **storey** of an **additional dwelling unit** shall have a minimum 3 metre **interior side yard** and **rear yard setback** where a second **storey** window faces a **lot line**.

- Any second **storey balcony**, entrance, or exterior stair to the second **storey**, must be **setback** a minimum of 3 metres from a **lot line**.

- Rooftop **amenity area** above the second **storey** is not permitted.

h) A minimum distance of 3 metres shall be provided between the primary **building** and **additional dwelling unit**(s) in a separate **building**.

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 Angular Plane

a) In addition to maximum **building height**, in certain precincts, **angular planes** will also be required in determining maximum **building height**. Where an **angular plane** is required, it shall be determined as follows:

   (i) **Building heights** shall not exceed an **angular** plane of 45 degrees from the **centre line** of the **street**.

   (ii) **Building heights** shall not exceed an **angular** plane of 40 degrees from the **lot line** when adjacent to a river or **park**.

4.16 Building heights

4.16.1 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 4.16.3).

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.

4.16.2 Protected view areas

Despite 4.16.1 (Exemptions), no part of any **building** or **structure** constructed within the Protected View Area Overlay, as shown on **Appendix C1** of this **By-law** shall exceed the elevation specified on **Appendix C1**.

4.16.3 Rooftop mechanicals and elevator penthouses

a) Rooftop mechanicals shall be **setback** a minimum of 5 metres from the **building** edge.

b) Shall be **setback** a minimum of 1.5 metres and shall be screened with screening equal to the height of the **rooftop mechanical units** where the setback from the **building** edge is less than 5 metres.Rooftop mechanicals shall not exceed three metres in height.

c) Elevator penthouses shall not exceed six metres in height.

4.17 Home occupations

4.17.1 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.

4.17.2 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.

4.17.3 Regulations for bed and breakfast establishments

In addition to the **home occupation** regulations in provision 4.17.1 (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 4.17.1 a), a **bed and breakfast** is not limited to a maximum **gross floor area**.

b) Despite 4.17.1 d) a **bed and breakfast** is not limited to 3 clients at one time.

4.17.4 Regulations for private home day care establishments

a) Despite 4.17.1 a), a **day care, private home** is not limited to a maximum **gross floor area**.

b) Despite 4.17.1 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.

4.18 Fences

4.18.1 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.

4.18.2 General regulations

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

4.18.3 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**.

4.18.4 Other precincts

a) The maximum height of a **fence** located in a **front yard**, **interior side yard** or **exterior side yard** is 0.8 metres.

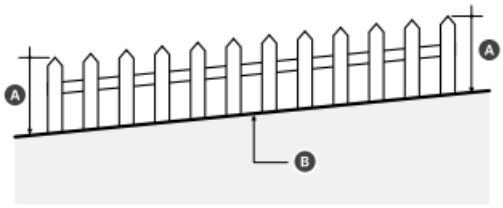
b) The maximum height of a **fence** located in a **front yard**, **interior side yard** or **exterior side yard**, setback 4 metres from a **street line**, is 1.6 metres in height.

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.

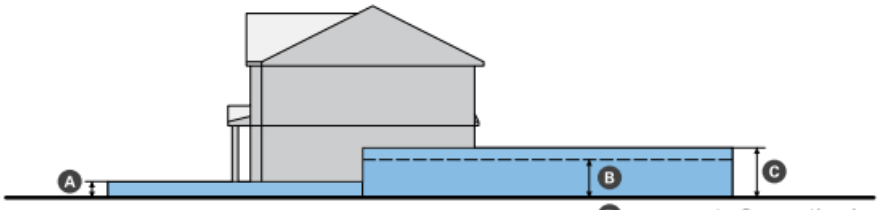
Note: See regulation 4.20.4 for regulations regarding temporary **fences**.

Calculation of fence height



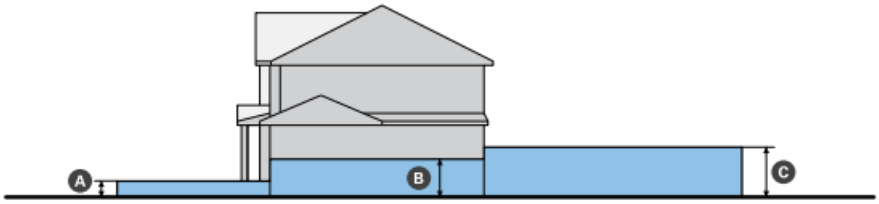
A Height
B Ground elevation

Residential fence height



Corner Lot Fence

B represents 0 m setback
C represents 4 m setback



Interior Yard Fence

A 0.8 m B 1.9 m C 2.5 m

4.19 Occasional uses

4.19.1 General regulations

a) **Occasional uses** are permitted for a time period of not more than a total of 120 days per calendar year.

b) No **occasional use** shall be offensive by way of the emission of light, heat, including a **noxious use** or pollution of any kind.

c) Any **occasional use** is permitted to be conducted outdoors and shall comply with Section 4.21 (Enclosed operations).

d) Despite 4.21(d), an **occasional use** is permitted to occupy required **parking spaces**.

e) A special event and associated temporary **structures** are permitted as an **occasional use**.

4.20 Temporary buildings and structures

4.20.1 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.

4.20.2 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.

4.20.3 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.

4.20.4 Temporary fence

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

4.21 Enclosed operations

a) The operations of every 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:

   (i) An **outdoor patio** of a **restaurant**, **nightclub** or **licensed establishment** and in accordance with Section 4.14 (Outdoor patios).

   (ii) An **outdoor display and sales area** associated with a permitted **occasional use**.

   (iii) 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 4.19.1(d) (**Occasional uses**).

4.22 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**.

4.23 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**.

4.24 Road allowance requirements for specific roads

Despite any other provision of this **By-law** except for provision 1.21.3 (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 5.1 of the City of Guelph Official Plan in force and effect on the **effective date** of this **By-law**, than the minimum **setback** required by this **By-law** plus the Widening Specification listed in Table 5.1 of the **City's** Official Plan in force and effect on the **effective date**, for that **street**.

4.25 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 Section 4.25 d) (i) may be stacked.

4.26 Group home

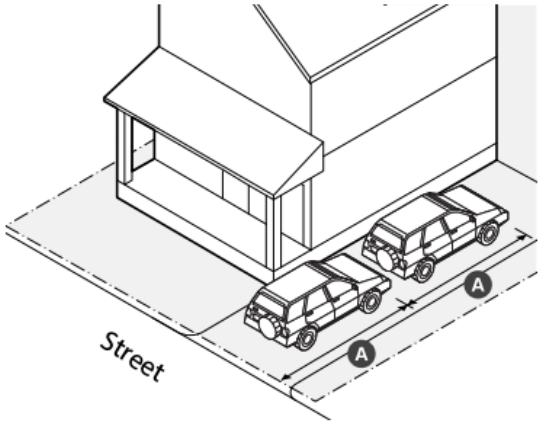
a) Where permitted by a precinct, a **group home** is permitted to occupy the whole of a **single detached dwelling**, or both units of a **semi-detached dwelling** or **duplex dwelling**.

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 square metres 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) **Parking spaces** provided for a **group home** may be stacked.

Stacked parking spaces



A 5.5 m

4.27 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.

4.28 Food vehicle

a) Where permitted by the precinct, every **food vehicle** shall be located in accordance with the following provisions:

(i) Within any commercial, downtown, employment or institutional precinct:

- Shall occupy a defined **parking space**.
- Shall not occupy any **Accessible parking space**.
- Shall be in accordance with Section 4.7 (Sight line triangles).

4.29 Shipping container

a) A **shipping container** placed on a property shall be considered a **structure** and shall be subject to the provisions of this **By-law**.

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 container**s 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 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 4.29 b), a **shipping container** is permitted in association with a storage facility **use**.

4.29.1 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 4.19 (Occasional uses).

4.30 Building transition for apartment buildings and buildings in Downtown precincts

Where an **apartment building** is proposed in any precinct or where a **building** is proposed in the D1, D2, D3, or DMTS precinct 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 Schedules B1 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 stepbacks**.

c) Reduction in **building** massing.

d) Introduction of intervening ground-oriented dwelling or built form.

e) Other approaches informed by relevant City approved urban design guidelines.

Where a **building** is proposed in a D1, D2, D3, or DMTS precinct that abuts a property designated 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 B 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 stepbacks**;

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.

5 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 5.0 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 Parking exemption in Downtown Area.

In the Downtown Permit Area, no parking is required. Where parking is proposed to be provided, the **parking spaces** shall comply with the design regulations in Section 5.4.2, the required ratios of **accessible parking spaces** and shall be provided in accordance with Table 5.3 for **accessible parking spaces** and Section 5.88 for electric vehicle parking.

For further clarity, the parking exemption in the Downtown Area does not apply to required **bicycle parking spaces** or **accessible parking spaces** when parking is provided.

5.2 Calculation

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

5.3 Location

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

5.3.1 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) Every **parking space** for the **uses** specified in 5.3.1 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**.

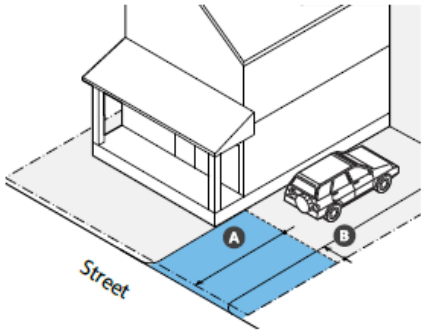
(ii) Where an off-**street parking space** does not exist and where such space cannot be provided to the rear of the front wall of the **main building** of an existing **dwelling unit**, 1 off-**street parking space** may be wholly or partially located within the required **front yard** provided such **parking space** is **setback** a minimum of 0.5 metres from the **side lot line**.

(iii) Despite 5.3.1 a) (i), in the case of a **through lot**, **parking spaces** may be wholly located within one of the **front yard**s, behind the front wall of the **main building** and be **setback** a minimum of 0.5 metres from the **side lot line**.

(iv) Except for **rear-access on-street townhomes**, 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.

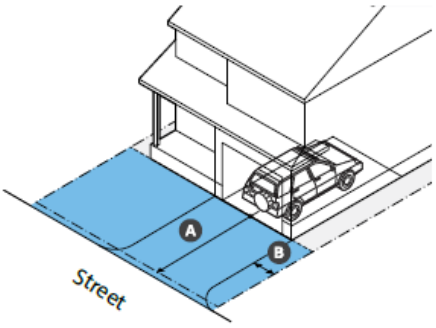
Parking location for residential uses

a. Exterior parking space



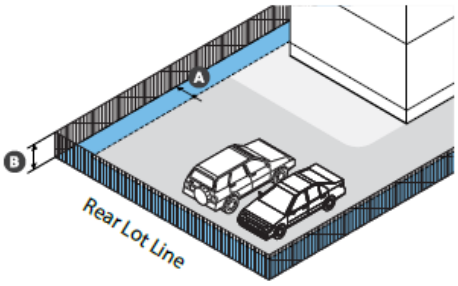
A 6 m
B 0.5 m

b. Interior parking space



A 6 m
B 0.5 m

c. Rear yard parking area



A 0.5 m
B 1.5 m

5.3.2 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 5.3.2 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 containing an entrance or any window of a **habitable room** for **dwelling units** located on the **first storey** or **basement**.

c) On a **lot** 9,000 square metres or greater, a maximum of 75 per cent of the residential **parking spaces** for **buildings** with a residential **density** over 100 units per hectare (uph), 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.

5.3.3 Commercial, 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**.

   (i) Despite 5.3.3(a), where a **parking area** is shared between one or **lots** in a commercial precinct, the **parking area** may be located up the **interior side** or **rear lot line** for the extent of the shared **parking area**.

b) A **parking area** shall be screened from any **street** with landscaping consisting of trees, shrubs or berms.

c) In any commercial or downtown precinct, **parking spaces** and **parking areas** shall be located in **interior side yards** or **rear yards**.

d) In any commercial precinct, no **parking area** or **parking space** shall be located within 15 metres of the **lot line** of a **corner lot** of any intersection 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**.On a lot 9,000 square metres and greater, a maximum of 75 per cent of the residential **parking spaces** for **buildings** with a residential **density** over 100 units per hectare (uph), shall be permitted in surface **parking areas**.

5.3.4 Structured and underground 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 5.3.4 a) and is located below a required **landscaped open space** area or **buffer strip**, there shall be a minimum depth of 1.2 metres above the **structure**.

c) Within the downtown precincts, a structured **parking area** within the **first storey** of a **building** shall be **setback** from the **street line** a minimum of 4.5 metres

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

5.4 Design

5.4.1 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** only.

d) In a downtown precinct, **vehicle** access to a **parking area** is by 1 **driveway, access** only, which shall have a minimum width of 6 metres throughout its length.

e) The minimum width of a **parking aisle** providing two way access shall be 6.5 metres.

f) The minimum width of a **parking aisle** providing two way access to parallel **parking spaces** shall be 6.1 metres.

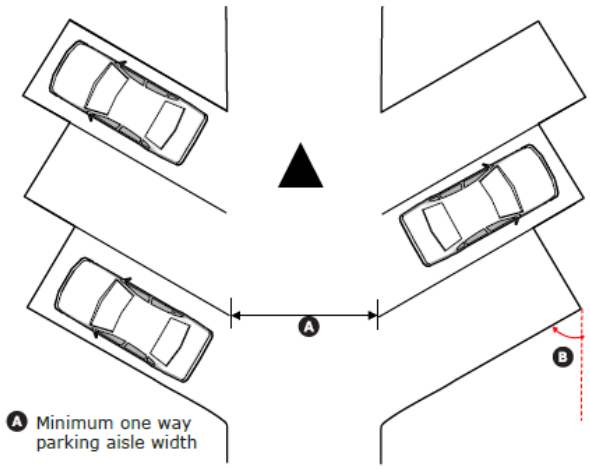
g) The minimum width of a **parking aisle** providing one way access to parallel **parking spaces** shall be 4 metres.

h) 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

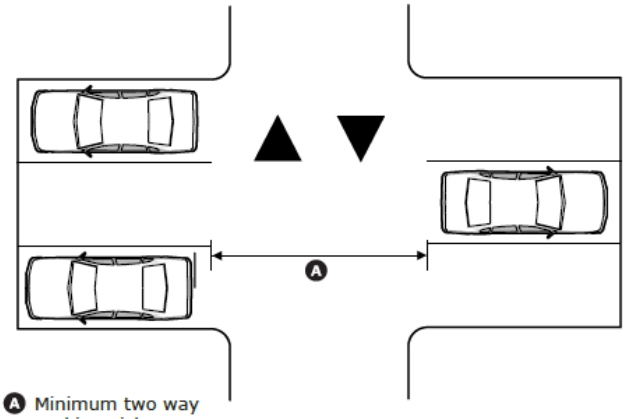
One way access parking aisle width for angled parking



A Minimum one way parking aisle width

B Angle of parking space

Two way access parking aisle width



A Minimum two way parking aisle

5.4.2 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 5.4.2 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**.

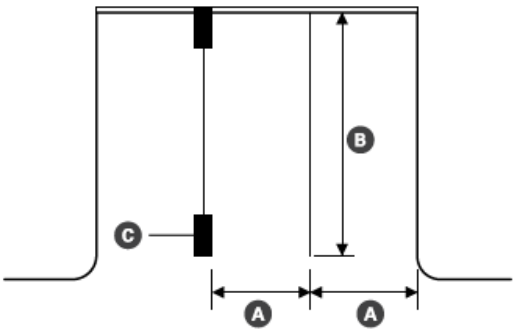
Table 5.2: Minimum parking space dimensions

Row	**Parking space** type or location for specified **uses**	Dimensions- minimum required
1.	Parking space within a garage or carport for an individual dwelling unit	3 m width x 6 m length (1)
2.	Parking space for an individual dwelling unit on a driveway, residential	2.5 m width x 5.5 m length
3.	**Parking space** within a **surface parking area** or **parking structure**	2.75 m width x 5.5 m length (excluding any obstructions)
4.	Interior or exterior parallel **parking space** within a **surface parking area** or **parking structure**	2.6 m width x 6.5 m length
5.	Interior or exterior stacked (tandem) **parking space**	**Parking space** dimension, with length multiplied by 2

Footnote: Additional regulations for **Table 5.2**:

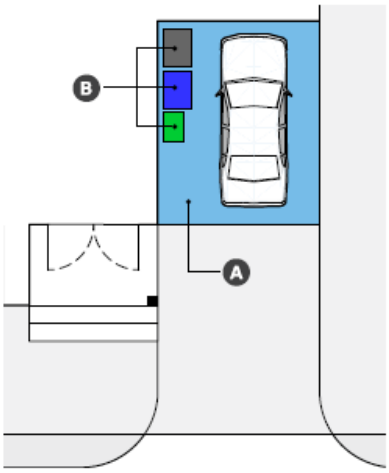
1. An attached **garage** for **semi-detached dwellings**, and **townhouses, on-street**shall have a minimum **floor area** of 20 square metres.

Parking space dimensions



A Width
B Length
C Column

Attached garage parking space



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

5.4.3 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**.

5.4.4 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.

5.5 Loading space requirements

a) All **loading spaces** shall be located in the **rear yard** or **interior side yard**.

b) All **loading spaces** shall be screened from any **street** with a wall of not less than 2 metres in height, and landscaping consisting of trees or shrubs.

(i) Despite 5.5(b), where a **loading space** faces a **street**, the **loading space** shall be screened from the **street** with landscaping consisting of trees, shrubs, or berms.

5.6 Accessible parking

Accessible parking shall be provided for **uses** on **lots** where parking is provided, in accordance with the provisions of this Section.

a) Accessible parking rates

(i) Where **parking spaces** are provided**, Accessible parking spaces** shall be provided in accordance with the requirements set out in **Table 5.3**: Accessible Parking Rates.

(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** providing 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** provided for each **use**.

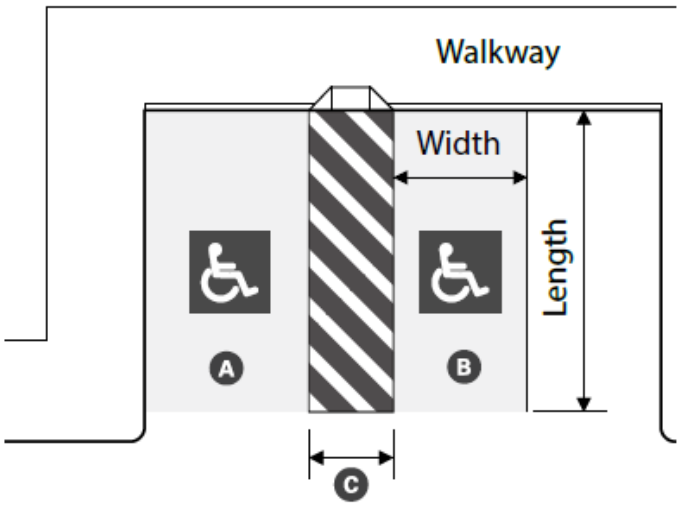
b) **Accessible parking space** design requirements

(i) **Accessible parking spaces** shall be designed, installed and maintained in accordance with the minimum specifications set out in **Table 5.3**.

- Despite **Table 5.3**, a **driveway, residential** for a **vehicle, accessible** is permitted to have a width of 4.9 metres, 1.5 metres of which must be

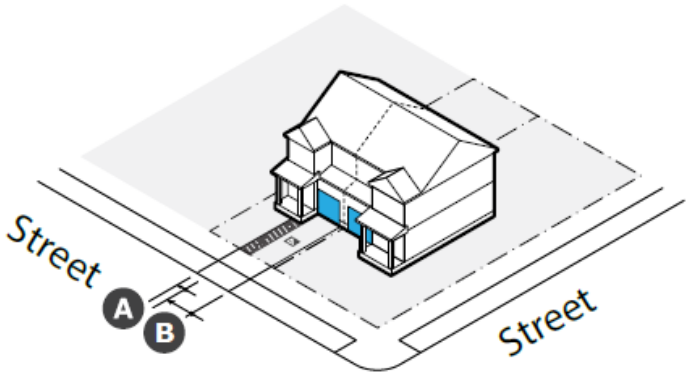
identified with hatched diagonal lines as a pedestrian access and no **vehicle** parking shall occur on the hatched portion of the **driveway, residential**.

Accessible parking space dimensions



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



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

Table 5.3: 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)	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)	

Row	Number of required parking spaces	Type A accessible parking spaces (minimum)	Type B accessible parking spaces (minimum)
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)	

Footnote: Additional regulations for **Table 5.3**:

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 5.4: 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

Footnote: Additional regulations for **Table 5.4**:

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 spaces**, 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

a) **Bicycle parking spaces, long term** and **bicycle parking spaces, short term** shall be provided in accordance with Table 5.5.

b) 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**.

c) Section 5.7 of this **by-law** shall only apply to **buildings** or portions of **buildings** that did not exist on the **effective date** of this **by-law**.

Table 5.5: Required Bicycle Parking Rates in Downtown

Row	Use	Bicycle parking spaces, short term-minimum required	Bicycle parking spaces, long term-minimum required
1.	**Apartment building**	0.07 spaces per **dwelling unit** (1)	0.68 spaces per **dwelling unit** (1)
2.	**Live-work unit**, **mixed-use building**	In addition to the non-residential parking requirement, 0.07 spaces per **dwelling unit** is required (1)	In addition to the non-residential parking requirement, 0.68 spaces per **dwelling unit** is required (1)
3.	Retail uses	0.25 spaces per 100 m^2 GFA	0.085 spaces per 100 m^2 GFA
4.	**Office** uses	0.03 spaces per 100 m^2 GFA	0.17 spaces per 100 m^2 GFA
5.	All other non-residential uses	0.1 spaces per 100 m^2 GFA.	0.05 space per 100 m^2 GFATable 5.4.

Footnotes: Additional regulations for **Table 5.5**:

1. In **buildings** having less than 10 **dwelling units**, no **bicycle parking spaces** are required for the residential component.
2. The required **bicycle parking space, short term** for any **use** may be located on the **lot** on which the **use** is located, and/or on the **street** abutting the **lot**.

5.7.1 Bicycle parking space, long term - design and location

a) **Bicycle parking spaces, long term**, shall not be provided within a **dwelling unit** or suite.

b) Despite Section 5.7.1 (a), the required **bicycle parking spaces, long term** for **back-to-back**, **cluster**, **stacked** and **stacked back-to-back townhomes** may be located in a dedicated indoor storage closet at the main entrance of the **dwelling unit** located below finished grade or at ground level. Such **bicycle parking spaces** are not required to provide vertical clearance or abut an access aisle in accordance with Section 5.7.3.

c) For **stacked townhouses** and **stacked back-to-back townhouses**, a **bicycle parking space, long term** for **dwelling units** located below finished grade, may be provided in an exterior under-stairwell enclosure. Such **bicycle parking spaces** are not required to provide vertical clearances or abut an access aisle accordance with Section 5.7.3.

d) **Bicycle parking spaces, long term** provided in an outdoor bicycle locker are not required to provide vertical clearance in accordance with Section 5.7.3.

e) **Bicycle parking spaces, long term** provided in centralized room(s) within a **building** or **structure** shall be required to provide a minimum of 25 per cent of the spaces within the building or structure in a horizontal ground mounted position in accordance with Section 5.7.3 and may include the bottom level of stacked **bicycle parking spaces** provided in accordance with Section 5.7.3

f) For lots with 50 **dwelling units** or more, a minimum of 2 per cent of the required **bicycle parking spaces, long term** shall be provided as oversized **bicycle parking spaces** in accordance with Section 5.7.3 each with access to an electrical outlet.

5.7.2 Bicycle parking spaces, short term – design and location

a) For all uses except **back-to-back**, **cluster**, **stacked** and **stacked back-to-back townhouses**, **bicycle parking spaces, short term** shall be located no more than 25 metres from the primary pedestrian entrance or one of the primary pedestrian entrances to the building.

b) A minimum of 25 per cent of the required **bicycle parking spaces, short term** shall be weather protected.

5.7.3 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 per space, for a total of 2.4 metres for 2 spaces.

(ii) Be accessed by an aisle with a minimum width of 1.5 metres.

d) Oversized **bicycle parking spaces** shall:

(i) Be a minimum dimension of 1.0 metres wide by 2.6 metres in 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.

5.8 Electric vehicle parking requirements

a) A minimum of 20 per cent of the total provided **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 provided **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 provided **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

Parking spaces provided within an **automated** parking **system** shall not apply to satisfying required **accessible parking spaces** and/or **electric vehicle parking spaces**.

5.10 Garages and Driveways- residential precincts

5.10.1 Maximum width of attached garage - residential

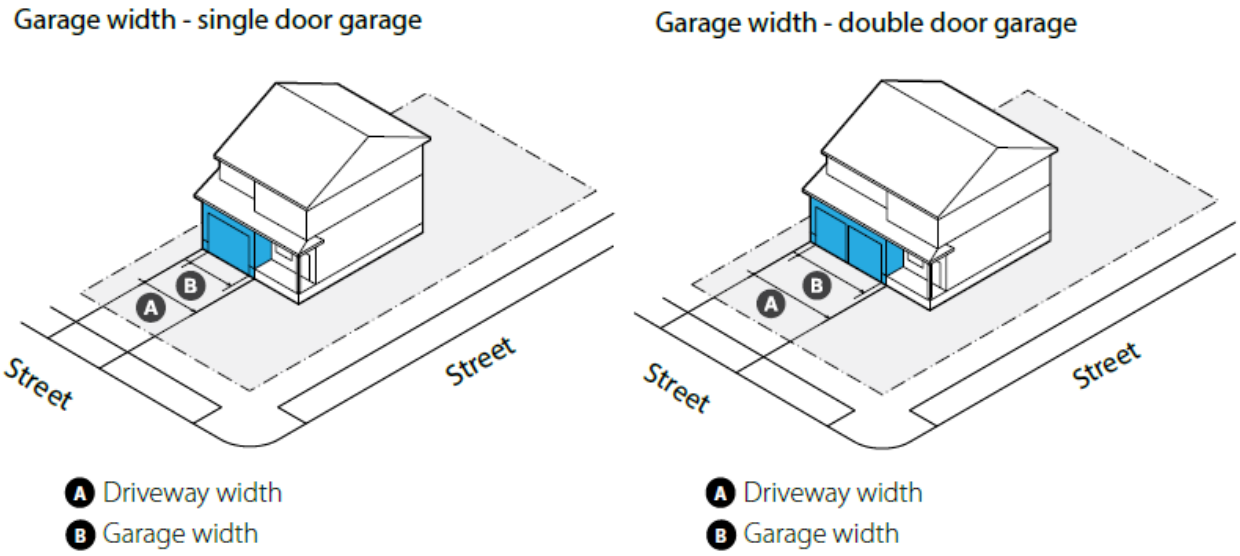
The maximum permitted **garage width** for **single detached dwelling**, **semi-detached dwelling**, **duplex dwelling**, **townhouse-on-street**, **townhouse-cluster**, shall be in accordance with **Table 5.6**.

Table 5.6: Maximum Width of Attached Garage

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

Footnote: Additional regulations for **Table 5.6**

1. **Lots** with **lot frontage** of 12 metres or greater may have a maximum attached **garage width** of 6 metres.

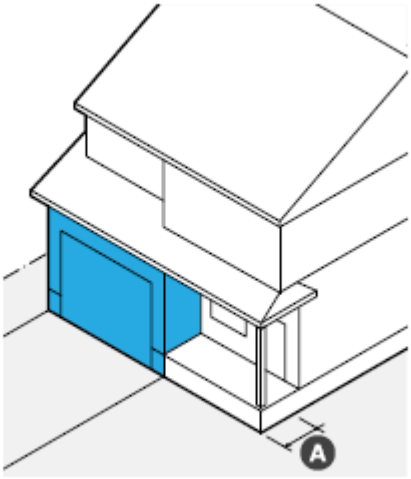


5.10.2 Garage location

a) 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 3 metres, in line with the **porch**.

   (i) For **single detached dwellings** and **semi-detached dwellings** in downtown precincts, attached **garages** shall not project beyond the main front wall of the **building**.

Garage projection



A Garage projection

5.10.3 Maximum residential driveway widths

a) The maximum **driveway, residential** width permitted in residential precincts or downtown precincts where **single detached dwelling**, **semi-detached dwelling**, **duplex dwelling**, **townhouse- on-street**, **townhouse -cluster uses** are permitted, shall be in accordance with Table 5.7.

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.

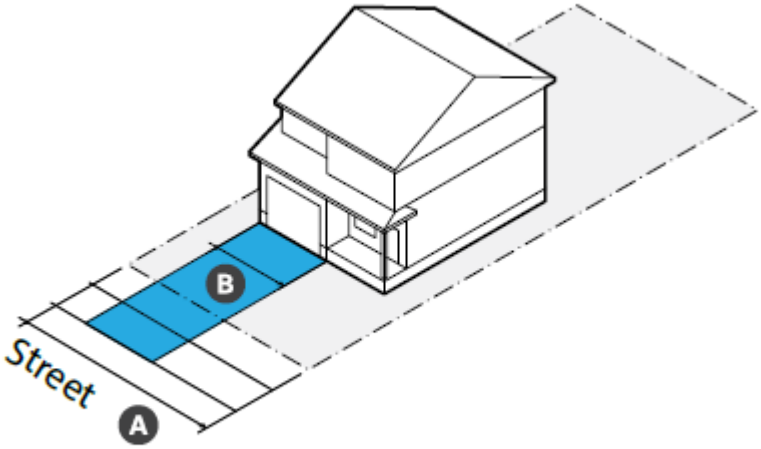
e) A maximum of 1 **driveway, residential** access is permitted per **lot** from a **street** or **lane**.

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 5.7: 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



A Lot width
B 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 lin**e of a residential, institutional or **park use**.

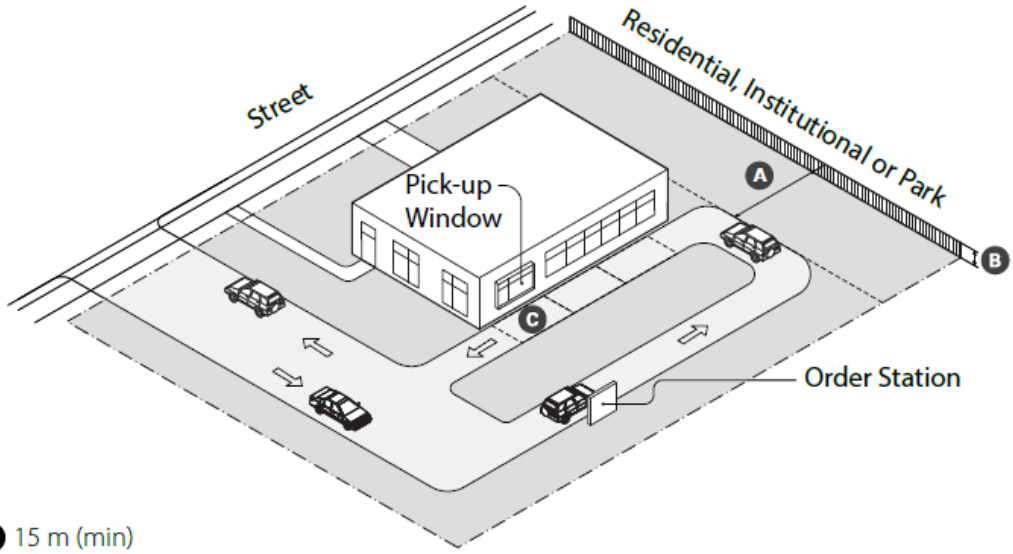
5.12 Drive-through facilities and automatic car washes

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 requirements



A 15 m (min)
B 1.5 m (min)
C Stacking lane: 2.7 m (wide) x 6.0 m (length)

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 5.8.

Table 5.8: 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) and downtown precincts (D1, D2, D3, DI, and DMTS):

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

- Is **setback** a minimum of 1 metre from an **interior side yard lot line** and **rear yard lot line**; and
- 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 Community Planning Permit Precincts

6.1 Residential Precincts (LDR, MDR, HDR)

6.1.1 Permitted and discretionary uses for residential precincts (LDR, MDR, HDR)

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

a) Permitted **uses** are denoted by the letter P;

b) Discretionary **uses** are denoted by the letter D; and

c) Criteria and conditions are listed as footnotes below Table 6.1.

Table 6.1: Permitted and discretionary uses in residential precincts (LDR, MDR, HDR)

Table 6.1: Permitted and discretionary uses in residential precincts (LDR, MDR, HDR)			
Permitted or Discretionary Use	**LDR**	**MDR**	**HDR**
Additional dwelling unit	P (1)	P (1)(11)	D (1)(11)
Apartment building	P (2)	P	P
Bed and breakfast	P	--	--
Community centre		P	D
Convenience store	--	--	P (3)(4)
Day care centre	P (3)(4)	--	P (3)(4)
Day care, private home	P	--	--
Duplex dwelling	P	--	--
Food vehicle	--	P (10)	P (10)
Fourplex	P	--	--
Group home	P (5)(6)	--	--
Home occupation	P (6)	P (6)	P (6)

Table 6.1: Permitted and discretionary uses in residential precincts (LDR, MDR, HDR)			
Permitted or Discretionary Use	**LDR**	**MDR**	**HDR**
Hospice	P (5)	--	--
Legally existing uses, **building**, and **structures**	P	P	P
Lodging house type 1	P	--	--
Long-term care home	--	P	P
Medical clinic	--	D	D
Parks and trails	P	P	P
Place of worship	--	P	D
Public hall	--	D	D
Retirement residential facility	--	P	P
Recreational facility	--	D	D
School	P	P	P
Semi-detached dwelling	P (8)	--	--
Single- detached dwelling	P	--	--
Supportive housing	P	P	P
Townhouse, back-to-back	--	P (7)	--
Townhouse, **cluster**	--	P	--
Townhouse, on-street	P (7)	P (7)(9)	--
Townhouse, **rear access on-street**	P (7)	P (7)(9)	--
Townhouse, stacked	--	P	--
Townhouse, stacked back-to-back	--	P	--
Triplex	P (8)	--	--
Other similar **uses**	D	D	D

Footnote: Additional regulations for **Table 6.1**

1. **Additional dwelling units** are permitted within and on the same **lot** as a **single detached dwelling**, **semi-detached dwelling**, and **townhouse, on-street** and in accordance with Section 4.13.1

2. Maximum of 4 **dwelling units** and in accordance with section 6.1.2 (Development standards for residential precincts (LDR, MDR, HDR)).
3. Permitted within an **apartment building**, not within a **dwelling unit**.
4. Maximum 400 square metres in **floor area**, not within a **dwelling unit**.
5. Only **use** permitted in a **building**.
6. In accordance with section 4.17(Home occupations).
7. Maximum of 3 **dwelling units** and in accordance with Table 6.3 and Table 6.4 (On-street, rear access on-street and back-to-back on-street townhouses) and Table 6.5 (Cluster townhouses, stacked townhouses, back-to-back townhouses, stacked back-to-back townhouses).
8. Maximum of 3 **dwelling units** and in accordance with Table 6.3 (Single-detached dwellings/multi-unit buildings up to 3 units and semi-detached dwellings).
9. **On-street townhouses** and **rear access on-street townhouses** are permitted in the MDR precinct, in accordance with section 4.13 (Residential intensification).
10. In accordance with section 4.28 (Food vehicle).
11. **Additional dwelling unit** (ADU) may be permitted to be added to a legally established single unit dwelling.

6.1.2 Development standards for residential precincts (LDR, MDR, HDR)

a) **Apartment buildings**, **bed and breakfasts**, **hospices**, **medical clincs**, **places of worship**, **recreational facilities**, **retirement residential facilities**, **schools**, and **supportive housing**.

Table 6.2 identifies the **development** standards and provisions for **apartment buildings** and permitted non-residential uses, in residential precincts.

Table 6.2: Development standards for apartment buildings and non-residential uses in residential precincts

Table 6.2: Development standards for apartment buildings and non-residential uses in residential precincts			
	MDR	**HDR**	**Class 2 Staff Variation**
Lot frontage (min)	22 m	30 m	May be reduced by 25 per cent of the standard for HDR and MDR.
Residential **density** - units per hectare (uph) (min)	35	100	**none**
Residential **density** - units per hectare (max)	100	150	HDR may be increased up to 250 units per hectare (net **density**). MDR have no Class 2 staff variation.
Setback regulations			
Front yard or **exterior side yard** (min)	6 m	6 m	none
Front yard or **exterior side yard** (max)	11 m	11 m	none
Interior side yard (min)	3 m (1)	3 m (1)	none
Rear yard (min)	7.5 m	7.5 m	May be reduced by 20 per cent of the standard.

Table 6.2: Development standards for apartment buildings and non-residential uses in residential precincts			
	MDR	**HDR**	**Class 2 Staff Variation**
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**.**	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**.**	none
Landscaped open space (min)	40 per cent of **lot area.** (2)(3)	40 per cent of **lot area.** (2)(3)	The standard may be reduced by 5 percentage points (e.g., 35 per cent for HDR or MDR). Staff may accept a reduction of up to 30 per cent of the required **landscaped open** space if the required **landscaped open space** can be provided as a **green roof** or **blue roof**.
Building height (min)	2 **storeys**	3 **storeys**	None for HDR and MDR.
Building height (max)	Schedule C2 establishes the maximum **building heights**.	Schedule C2 establishes the maximum **building heights**.	Variations to maximum **building height** will only be considered through a Class 3 permit, where it does not require an Official Plan Amendment or Amendment to this **By-law**.

Table 6.2: Development standards for apartment buildings and non-residential uses in residential precincts			
	MDR	**HDR**	**Class 2 Staff Variation**
Floorplate size (max) 7th and 8th **storeys** 9th and above **storeys**	7th and 8th **storeys** - 1,200 m^2 Each **storey** above 9th **storey** - 1,000 m^2.	7th and 8th **storeys** - 1,200 m^2. Each **storey** above 9th **storey** - 1,000 m^2.	May be increased up to 10 per cent of the standard.
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.**	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.

Table 6.2: Development standards for apartment buildings and non-residential uses in residential precincts			
	MDR	**HDR**	**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 a minimum of 15m. 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 a minimum of 15 m. The distance between the faces of any two **buildings** with no windows to **habitable rooms** shall be a minimum of 3 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.
Active entrance	When a **building** or portion thereof is within 15 m of a **street line**, a minimum number of 1 **active entrance** for every 30 m of street facing exterior building wall shall be required.	When a **building** or portion thereof is within 15 m of a **street line**, a minimum number of 1 **active entrance** for every 30 m of street facing exterior building wall shall be required.	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.

Footnote: Additional regulations for **Table 6.2**.

1. Where windows of a **habitable room** face an **interior side yard**, the minimum **interior side yard setback** shall be 6 m in the MDR precinct and 7.5m in the HDR precinct.
2. 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.

3. 30 per cent of the required **landscaped open space** may be in the form of a **green roof** or **blue roof**.

b) **Single-detached dwellings**/**multi-unit buildings** up to 4 units and **semi-detached dwellings**.

Table 6.3 identifies the **development** standards and provisions for **single-detached dwellings**/**multi-unit buildings** up to 4 units and **semi-detached dwellings** for all precincts that allow these **uses** as permitted or discretionary.

Table 6.3: Development standards for single detached dwellings/multi-unit buildings up to 4 units, and semi-detached dwellings in residential precinct buildings up to 3 units

Table 6.3: Development standards for single detached dwellings/multi-unit buildings up to 4 units, and semi-detached dwellings in residential precinct buildings up to 3 units			
	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)	275 m^2	230 m^2 for each unit	none
Lot frontage – (min)	9 m for an interior **lot**	7.5 m for each unit	none

Table 6.3: Development standards for single detached dwellings/multi-unit buildings up to 4 units, and semi-detached dwellings in residential precinct buildings up to 3 units			
	Minimum requirements for Single detached dwellings/multi-unit buildings up to 3 units	**Minimum requirements for Semi-detached dwellings**	**Class 2 Staff Variation**
Landscaped open space (min)	The **front yard**, except the **driveway, residential** shall be landscaped and no parking shall be permitted within this **landscaped open space**. 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. For **multi-unit buildings** with 3 units, 35 per cent of **lot area** is required to be **landscaped open space**.	The **front yard**, except the **driveway, residential** shall be landscaped and no parking shall be permitted within this **landscaped open space**. 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. Where **driveways** are joined, a 0.5 m **setback** is not required between the two **driveways**.	5 per cent of **landscaped open space** (e.g., 30 per cent). Staff may accept a reduction of up to 10 percentage points from the standard (e.g., 25 per cent) if alternative landscaping is provided (e.g., vertical landscaping, rooftop gardens) and / or low-impact development technique is provided.
Front yard	Min: 6 m (1) Max: 10 m	Min: 6 m (1)	none

Table 6.3: Development standards for single detached dwellings/multi-unit buildings up to 4 units, and semi-detached dwellings in residential precinct buildings up to 3 units			
	Minimum requirements for Single detached dwellings/multi-unit buildings up to 3 units	**Minimum requirements for Semi-detached dwellings**	**Class 2 Staff Variation**
Exterior side yard	Min 4.5 m [(5)] Max: 10 m	Min 4.	none
Interior side yard	1.2 m on one side of **dwelling unit** and 0.6 m on the other side	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 height (max)	In accordance with the max height schedule for lands within the Downtown Permit Area	In accordance with the max height schedule for lands within the Downtown Permit Area	none
Principal 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 location	In accordance with provision 5.10.2 (**Garage location**)	In accordance with provision 5.10.2 (**Garage location**)	Any variations
Garage width	In accordance with Table 5.6 (Maximum width of attached **garage,** residential)	In accordance with Table 5.6 (Maximum width of attached **garage,** residential)	Any variation

Table 6.3: Development standards for single detached dwellings/multi-unit buildings up to 4 units, and semi-detached dwellings in residential precinct buildings up to 3 units			
	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**	Any variation

Footnote: Additional regulations for **Table 6.3**.

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. A 4.5 metre **exterior side yard setback** is permitted, where there are no **exterior side yard** projections, 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**. Where there are **exterior side yard projections**, a 6 metre **exterior side yard setback** is required.

Table 6.4 identifies the **development** standards and provisions for **on-street, rear access on-street** and **back-to-back on-street townhouses** in residential precincts.

Table 6.4: Development standards for on-street, rear access on-street and back-to-back on-street townhouses in residential precincts

Table 6.4: Development standards for on-street, rear access on-street, and back-to-back on-street townhouses in residential precincts		
	Minimum Requirements for on-street, rear access on street and back-to-back on-street townhouses	**Class 2 Staff Variation**
Lot area per **dwelling unit** (min)	180 m^2 for each unit Back-to-back 90 m^2	none
Lot frontage (min per **dwelling unit**)	6 m Rear access 5.5 m Back-to-back 7 m	none
Front yard	Min 6 m Rear access min 5 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** and along **common lot line** for **rear access on-street townhouses**	none
Rear yard (min)	7.5 m or 20 per cent of the **lot depth**, whichever is less (3)	none
Lot coverage (max) - per cent of **lot area**	All permitted uses except **rear access on-street townhouses**: 55 per cent **Rear access on-street townhouses**: 60 per cent	5 percentage points (e.g., up to 60 per cent). Staff may accept an increase of 10 percentage points for all uses except rear access on-street townhomes (e.g., up to 65 per cent) from the standard if low-impact development technique is provided.

Table 6.4: Development standards for on-street, rear access on-street, and back-to-back on-street townhouses in residential precincts		
	Minimum Requirements for on-street, rear access on street and back-to-back on-street townhouses	**Class 2 Staff Variation**
Landscape open space (min)	All permitted uses except **rear access on-street townhouses**: 35 per cent (1) **Rear access on-street townhouses**: 30 per cent	The standard may be reduced by 5 percentage points (e.g., from 35 to 30). Staff may accept a reduction of up to 10 percentage points from the standard for all uses except rear-access townhomes (e.g., 25 per cent) if alternative landscaping is provide (e.g., vertical landscaping, rooftop gardens) and / or low-impact development technique is provided.
Building height (max)	In accordance with the height schedule for lands within the Downtown CPPS area.	None
Number of **dwelling units** in a row (max)	All permitted uses except **rear access on-street townhouses**: 8 (2) **Rear access on-street townhouses**: 9 (2)	Up to 10 units in a row
Dwelling unit width (min)	6 m Rear access 5.5 m Back-to-back 7 m	none
Elevation of **Principal entrance** (max)	1.2 m measured from grade at the front face of the building	none
Principal entrance	A **principal entrance** shall be provided that faces the **street line**	none

Footnote: Additional regulations for **Table 6.4.**

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 number of **dwelling 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**.

c) **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.

Table 6.5: Development standards for cluster townhouses, stacked townhouses, back-to-back townhouses, stacked back-to-back townhouses

Table 6.5: 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

Table 6.5: Development standards for cluster townhouses, stacked townhouses, back-to-back townhouses, stacked back-to-back townhouses		
	Minimum Requirements (MDR)	**Class 2 Staff Variation**
Exterior side yard (min)	4.5 m	none
Interior side yard (min)	One-half the **building height**, and no less than 3 m	none
Lot coverage (max) - per cent of **lot area**	40 per cent	5 percentage points (e.g., up to 45 per cent). Staff may accept an increase of 10 percentage points from the standard (e.g., up to 50 per cent) if low-impact development technique is provided.
Landscaped open space (min)	40 per cent of **lot area** (16) (17)	5 percentage points (e.g., minimum 35 per cent). Staff may accept a reduction of up to 10 percentage points from the standard (e.g., 30 per cent) if alternative landscaping is provided (e.g., vertical landscaping, rooftop gardens) and / or low-impact development technique is provided.
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)

Table 6.5: Development standards for cluster townhouses, stacked townhouses, back-to-back townhouses, stacked back-to-back townhouses		
	Minimum Requirements (MDR)	**Class 2 Staff Variation**
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
Private amenity area (min)	Cluster townhomes 20 m^2 per **dwelling unit** (11) Stacked and back-to-back townhomes – 5 m^2 per **dwelling unit** (12)(13)(14)(15)	5 per cent (e.g. 15 m^2) for **cluster townhomes**
Building Regulations		
Building height (max)	In accordance with the height Schedule C2 for lands within the Downtown CPPS area	none
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
Rear yard from **private street** back of curb or sidewalk or **lot line** (min)	7.5 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

Table 6.5: Development standards for cluster townhouses, stacked townhouses, back-to-back townhouses, stacked back-to-back townhouses		
	Minimum Requirements (MDR)	**Class 2 Staff Variation**
Overall **building** length of **townhouse building** (max)	49 m	May be increased by 10 per cent

Footnote: Additional regulations for **Table 6.5**.

1. Minimum 5 metre **front yard setback** where a **lane**way **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 room**s of one **building** and the front, exterior side and rear walls containing openings to **habitable room**s 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:

5. **Buildings** on a lot with less than 20 **dwelling units** are not required to provide **common amenity area**.
6. Outdoor **common amenity area** shall be aggregated into areas of not less than $20m^2$.
7. **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.
8. Outdoor **common amenity areas** shall be designed and located so that the length does not exceed 4 times the width.
9. A **common amenity area** shall be located in any **yard** other than a required **front yard** or required **exterior side yard**.

10. **Landscaped open space** areas, **buffer strips**, 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.

Private amenity areas:

11. 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 areas;
    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**.
12. **Private amenity areas** for ground level units in **stacked townhomes**, **back-to-back townhouses** and **stacked back-to-back townhouses** may be provided in the **front yard** on an unenclosed **porch** or **balcony** with no privacy screen.
13. **Private amenity areas** for units below **finished grade** in **stacked townhouses**, **back-to-back townhouses** and **stacked back-to-back townhouses** may be covered by a **building** projection from an upper **storey** by a maximum of 50 per cent.

14. **Private amenity areas** for above grade units in **stacked townhomes**, **back-to-back townhouses** and **stacked back-to-back townhouses** shall consist of a **balcony** and be defined by a wall or railing between adjacent units to a height of 1.8m and a minimum depth of 1.8m.

15. **Private amenity areas** in **stacked townhouses**, **back-to-back townhouses** and **stacked back-to-back townhouses** may face a **public street**.

16. 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.

17. 30 per cent of the required **landscaped open space** can be in the form of a **green roof** or **blue roof**.

6.2 Commercial precincts (NCC)

6.2.1 Permitted and discretionary uses for commercial precincts (NCC)

Table 6.6 identifies the permitted and discretionary **uses** and associated criteria and conditions for each precinct within the **Community Planning Permit Area** as follows:

a) Permitted **uses** are denoted by the letter P;

b) Discretionary **uses** are denoted by the letter D; and

c) Criteria and conditions are listed as footnotes below Table 6.6.

Table 6.6: Permitted and discretionary uses for commercial precincts (NCC)

Permitted or Discretionary Use	NCC
Accessory use	P (1)
Animal care establishment	P
Apartment building	--
Art gallery	--

Permitted or Discretionary Use	NCC
Artisan studio	P
Carwash	--
Commercial entertainment	--
Community centre	P
Conference and convention facility	--
Convenience store	P
Day care centre	P
Drive through facility	--
Financial establishment	P
Fitness centre	P
Food vehicle	P (5)
Funeral home	P
Garden centre	--
Group home	P (6)
Home occupation	P (7)
Hotel	--
Legally existing uses, **building**, and **structures**	P
Live-work unit	P
Long-term care home	P (2)
Medical clinic	P
Micro-brewery	P (8)
Micro-distillery	P (8)
Mixed-use building	P (2)
Nightclub	--
Occasional use	P (9)
Office	P (10)
Outdoor display and sales area	P (11)
Parks and trails	P
Place of worship	P

Permitted or Discretionary Use	NCC
Propane retail outlet	P (12)
Public hall	P
Recreation facility	P
Restaurant	P (4)
Restaurant, take-out	P
Retail establishment	P
Retirement residential facility	P (2)
School	P
School, commercial	P
Service establishment	P
Supportive housing	P
Vehicle rental establishment	P
Vehicle service station	D (3)
Veterinary service	P
Other similar **uses**	D

Footnote: Additional regulations for **Table 6.6**.

1. In accordance with Section 4.23 (**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 unit**s are permitted in the **first storey**.
3. Only one **vehicle service station** is permitted at each intersection of a **street**.
4. 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).
5. In accordance with Section 4.28 (**Food vehicle**).
6. In accordance with Section 4.26 (**Group home**).
7. In accordance with Section 4.17(**Home occupation**s).

8. 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**.
9. In accordance with Section 4.19 (**Occasional use**).
10. Maximum 400 square metres on a property.
11. In accordance with Section 4.21(Enclosed operations).
12. Only permitted as an **accessory use** in accordance with Section 4.23 (**Accessory uses**).

6.2.2 Development standards for commercial precincts (NCC)

a) **Apartment buildings**, **mixed-use buildings** and commercial buildings

Table 6.7 identifies the **development** standards and provisions for **apartment buildings**, **mixed-use buildings**, and commercial **buildings** by precinct, where **uses** are permitted.

Table 6.7: Development standards for commercial precincts

Table 6.7: Development standards for commercial precincts		
	NCC	**Class 2 Staff Variation**
Lot frontage (min)	30 m	May be reduced by 25 per cent of the standard.
Lot area (min)	2,000 m^2	May be reduced by 30 per cent of the standard
Lot area (max)	7,500 m^2	none
Residential **density** - units per hectare (uph) (min)	N/A	none
Residential **density** - units per hectare (max)	100	none
Front yard or **exterior side yard** (min)	3 m (1)	none

Table 6.7: Development standards for commercial precincts		
	NCC	**Class 2 Staff Variation**
Front yard or **exterior side yard** (max)	13 m	none
Interior side yard (min)	3 m (2)	none
Rear yard (min)	7.5 m	May be reduced by 20 per cent of the standard.
Buffer strip (min)	A 3 m wide **buffer strip** is required adjacent to **interior side lot lines** and **rear lot lines**.	none
Landscaped open space (min)	20 per cent of **lot area** (3).	May be reduced 5 percent of the standard (e.g., from 20 per cent to 15 per cent).
Building height (min)	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**.	May be reduced to no minimum **building height.**
Building height (max)	In accordance with the height Schedule C2 for lands within the Downtown CPPS area.	none
Floorplate size (max) 7th and 8th **storeys** 9th and above **storeys**	7th and 8th **storeys** 1,200 m^2. Each **storey** above 9th **storey** - 1,000 m^2.	May be increased up to 10 per cent of the standard.
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**.	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.

Table 6.7: Development standards for commercial precincts		
	NCC	**Class 2 Staff Variation**
Building length (max)	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.
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 room**s, shall be a minimum of 15 m. The distance between the faces of any two **buildings** with no windows to **habitable room**s 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.
Active entrance	When a **building** 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 facing exterior building wall shall be required.	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.

Table 6.7: Development standards for commercial precincts		
	NCC	**Class 2 Staff Variation**
Tower separation	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**. 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**.	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.
First storey height (min)	4.5 m	May be reduced to 3.2 m.
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 window**s 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**.	The standard may be reduced by 5 percentage points (e.g., from 40 to 35).
Gross floor area (GFA) (min)	Not less than 25 per cent of the commercial **gross floor area** (GFA) existing on the **effective date** of this **By-law**. If no commercial **gross floor area** (GFA) exists, the minimum commercial **gross floor area** (GFA) shall be 0.15 **floor space index** (FSI).	The standard may be reduced by 5 percentage points (e.g., from 25 to 20).

Table 6.7: Development standards for commercial precincts		
	NCC	**Class 2 Staff Variation**
Gross floor area (GFA) of individual retail **use** (max)	3,250 m^2	May be increased up to 50 per cent of the standard.

Footnote:

1. The minimum **front yard** and **exterior side yard** setback shall be 6 metres on Gordon Street.
2. Where windows of a habitable room face an **interior side yard**, the minimum **interior side yard setback** shall be 7.5 m.
3. 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.

6.3 Downtown precincts (D1, D2, D3, DMTS)

6.3.1 Permitted and discretionary uses for downtown precincts (D1, D2, D3, DMTS)

Table 6.8 identifies the permitted and discretionary **uses** and associated criteria and conditions for the Downtown precincts as follows:

a) Permitted **uses** are denoted by the letter P;

b) Discretionary **uses** are denoted by the letter D; and

c) Criteria and conditions are listed as footnotes below Table 6.8.

Active **uses** refers to **uses** permitted in **active frontage areas**. Additional provisions for active frontage **uses** are outlined in Section 6.3.3.

Table 6.8: Permitted and discretionary uses in downtown precincts (D1, D2, D3, DMTS)

Table 6.8: Permitted and discretionary uses in downtown precincts (D1, D2, D3, DMTS)					
Permitted uses	**D1**	**D2**	**D3**	**DMTS**	**Active uses**
Accessory use	P	P	P	P	--
Additional residential dwelling unit	--	P (1)	--	--	--
Agricultural produce market	P	P	P	P	P
Apartment building	P (2)	P	--	--	--
Art gallery	P	P	P	--	P
Artisan studio	P	P	P	--	--
Auction centre	P	--	--	--	P
Bed and breakfast	P (10)	P (10)	--	--	--
Catering service	P	--	P	--	--
Commercial entertainment	P (8)	--	P	--	P
Community centre	P	P	P	--	P
Conference and convention facility	P	--	P	--	--
Day care centre	P	P	P	--	--
Day care, private home	P (2)	P	--	--	--
Duplex dwelling	--	P	--	--	--
Emergency shelter	P	--	--	--	--
Financial establishment	P	P (7)	P	--	P
Food vehicle	P (12)	P (12)	P (12)	P (12)	--
Fourplex	--	P	--	--	--
Group home	P (3)	P (3)	--	--	--
Home occupation	P (4)	P (4)	--	--	--
Hospice	P (2)	P	--	--	--

Table 6.8: Permitted and discretionary uses in downtown precincts (D1, D2, D3, DMTS)					
Permitted uses	**D1**	**D2**	**D3**	**DMTS**	**Active uses**
Hotel	P	--	P	--	P
Live-work unit	P (5)	P	--	--	--
Lodging house type 1	P (16)	P (16)	--	--	--
Long-term care home	P (2)	P	--	--	--
Medical clinic	P	P	P	--	--
Micro-brewery	P (9)	--	--	--	P
Micro-distillery	P (9)	--	--	--	P
Mixed-use building	P (5)(6)	P	--	--	--
Museum	P	P	P	--	P
Nightclub	P (9)	--	--	--	P
Occasional use	P (11)	P (11)	P (11)	P (11)	--
Office	P	P	P	--	--
Outdoor display and sales area	P (13)	P (13)	P (13)	P (13)	--
Parks and trails	P	P	P		
Place of worship	P	P	P	--	--
Public hall	P (8)	D (8)	P	--	--
Recreation facility	P	D	P	--	P
Research establishment	P	--	P	--	--
Restaurant	P (8)	P (7)	P (7)	P (7)	P
Retail establishment	P	P (7)	P (7)	P (7)	P
Retirement residential facility	P (2)	P	--	--	--
School	P	P	P	--	--
School, commercial	P	P	P	--	--
School, post-secondary	P	P	P	--	--
Semi-detached dwelling	--	P	--	--	--
Service establishment	P	P (7)	P (7)	P (7)	P

Table 6.8: Permitted and discretionary uses in downtown precincts (D1, D2, D3, DMTS)					
Permitted uses	**D1**	**D2**	**D3**	**DMTS**	**Active uses**
Single detached dwelling	--	P	--	--	--
Supportive housing	P	P	--	--	--
Taxi establishment	P	--	P	--	--
Townhouse, on-street	P (2)(14)	P (14)	--	--	--
Townhouse, rear access on-street	P (2)(15)	P (15)	--	--	--
Tradesperson's shop	P	--	P	--	--
Transit terminal	P	--	P	P	--
Triplex	--	P	--	--	--
Veterinary service	P	P	--	--	--
Other similar **uses**	D	D	D	D	D

Footnote: Additional Regulations for **Table 6.8:**

1. In accordance with provision 4.13 (Residential Intensification). Only permitted on a **lot** with a **single detached dwelling**, **semi- detached dwelling** or **on-street townhouse**.
2. Not permitted in **active frontage area**.
3. In accordance with provision 4.26 (**Group home**).
4. In accordance with provision 4.17 (**Home occupation**s).
5. In accordance with provision 6.3.3 (d) (**Active frontage area**).
6. In **active frontage areas**, **dwelling units** are not permitted in the cellar, **basement**, or on the **first storey**.
7. Maximum **gross floor area** (GFA) 500 m^2.
8. Where a **lot line** abuts a LDR zone, a **commercial entertainment**, **public hall** and **restaurant** shall not exceed a maximum 500 m^2 **gross floor area** (GFA).
9. Where a **lot line** abuts a LDR zone, a **nightclub**, **micro-brewery** and **micro-distillery** shall not be permitted.

10. In accordance with provision 4.17.3 (Regulations for bed and breakfast establishments).
11. In accordance with provision 4.19 (Occasional uses).
12. In accordance with provision 4.28 (Food vehicle).
13. In accordance with provision 4.21 (Enclosed operations).
14. In accordance with Table 6.4 (On-street and back-to-back townhouses).
15. In accordance with Table 6.5 (Rear access on-street townhouses).
16. In accordance with provision 4.25 (Lodging houses).

6.3.2 Development standards for downtown precincts (D1, D2, D3, and DMTS)

a) **Development** standards for all downtown precincts.

Table 6.9 identifies the **development** standards and provisions for all permitted **development** within the D1, D2, D3 and Precincts.

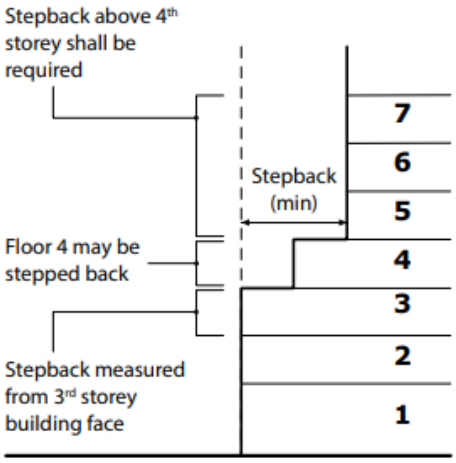
Table 6.9: Development standards for all downtown precincts

Table 6.9: Development standards for all downtown precincts		
	D1, D2, D3, DMTS	**Class 2 Staff Variation**
Floorplate size (max) 7th and 8th **storeys.**	The maximum **floorplate** of the 7th and 8th **storeys** of a **building** shall not exceed 1,200 square metres.	May be increased by 10 percent of the standard.
Floorplate size (max) 9th and above **storeys**	The maximum **floorplate** of each **storey** of a **building** above the 8th **storey** shall not exceed 1,000 square metres.	May be increased by 10 percent of the standard.
Floorplate length to width ratio	**Floorplate** size shall not exceed a length to width ratio of 1.5:1	Length to width ratio may be increased to 2:1.
Building stepbacks (min)	The minimum **stepback** shall be 3 metres and shall be required for all portions of a **building** above the 4th **storey**. **Stepbacks** shall be measured from the **building** face of the 3rd **storey** facing a **street**.	May be reduced by 10 percent of the standard.

Table 6.9: Development standards for all downtown precincts		
	D1, D2, D3, DMTS	**Class 2 Staff Variation**
	Despite minimum **stepback** provisions contained within this table, where a **lot** abuts Gordon **Street** or Wellington **Street** the minimum **stepback** shall be 3 metres and shall be required for all portions of a **building** above the 6th **storey**. **Stepbacks** shall be measured from the **building** face of the 3rd **storey** facing a **street**.	
Building tower separation	Any portion of a **tower** above the 12th **storey** of a **building** shall be separated by a minimum of 25 metres from any portion of another **tower** above the 12th **storey** of any **building**, measured perpendicularly from the exterior wall at the 13th **storey**. For any portion of a **tower** at or below the 12th **storey** of a **building**: (i) A minimum **tower setback** of 6 metres is required from the **side lot line** and/or **rear lot line**; (ii) Shall be separated by a minimum 12 metres from any portion of another **tower** at or below the 12th **storey** of any **building**, measured perpendicularly from the exterior wall of the **tower**.	May be reduced by 20 percent of the standard. The **tower setback** may be reduced to a minimum of 3 metres from the **side lot line** and/or **rear lot line** if there are no windows to a **habitable room** on the facing wall of an existing abutting **building.**
Building height (min)	Schedule C establishes the minimum **building heights** in downtown **precincts**. Minimum **building height** is not applicable to **accessory buildings or structures.**	May be reduced to no minimum **building height** for D1, D2, D3 and DTMS.
Building height (max)	In addition to the provisions of Section 4.16, the following shall also apply: The Downtown **Building height**, Schedule C2 establishes the maximum **building heights** in downtown precincts. Schedule C1 indicates several areas where an urban design master plan is required, to the satisfaction of the approval authority, before **development** can be approved based on the maximum **building heights** permitted.	Variations to maximum **building heights** shall only be considered through a Class 3 permit, where it does not require an Official Plan Amendment or Amendment to this **By-law**.

Stepbacks

General stepback regulations



Stepbacks abutting Gordon Street or Wellington Street

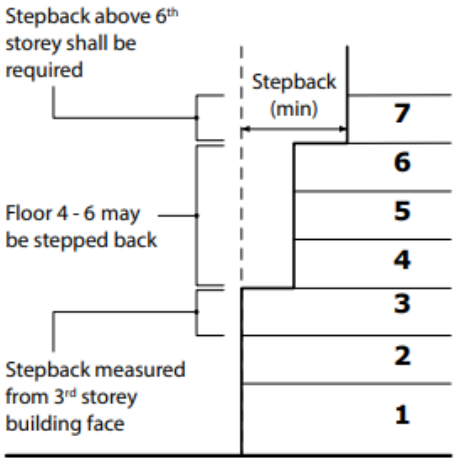


Table 6.10 identifies the **lot** and **building** regulations for all permitted **development** within the D1, D2, D3 and DMTS precincts.

Table 6.10: Lot and building regulations for D1, D2, D3, DMTS precincts

Table 6.10: Lot and building regulations for D1, D2, D3, DMTS precincts					
	D1	**D2**	**D3**	**DMTS**	**Class 2 Staff Variation**
Lot frontage (min)	--	12 m	--	--	May be reduced by 20 per cent of the standard.
Lot area (min)	--	370 m^2	--	--	May be reduced by 30 per cent of the standard.

Table 6.10: Lot and building regulations for D1, D2, D3, DMTS precincts					
	D1	**D2**	**D3**	**DMTS**	**Class 2 Staff Variation**
Front yard or **exterior side yard** (min)	0 m (1) Section 4.7 (Sight line triangles) is not applicable	The minimum **front yard** or **exterior side yard** shall be the average of the **setbacks** of the adjacent property or where the average of the **setbacks** of the adjacent properties cannot be determined, the minimum **setback** shall be 3 meters(5)(6) .	0 m Section 4.7 (Sight line triangles) is not applicable.	0 m Section 4.7 (Sight line triangles) is not applicable.	3 m
Front yard or **exterior side yard** (max)	4 m (2)	--	--	--	none
Interior side yard (min)	0 m (3)	1.5 m(7)	0 m	0 m	none

Table 6.10: Lot and building regulations for D1, D2, D3, DMTS precincts					
	D1	**D2**	**D3**	**DMTS**	**Class 2 Staff Variation**
Rear yard (min)	0 m (4)	10 m (5)	0 m	0 m	May be reduced by 20 per cent of the standard.
Buffer strip (min)	Where a D1 **precinct** abuts a LDR, Institutional, **Parks** and Opens Space, Natural Heritage **precinct**, a 3 m wide **buffer strip** is required adjacent to the **lot line** abutting such **precinct.**	Where a D2 **precinct** abuts a LDR, Institutional, **Parks** and Opens Space, Natural Heritage **precinct,** a 3 m wide **buffer strip** is required adjacent to the **lot line** abutting such **precinct.**	--	--	none
Floor space index (FSI) (min)	1.5, except on properties fronting onto Elizabeth **Street** where the minimum FSI is 1.0.	1.5, except on properties fronting onto Elizabeth **Street** where the minimum FSI is 1.0.	1.5, except on properties fronting onto Elizabeth **Street** where the minimum FSI is 1.0.	1.5, except on properties fronting onto Elizabeth **Street** where the minimum FSI is 1.0.	Any variation

Footnote: Additional regulations for **Table 6.10**:

1. The following exceptions apply:

(i) Where a **lot line** abuts a public **lane**, the minimum **setback** shall be 1 m from the **lot line**.

(ii) Where a **dwelling unit** occupies the **first storey** of a **building**, that portion of the **building** shall have a minimum **setback** of 3 m from the **street line**.

2. The following exception applies:

   (i) Within **active frontage areas**, the maximum **front yard** and the maximum **exterior side yard** shall be in accordance with **Table 6.9**.

3. The following exceptions apply:

   (i) Where a **lot line** abuts a public **lane**, the minimum **setback** shall be 1 m from the **lot line**.

   (ii) Where a **lot line** abuts a RL.1, RL.2 RL.3 zone or LDR precinct, the minimum **setback** shall be 3 m on the abutting side.

   (iii) Where a **buffer strip** is required, the **setback** shall not be less than the minimum **buffer strip** width.

4. The following exceptions apply:

   (i) Where a **lot line** abuts a public **lane**, the minimum **setback** shall be 1 m from the **lot line**.

   (ii) Where a **lot line** abuts a RL.1, RL.2 RL.3 zone or LDR precinct, the minimum **setback** shall be 7.5 metres on the abutting side.

   (iii) Where a **buffer strip** is required, the **setback** shall not be less than the minimum **buffer strip** width.

5. In accordance with Section 4.7 (Site line triangles) and Section 4.24 (Road allowance requirements for specific roads).

6. Where a **lot line** abuts a public **lane**, the minimum **setback** may be reduced to 1 m from the **lot line**.

7. Where the D2 precinct abuts an RL.1, RL.2, RL.3, institutional, **park** or natural heritage system precinct the minimum **side yard** shall be 3 m on the abutting side.

6.3.3 Additional Regulations for buildings with active frontage area

Despite **Table 6.9**, the following provisions apply to the **street line** or portion thereof, identified as **active frontage area** in accordance with Downtown **Active Frontage Area** Overlay, as shown on Schedule B-5. If the **active frontage area** only applies to a portion of the **street line**, the regulations of **Table 6.11** shall only apply to that portion identified.

Table 6.11: Regulations for buildings with active frontage

Table 6.11: Regulations for buildings with active frontage		
	D1, D2, D3, DMTS	**Class 2 Staff Variation**
Front yard or **exterior side yard setbacks** (min)	Where a **street line**, or portion thereof, identified as **active frontage area** exceeds 35 metres, the maximum **front yard** and/or **exterior side yard setback** shall be 0.5 metres for a minimum of 75% of the **street line**. The remaining 25% of the **street line** shall have a maximum **front yard** and/or **exterior side yard setback** of 2 metres. Where a **street line**, or portion thereof, identified as **active frontage area** is less than or equal to 35 metres, the maximum **front yard** and/or **exterior side yard setback** shall be 0.5 metres.	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. May be modified by 5 percent of the standard.
Front yard setbacks	Despite Table 6.10 where a **lot** abuts Wellington **Street** East between Gordon **Street** and Wyndham **Street** South the **building setback** shall be a minimum of 10 m from the Wellington **Street** East **street line**.	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.
Minimum first storey height	The minimum **first storey height** shall be 4.5 metres.	May be modified by 25 percent of the standard.
Active entrances	The minimum number of **active entrances** to the **first storey** on the **front yard** and/or **exterior side yard building** façade	Class 2 permit may be issued subject to the intent of the standard being

Table 6.11: Regulations for buildings with active frontage		
	D1, D2, D3, DMTS	**Class 2 Staff Variation**
	shall be 1 for every 15 metres of **street line** or portion thereof identified as **active frontage area**, but shall not be less than 1. For the purposes of calculating the minimum number of **building** entrances required, any fraction of a **building** entrance shall be rounded to the next highest whole number. **Active entrances** shall be at or within 0.2 metres above or below **finished grade**.	achieved through an alternative method to the satisfaction of the Approval Authority. 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.
First storey facade	A minimum of 50% of the surface area of the **first storey** façade, measured from the **finished grade** up to a height of 4.5 metres, facing a **street, public** or public square must be comprised of a **transparent window** and/or **active entrances**.	May be reduced by 5 percentage points (e.g., 50 percent to 45 percent).
First storey uses	Despite Table 6.10, the **uses** identified in the active **uses** column in Table 6.8 with a "P" shall occupy a minimum of 60% of the **street line**. Where an existing **building** occupies less than 60% of the **street line**, the **uses** identified in the active **uses** column in Table 6.8 with a "P" shall occupy all portions of a **building** of the **first storey** immediately abutting a **street line**.	Percentage of active **use** may be reduced by 10 percentage points (e.g., from 60 percent to 50 percent).
Driveway access	A **driveway, non-residential** is prohibited at grade or in the **first storey** of a **lot** or **building** for the first 6 metres of the depth measured in from the **street line**. Despite this provision, where the entirety of a **lot's street** frontage is included in the **active frontage area**, a maximum of 1 **driveway** shall be permitted perpendicular to the **street line** within the **active frontage area** in accordance with all other requirements of this **By-law**.	May be reduced by 5 percent of the standard.

6.3.4 Licensed establishments

The following regulations shall apply within the area outlined on the Downtown **Licensed establishment** Overlay, as shown on Appendix C4.

Table 6.12: Regulations for licensed establishments

Table 6.12: Regulations for licensed establishments	
D1, D2, D3, DMTS	**Class 2 Staff Variation**
For purposes of Section 6.3.4, the following terms shall have the corresponding meanings: **Floor area** means the total **floor area** of all space within a **building** used in relation to a **licensed establishment**, measured between the interior faces of the outside walls or where no outside walls exist between the common walls, but not including exits and vertical service space.	**none**
The maximum **floor area** of a **licensed establishment** is 230 square metres.	none
Licensed establishments shall not be permitted adjacent to or above a residential **use** within a **building** or a directly adjoining **building**.	none
No openings and no access for any person including exits and corridors are permitted between **licensed establishments**, except corridors, with a minimum width of 5 metres, which may serve more than one **licensed establishment** provided the **licensed establishments** are separated from each other by at least 5 metres.	none

6.3.5 Exterior finishes for D1 precinct

Despite the provisions of this or any other **By-law** for the **City**, the following shall apply:

a) All visible walls of any **building** within the Downtown Exterior Finishes Overlay, as shown on Appendix C3 shall be constructed of transparent glass and coursed masonry and/or such materials which replicate coursed masonry as specified in Section 6.3.5(a)(i).

(i) Exterior facades

- Coursed masonry and/or materials which replicate coursed masonry (except plain, uncoloured concrete).

(ii) Exterior facade trim

- All of the material permitted for exterior facades as well as plain, uncoloured concrete elements, wood and metal.

(iii) In addition, where a **building** is located on the corner of any **street** shown on the Downtown Exterior Finishes Overlay, Appendix C3, the provisions of Section 6.3.5 (a) shall apply to the **building** wall or walls facing onto the crossing **street**.

b) All windows of any **building** existing within the D1 precinct on the date of the passing of this **By-law**, or any predecessor thereof, shall be of transparent glass only.

c) No exterior walls of a **building** constructed of natural stone within the D1 precinct shall be defaced in any manner or covered, in whole or in part, with paint, stucco, metal, or other cladding material.

d) No window openings of any **building** existing within the D1 precinct on the date of the passing of this **By-law**, or any predecessor thereof, shall be closed up with any material except transparent glass.

6.4 Downtown institutional precinct (DI)

6.4.1 Permitted and discretionary uses for the downtown institutional precinct (DI)

The following sections identify the permitted and discretionary **uses** and associated criteria and conditions for the DI precincts as follows:

a) Permitted **uses** are denoted by the letter P;

b) Discretionary **uses** are denoted by the letter D; and

c) Criteria and conditions are listed as footnotes below Table 6.13.

Table 6.13: Permitted and discretionary uses for downtown institutional precinct (DI)

Table 6.13: Permitted and discretionary uses for downtown institutional precinct (DI)	
Permitted and discretionary uses	**DI**
Accessory use	P (1)
Art gallery	P
Community centre	P
Day care centre	D (2)
Food vehicle	P (3)
Group home	P
Hospice	P
Hospital	P
Long-term care home	P
Medical clinic	P
Medical treatment facility	P
Museum	P
Place of worship	P
Public hall	D (2)
Recreation facility	P
Retirement residential facility	P
School, commercial	D (2)
School, post-secondary	P
Social service establishment	P
Parks and Trails	P
Transit terminal	D (2)

Footnote: Additional regulations for **Table 6.13:**

1. In accordance with Section 4.23 (Accessory Uses).
2. In accordance with Section 4.22 (Complimentary **Use**s).
3. In accordance with Section 4.28 (**Food vehicle**).

6.4.2 Development standards for downtown institutional precinct (DI)

Table 6.14 identifies the **development** standards and provisions for **development** within the DI precinct.

Table 6.14: Lot and building regulations for the DI precinct

Table 6.14: Lot and building regulations for the DI Precinct		
	Downtown institutional precinct	**Class 2 staff variation**
Lot regulations		
Lot frontage (min)	30 m	May be reduced by 25 per cent of the standard.
Lot area (min)	700 m^2	none
Setback regulations		
Front yard or **exterior side yard** (min)	6 m (1)	May be reduced by 20 per cent of the standard.
Front yard and **exterior side yard** (max)	20 m	May be reduced by 20 per cent of the standard.
Interior side yard (min)	6 m or one-half the **building height**, whichever is greater.	May be reduced by 20 per cent of the standard.
Rear yard (min)	7.5 m or one-half the **building height**, whichever is greater.	May be reduced by 20 per cent of the standard.
Buffer strip (min)	A 3 m wide **buffer strip** is required adjacent to **interior side** and **rear lot lines.**	none
Landscaped open space (min)	15% The required **front yard** and **exterior side yard**, except the **driveway**, **parking areas**, or loading areas, shall be landscaped.	The standard may be reduced by 5 percentage points (e.g., from 15 to 10). Staff may accept a

Table 6.14: Lot and building regulations for the DI Precinct		
	Downtown institutional precinct	**Class 2 staff variation**
		reduction of up to 30 per cent of the standard if the required **landscaped open space** can be provided as a **green roof** or **blue roof**.
Building regulations		
Building height (max)	4 **storeys** and in accordance with Schedule C2.	none

Footnote: Additional regulations for **Table 6.14**

1. In accordance with Sections 4.24 (Road allowances for specific roads).

6.5 Parks and Open space and Natural Heritage precincts (POS, NHS)

6.5.1 Permitted and discretionary uses for the Parks and Open Space (POS) and Natural Heritage (NHS) precincts

The following sections identify the permitted and discretionary **uses** and associated criteria and conditions for the Downtown Institutional precincts as follows:

a) Permitted **uses** are denoted by the letter P;

b) Discretionary **uses** are denoted by the letter D; and

c) Criteria and conditions are listed as footnotes below Table 6.15.

Table 6.15: Permitted and discretionary uses in parks and open space and natural heritage precinct (POS, NHS)

Table 6.15: Permitted and discretionary uses in parks and open space and natural heritage precincts (POS, NHS)		
Permitted or Discretionary Use	**POS**	**NHS**
Community centre	P	--
Conservation use	P	P (1)
Food vehicle	P (2)	--
Legally existing uses, **building**, and **structures**	P	P
Occasional use	P (3)	--
Outdoor storage area	P	--
Recreation facility	P	--
Stormwater management facility	P	
Trail	P	
Other similar uses	D (4)	D (4)

Footnote:

1. In accordance with provision 4.3.3, **Urban agriculture** is not permitted in in the NHS precinct.
2. In accordance with Section 4.28 (**Food vehicle**).
3. In accordance with Section 4.19 (**Occasional use**).
4. Guidance for similar **uses**.

7 Site specific provisions

7.1 Holding provisions

7.1.1 H2

(H2) 89 Duke **Street** and 92 Arthur **Street**

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

a) Purpose:

To ensure that single detached residential **development** does not occur until the completion of certain conditions to the satisfaction of the **City**.

b) Permitted Interim use: A parking lot.

c) Conditions:

(i) Prior to the removal of the holding provision (H), the owner shall complete the following conditions to the satisfaction of the **City**:

- Parkland Dedication
    - The owner shall make arrangements satisfactory to the **City** respecting parkland dedication or payment to the **City** of cash-in-lieu for parkland dedication in accordance with by- law (1989)-13410, as amended from time to time, or any successor thereof, at the rate in effect at the time of application for a **building** permit for any number of units exceeding a total of four residential units.
- Phasing
    - The owner shall enter into agreement(s) respecting phasing of the **development** of the said lands to the satisfaction of the **City**.
- Agency Circulation and Information Meeting
    - An application to remove the holding provision (H) shall be circulated for comment and review to such persons, public bodies, and agencies as the **City** considers appropriate. Prior to the

removal of the holding provision (H), an information Meeting of Council shall be held with notice given to such persons, public bodies and agencies as the **City** considers appropriate.

- The owner shall enter into an agreement with the **City** covering the conditions listed below:
    - That, prior to issuance of a **building** permit and prior to any severance of the lands, the owner shall deed to the **City**, free of all encumbrances, a triangular road widening in the southerly corner of **lot** 42 abutting Arthur **Street** with a frontage of 6 metres and a depth of 2 metres.
    - That, prior to issuance of a **building** permit and prior to any severance of the lands, the owner shall grant the **City** a new easement from Duke **Street** to Arthur **Street**, for a water main, satisfactory to the **City** Solicitor and the Director of Works.
    - That the owner pays Development Charges, to the **City**, in accordance with **By-law** (1994)-14533, as amended from time to time, or any successor thereof, prior to issuance of a **building** permit, at the rate in effect at the time of issuance of the **building** permit.
    - That the owner applies for sanitary and water laterals and pays the rate in effect at the time of application prior to issuance of a **building** permit.
    - That the owner builds on the **lot** and grades and drains the **lot** in accordance with a plan that has been submitted to and approved by the Director of Works prior to issuance of a **building** permit.

- That the owner constructs the **building** at such an elevation that the lowest level of the **building** (whether **basement**, cellar or crawl space) can be serviced with a gravity connection to the sanitary sewer.

7.1.2 H5

(H5) 45 Elizabeth **Street, 64 Duke Street, 92 Ferguson Street**

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

a) Purpose:

To ensure a comprehensive master plan is prepared for the site prior to **redevelopment** and that **municipal services** are **adequate** and **available**, to the satisfaction of the **City**, prior to intensification of the lands.

b) Interim uses Prior to Removal of the (H):

(i) **Manufacturing**, tradesperson's shop, **repair service** and warehousing.

c) Interim Regulations Prior to Removal of the (H):

(i) For such time as the holding provision (H) is in place, only the following replacements, additions or expansions of **buildings** or **structures** legally existing on the **effective date** of this **By-law** shall be permitted:

- Modifications to existing **building** façade(s)
- Minor additions to existing **buildings**, to a maximum of 10 square metres.

d) Conditions:

(i) Prior to the removal of the holding provision (H), the following conditions shall be completed to the satisfaction of the **City**;

- That an Urban Design Master Plan be developed to the satisfaction of the **City** that includes the following items:
    - Location of public and/or private **streets** and **lane**s;
    - Location, size and configuration of parkland/open space on the site;

- Location, **uses** and massing of **buildings** and their relationship to adjacent **streets** and open spaces;
- Built form transitions to the surrounding community;
- Shadow impacts;
- Physical and visual connections to the immediate surroundings and broader downtown area;
- Conceptual streetscape designs for internal **streets** and adjacent **public streets** to be improved;
- Heritage attributes to be rehabilitated, conserved and retained in the proposed development;
- Locations for heritage interpretation and/or public art;
- General location and lay-out of parking
- Provision of affordable housing; and,
- Environmental features and elements that support the Community Energy Plan and the sustainability policies of the **City**'s Official Plan in force and effect on the **effective date** of this **By-law**.

(ii) 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 capa**city**; storm sewer condition and capa**city**;
- **Stormwater management facility** condition and capa**city**; road and intersection condition and capacity; transportation facilities; and hydro services.
- Should the **municipal services** review demonstrate that all necessary **municipal services** required for the proposal are **adequate** and **available** to the satisfaction of the **City**, the (H) may be lifted; or,
- Should the **municipal services** review determine that all necessary **municipal services** required for the proposal are not **adequate** and **available**, then prior to the (H) being lifted:

- **Adequate** security for the actual design and construction costs of any **municipal services** required for the proposed development shall be secured where appropriate and in a manner satisfactory to the **City**;
- Any **municipal services** required for the proposed development shall be designed to the satisfaction of the **City**; and,
- Any **municipal services** required for the proposed development shall be constructed to the satisfaction of the **City**.

(iii) Parkland dedication

- That a minimum of 0.39 hectares of land from the lands known as 64 Duke **Street**, 69 Huron **Street** and 45 Elizabeth **Street** will be prepared and deeded to the **City** as public **park** pursuant to the **City** of Guelph Parkland Dedication **By-law** (2019)-20366 or any successor thereof. The final form and details of the parkland will be determined through the required Urban Design Master Plan, supporting planning applications and subsequent **development** approval conditions. The owner further agrees to grade, topsoil, sod and demarcate the parkland to the satisfaction of the **City** at the owner's expense in accordance with the **City**'s parkland policies.

7.1.3 H12

(H12) **Municipal services**

a) Purpose:

(i) 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)

(i) 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:

(i) 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 capa**city**; 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**.

7.1.4 H23

(H23) Downtown **Municipal services**

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

a) Purpose:

(i) To ensure that **municipal services** are **adequate** and **available**, to the satisfaction of the **City**, prior to intensification of the lands.

b) Interim **uses** Prior to Removal of the (H)

(i) For such time as the holding provision (H) is in place, these lands may be used for all **uses** permitted in the applicable precinct subject to the interim regulations set out in (c):

c) Interim Regulations Prior to Removal of the (H)

(i) For such time as the holding provision (H) is in place, only the following replacements, additions or expansions of **buildings** or **structures** legally existing on the **effective date** of this **By-law** shall be permitted:

- Modifications to existing **building** façade(s).
- Minor additions to existing **buildings**, to a maximum of 10 square metres.

d) Conditions:

(i) 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.

e) Should the **municipal services** review demonstrate that all necessary **municipal services** required for the proposed **development** are **adequate** and **available** to the satisfaction of the **City**, the (H) may be lifted; or,

f) Should the **municipal services** review determine that all necessary **municipal services** required for the proposed **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 **development** shall be provided to the **City** in a matter satisfactory to the **City**; and,

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

(iii) Any **municipal services** required for the proposed **development** shall be constructed to the satisfaction of the **City**.

7.1.5 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 Low Density Residential Precincts

7.2.1 LDR-21

59 Duke Street

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

a) Permitted **uses**

(i) In addition to **Table 6.1**, the following **uses** are also permitted:

- Fabricating structural metal products
- Hardware tool and cutlery industry
- Machine shop

7.3 Site-Specific Medium Density Residential Precincts

7.3.1 MDR-14

66 Duke Street

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

a) Permitted **uses**

(i) In accordance with the **Table 6.1** of this **By-law**.

- Regulations

  (i) In accordance with **Table 6.2** of this **By-law**, with the following exceptions and additions:

- Maximum **density**
  - Despite **Table 6.2**, a maximum **density** of 150 units per hectare shall be permitted.
- Minimum **lot frontage**
  - Despite **Table 6.2**, the minimum **lot frontage** shall be 15 metres.
- Minimum **front yard**
  - Despite **Table 6.2**, the **front yard** shall be a minimum of 3 metres.
- Minimum **interior side yard**
  - Despite **Table 6.2**, the minimum **interior side yard setback** shall be 3.4 metres for the northerly **interior side yard** and 3 metres for the southerly **interior side yard**.
- Minimum **rear yard**
  - Despite **Table 6.2**, the minimum **rear yard setback** shall be 8.2 metres.
- **Buffer strip**
  - Despite **Table 6.2**, where the property abuts any other residential precinct, a **buffer strip** shall be provided.
- Maximum **building height**
  - The maximum **building height** shall be in accordance with Section 4.15 (**Angular Plane**).
- **Angular** plane
  - An **angular** plane from an **interior side yard** or **rear yard** is not required.

- Minimum **landscaped open space**
    - Despite **Table 6.2**, the **front yard** of any **lot**, excepting the **driveway**, shall be landscaped. In addition, no parking shall be permitted within this **landscaped open space**.
- **Bicycle parking spaces, long term**
    - Despite **Table 5.5**: Required Bicycle Parking Rates in Downtown**5**, 15 **bicycle parking spaces, long term** shall be provided.
- **Floor space index** (FSI)
    - The maximum **floor space index** shall be 2.2.
- Rooftop **amenity area setback**
    - That any **amenity area** located on the roof be **setback** a minimum of 2 metres from the southerly edge of the **building**.

7.4 Site-Specific High Density Residential Precincts

7.4.1 HDR-5

5 Arthur Street South

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

The following definitions shall apply to the HDR-5 zone:

Community services facilities means a place used for smaller-scaled community, institutional, cultural or recreational **uses** of either a public or private nature, including but not limited to **uses** such as a library branch, gallery or **museum**, educational or training centre, **office** of a government or a non-profit agency or corporation or a gymnasium or multi-purpose room(s) **available** for meetings, events and activities.

a) Permitted **uses**

(i) Despite **Table 6.1** (HDR precinct) the following **uses** shall be permitted:

- **Apartment building**

- **Townhouse** together with an **apartment building**
- **Home occupation** in accordance with Section 4.17.

b) Regulations

(i) In accordance with the provisions of Table 6.2 of this **By-law**, with the following exceptions and additions:

- Maximum **floor space index** (FSI). The maximum **floor space index** (FSI) shall be 2.
    - In addition, the **floor space index** (FSI) on individual portions of the 5 Arthur Street site may exceed the maximum permitted **floor space index** (FSI), provided that the maximum **floor space index** (FSI) over the entirety of the 5 Arthur Street site is achieved.
    - The calculation of **gross floor area** (GFA) and **floor space index** (FSI)will not include space within the **basement** of a **building**, within an underground, at-grade or above-grade parking **structure** or any **floor area** which does not have a clear floor to ceiling height of 2.15 metres. Floor space in the existing heritage **building** shall not be included in the calculation of **floor space index** (FSI).
- **Front yard**
    - For the purposes of this zone, the **front yard** shall be considered the Arthur Street frontage.
- Minimum distance between **buildings**.
- Despite Table 6.2, the minimum distance between the **building** face of one **apartment building** and the face of another **apartment building** shall be:
    - At or below 6 **storeys**- 18 metres
    - Above 6 **storeys**- 25 metres
    - **Townhouse** blocks shall be a minimum of 4 metres apart from one another.
- **Angular planes**

- Despite Section 4.15, **angular planes** shall not apply to any **building** or **structure** on the **lot**.

- **Bicycle parking spaces**
    - **Bicycle parking spaces** shall be provided at the ratio of 0.65 **bicycle parking spaces** per **dwelling unit** on the **lot** and 0.3 **bicycle parking spaces** per 100 square metres of non-residential **gross floor area** (GFA).
    - **Bicycle parking spaces** may be provided for by a combination of racks at the surface, within a **basement** or **garage** of an **apartment building**, a secure **parking area**, room or enclosed container, or within a specially designed and designated spot provided within a storage locker.

c) The provisions of this **By-law** shall continue to apply collectively to the whole of the lands identified on Schedule B A as HDR-5, including any sub-zones (i.e., HDR-5.1) despite any future severance, conveyance, dedication, taking, widening, partition or division for any purpose.

7.4.2 HDR-5.1

53 Arthur Street South

As shown on Schedule B of this **By-law**

a) Additional permitted **use**, as part of a commercial/residential building:

(i) Restaurant

b) Regulations

(i) In addition to the regulations in **Table 6.2**, the following regulations shall apply to the HDR-5.1 precinct:

- Additional permitted commercial **use**
    - A **restaurant** shall be permitted on the ground floor of the **building** and limited to 50 square metres of **gross floor area** (GFA).

- Minimum **common amenity area**
    - Despite **Table 6.2**, the minimum **common amenity area** shall be a total of 600 square metres.
- Minimum **landscaped open space**
    - Despite **Table 6.2**, the minimum **landscaped open space** shall be a total of 1800 square metres.
    - Despite the definition in Section 3, **landscaped open space** may include open space located either at grade or above a **building** or **structure**.
- Maximum **building floorplate** area
    - Above the 6th **storey**- 1200 square metres
    - Above the 9th **storey**- 1000 square metres
- Minimum **yards**
    - Minimum **front yard**

(ii) Despite **Table 6.2** and Section 4.24, the minimum **front yard** shall be:

- From Arthur Street to **townhouse** front face- 2.5 metres.
- From Arthur Street to raised walkway/patio- 1 metre.

(iii) Despite Section 4.8, all raised patios, walkways, ramps, retaining walls, planters are permitted to project into the required **front yard** between the main wall of the **townhouses** and the **front lot line** to a maximum distance of 1.5 metres, except that stairs and ramps may have a minimum **setback** of 0 metres from the **front lot line**.

- **Setbacks**.
    - **Setbacks** of upper **storeys** of **apartment buildings**.
    - The minimum **setback** for the **tower** portion of an **apartment building**, above 4 **storeys** shall be:
        - From Arthur Street **lot line**- 12 metres.
        - From the easterly edge of the NHS precinct- 10 metres.

- **Building heights**.
    - Despite **Table 6.2**, and Sections 4.15, the maximum **building heights** are:
        - **Podium/townhouses**- 4 **storeys**.
        - **Apartment buildings**- 10 **storeys**.

7.4.3 HDR-5.2

63 Arthur Street South

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

a) Regulations

(i) In addition to the regulations in **Table 6.2** and Section 7.4.4 (b), the following regulations shall apply to the HDR-5.2 precinct:

- Minimum **common amenity area**.

(ii) Despite **Table 6.2**, the minimum **common amenity area** shall be a total of 1000 square metres.

- Minimum **landscaped open space**.
    - Despite **Table 6.2**, the minimum **landscaped open space** shall be a total of 1500 square metres.
    - Despite the definition in Section 3, **landscaped open space** may include open space located either at grade or above a **building** or **structure**.
- Maximum **building floorplate** area.
    - Above the 6th **storey**- 1200 square metres.
    - Above the 10th **storey**- 800 square metres.
- Maximum **floorplate** ratio restriction above 10th **storey** only: 2.5:1.0.
- Minimum **yards**.
    - Minimum **front yard**.

- Despite **Table 6.2** and Section 4.24 the minimum **front yard** shall be:
  - From Arthur Street to **townhouse** front face- 2.5 metres.
  - From Arthur Street to raised walkway/patio- 1 metre.
- Despite Section 4.8, all raised patios, walkways, ramps, retaining walls, planters are permitted to project into the required **front yard** between the main wall of the **townhouses** and the **front lot line** to a maximum distance of 1.5 metres, except that stairs and ramps may have a minimum **setback** of 0 metres from the **front lot line**.

- **Setbacks**
  - **Setbacks** of upper **storeys** of **apartment buildings**.
  - The minimum **setback** for the **tower** portion of an **apartment building** above 4 **storeys** shall be:
    - From Arthur Street **lot line**- 12 metres.
    - From the easterly edge of the NHS precinct- 10 metres.

- **Building heights**.
  - Despite **Table 6.2**, and Sections 4.15, the maximum **building heights** are:
    - **Podium/townhouses**- 4 **storeys**.
    - **Apartment buildings**- 11 **storeys**.

7.4.4 HDR-5.3

73 Arthur Street South

As shown on Schedule B of this **By-law**

a) Regulations

(i) In addition to the regulations in **Table 6.2** and Section 7.4.4 (b), the following regulations shall apply to the HDR-5.3 precinct:

- Minimum **common amenity area**

- Despite **Table 6.2**, the minimum **common amenity area** shall be a total of 700 square metres.
- Minimum **landscaped open space**
    - Despite **Table 6.2**, the minimum **landscaped open space** shall be a total of 1700 square metres.
    - Despite the definition in Section 3, **landscaped open space** may include open space located either at grade or above a **building** or **structure**.
- Maximum **building floorplate** area
    - Above the 6th **storey**- 1200 square metres
    - Above the 10th **storey**- 1000 square metres
- Maximum **floorplate** ratio restriction Above 10th **storey** only: 1.5:1.0
- Minimum **yard**s
    - Minimum **front yard**
    - Despite **Table 6.2**, and Section 4.24, the minimum **front yard** shall be:
        - From Arthur Street to **townhouse** front face- 2.5 metres

7.4.5 HDR-5.4

93 Arthur Street South

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

a) Additional Permitted **uses**, as part of a commercial/residential building

(i) Agricultural produce market

(ii) Art gallery

(iii) Artisan studio

(iv) Community services facilities

(v) Convenience store

(vi) Financial establishment

(vii) Home occupation

(viii) Medical clinic

(ix) Office

(x) **Parking facility** (within **structure** only)

(xi) Recreation facility

(xii) Restaurant

(xiii) Restaurant, take-out

(xiv) Retail establishment

(xv) Service establishment

b) Regulations

(i) In addition to the regulations in **Table 6.2** and Section 7.4.4 (b), the following regulations shall apply to the HDR-5.4 precinct:

- Additional permitted commercial **uses**
    - Commercial **uses** permitted in Section 7.4.8 (a) shall be limited to a **gross floor area** (GFA) of 500 square metres in size.
    - Despite the permitted **uses** in 7.4.4 (a) and 7.4.8 (a), the ground floor of this **building** shall contain a minimum of one commercial unit fronting onto each of Arthur Street South, Cross Street, and the river.
- Minimum **common amenity area**
- Despite **Table 6.2**, the minimum **common amenity area** shall be a total of 1500 square metres.

- Despite **Table 6.2**, **common amenity area** may be located within the **front yard**.

- Minimum **landscaped open space**
  - Despite **Table 6.2**, the minimum **landscaped open space** shall be a total of 2000 square metres.
  - Despite the definition in Section 3, **landscaped open space** may include open space located either at grade or above a **building** or **structure**.

- Maximum **building floorplate** area
  - Above the 6th **storey**- 1238 square metres
  - Above the 8th **storey**- 1045 square metres

- Maximum **floorplate** ratio restriction Above 10th **storey** only: 1.5:1.0

- **Setbacks**
  - **Front yard setback**
  - Despite **Table 6.2**, and Section 4.24, the 5 **storey building podium** shall not encroach within an area on the property directly adjacent to the intersection of Arthur Street South and Cross Street, defined by connecting the following three points:
    - The point at the immediate southeast corner of the property and directly adjacent to the intersection of Arthur Street South and Cross Street;
    - A point located approximately 40 metres from the intersection of Arthur Street South and Cross Street, measured northwest along the Arthur Street frontage;
    - A point located approximately 25 metres from the intersection of Arthur Street South and Cross Street, measured northwest along the Cross Street frontage.

- **Exterior side yard setback** (Cross Street)
  - Despite **Table 6.2**, and Section 4.24, the **building** shall be **setback** a minimum of 2.5 metres from Cross Street.

- **Setbacks** of upper **storeys** of **apartment buildings**
    - The minimum **setback** for the **tower** portion of an **apartment building**, above 5 **storeys** shall be:
        - From Arthur Street **lot line**- 25 metres
        - From Cross Street **lot line**- 5.5 metres
        - From Neeve Street **lot line**- 35 metres
- **Building heights**
    - Despite **Table 6.2**, and Sections 4.15, the maximum **building height** is 14 **storeys**.
- Minimum ground floor height
    - For ground floor non-residential units, the minimum floor-to-ceiling height shall be 4.5 metres.
- **Rear yard setback** (Speed River **lot line**)
    - Despite **Table 6.2**, the **building** shall be **setback** a minimum of 24 metres from the Speed River **lot line**.
- Location of off-**street** parking Despite Section 5.3, a maximum of 80 off-street **parking spaces** shall be permitted to be located at 92 Arthur Street South.
- **Accessory building or structure**
    - Despite Section 4.6.1(b), an **accessory building or structure** shall be permitted within the **front yard**, to a maximum size of 15 square metres.
    - From Arthur Street to raised walkway/patio- 1 metre
    - Despite Section 4.8, all raised patios, walkways, ramps, retaining walls, planters are permitted to project into the required **front yard** between the main wall of the **townhouses** and the **front lot line** to a maximum distance of 1.5 metres, except that stairs and ramps may have a minimum **setback** of 0 metres from the **front lot line**
- **Setbacks**

- **Setbacks** of upper **storeys** of **apartment buildings**.
- The minimum **setback** for the **tower** portion of an **apartment building**, above 4 **storeys** shall be:
  - From Arthur Street **lot line**- 12 metres
  - From the easterly edge of the NHS precinct-10 metres

- **Building heights**
  - Despite **Table 6.2**, and Section 4.15, the maximum **building heights** are:
    - **Podium/townhouses**- 4 **storeys**
    - **Apartment buildings**- 10 **storeys**

7.4.6 HDR-5.5

23 Arthur Street South

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

a) Additional permitted **use**

(i) Office

b) Additional permitted **uses**, as part of commercial/residential building

(i) Agricultural produce market

(ii) Art gallery

(iii) Artisan studio

(iv) Community services facilities

(v) Convenience store

(vi) Financial establishment

(vii) Medical clinic

(viii) Micro-brewery

(ix) Nightclub

(x) Office

(xi) **Parking facility** (within **structure** only)

(xii) Service establishment

(xiii) Recreation facility

(xiv) Restaurant

(xv) Restaurant, take-out

(xvi) Retail establishment

(xvii) School, commercial

c) Regulations

(i) In addition to the regulations in **Table 6.2** and 7.4.4 (b) the following regulations shall apply to the HDR-5.5 precinct:

- Ground floor commercial **uses**
    - Despite the permitted **uses** in Section 7.4.4 (a) and 7.4.5 (a), the ground floor of this **building** shall contain at least one commercial **use** fronting onto each of Arthur Street South and Elizabeth Street.
- **Setbacks** from railways
    - The minimum separation of the residential portion of any **building** from the CN Railway right-of-way shall be 30 metres.
    - The minimum separation of the residential portion of any **building** from the Guelph Junction Railway right-of-way shall be 15 metres
- Minimum **common amenity area**
    - Despite **Table 6.2**, the minimum **common amenity area** shall be a total of 500 square metres.
- Minimum **landscaped open space**

- Despite **Table 6.2**, the minimum **landscaped open space** shall be a total of 900 square metres.
- Despite the definition in Section 3, **landscaped open space** may include open space located either at grade or above a **building** or **structure**.

- Minimum **yard**s
  - Minimum **front yard** (Arthur Street)
  - Despite **Table 6.2**, and Section 4.24, the minimum **front yard** shall be 3 metres.

- Minimum **exterior side yard**
  - (Elizabeth Street)
  - Despite **Table 6.2** and Section 4.24, the minimum **exterior side yard** shall be 3 metres.

- **Building heights**
  - Despite **Table 6.2** and Sections 4.15, the minimum **building height** is 4 **storeys** and the maximum **building height** is 14 **storeys**.

- Minimum ground floor height
  - For ground floor non-residential units, the minimum floor-to-ceiling height shall be 4.5 metres.

- Maximum **building floorplate** area
  - Above the 6th **storey**- 1200 square metres
  - Above the 8th **storey**- 1000 square metres

- Maximum dimensional **floorplate** ratio
  - Above 4th **storey**- 2.2:1.0

- **Setbacks** of upper **storeys** of **apartment buildings**

- The **tower** portion of an **apartment building** above a 4 **storey podium** facing a **street, public** or the Speed River shall be **setback** an additional 3 metres from the **podium building** face.
- See Section 7.1 for Holding Provisions.

7.4.7 HDR-5.6

43 Arthur **Street** South

As shown on Schedule B of this **By-law**

a) Permitted **uses**

(i) The **uses** listed in Section 7.4.4 (a), together with the following **uses**, shall be permitted within the existing heritage **building**, including within the portion of the **building** in the NHS precinct, subject to approval by the Grand River Conservation Authority:

- **Agricultural produce market**
- **Art gallery**
- **Artisan studio**
- **Community services facilities**
- **Convenience store**
- **Financial establishment**
- **Medical clinic**
- **Micro-brewery**
- **Nightclub**
- **Office**
- **Recreation facility**
- **Restaurant**

- **Restaurant, take-out**
- **Retail establishment**
- **School, commercial**
- **Service establishment**

b) Regulations

(i) In addition to the Sections 6.3.9 and 18.7.5 (b) the following regulations shall apply to the HDR-5.6 precinct and the entire existing heritage **building**:

- Minimum **common amenity area**
    - Despite **Table 6.2**, the minimum **common amenity area** shall be a total of 500 square metres.
- Minimum **landscaped open space**
    - Despite **Table 6.2**, the minimum **landscaped open space** shall be a total of 1200 square metres.
- Minimum **yards**
    - The minimum **yards** shall be as exists on the date of passing of this **By-law**.
- **Building heights**
    - Despite **Table 6.2** the maximum **building heights** shall be as exists on the date of passing of this **By-law**.
- Minimum distance between **buildings**
    - Despite **Table 6.2**, the minimum distance between the existing heritage **building** and any other **building** shall be 16 metres.
- Minimum off-street **parking**
    - **Parking spaces** shall be provided for the users or residents of the existing heritage **building** within a surface parking lot between the existing **building** and Arthur Street South.

- Despite Section 5.3.2(a), a **parking area** for resident and/or visitor **parking spaces** adjacent to the existing heritage **building** may be located within the **front yard** provided that the **parking area** is set back a minimum of 3 metres from the Arthur Street South **lot line**.

7.4.8 Site-Specific Neighbourhood Commercial Centre Precincts

7.4.9 NCC-1

23 Wellington Street East, 100, 110 Gordon Street

As shown on Map Number 37 of Schedule A of this **By-law**.

a) Permitted **uses**

(i) **Art gallery**

(ii) **Artisan studio**

(iii) **Commercial entertainment**

(iv) **Day care centre** in accordance with Section 4.27

(v) **Dwelling units** above permitted commercial **uses**

(vi) **Financial establishment**

(vii) **Food vehicle** in accordance with Section 4.28

(viii) **Funeral home**

(ix) **Hotel**

(x) **Medical clinic**

(xi) **Museum**

(xii) **Office**

(xiii) **Parking facility**

(xiv) **Recreation facility**

(xv) **Place of worship**

(xvi) **Restaurant**

(xvii) **Restaurant, take-out**

(xviii) **School, commercial**

(xix) **Service establishment**

(xx) **Vehicle sales establishment**

(xxi) **Vehicle service station**

(xxii) **Vehicle repair establishment**

(xxiii) **Veterinary service**

(xxiv) **Accessory uses** in accordance with Section 4.23

(xxv) **Occasional uses** in accordance with Section 4.19

7.4.10 NCC-3

7 Waterloo Avenue and 6 Dublin Street

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

a) Permitted **uses**

(i) In addition to the permitted **uses** listed in **Table 6.3** (NCC precinct), the following additional **use** shall be permitted:

- **Office**

7.4.11 NCC-10

12 Waterloo Avenue

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

a) Permitted **uses**

(i) **Apartment building** in accordance with Section 6.2.

(ii) Artisan studio

(iii) Medical clinic

(iv) Office

(v) Parking facility

(vi) Vehicle sales establishment

(vii) **Accessory uses** in accordance with Section 4.23.

(viii) **Occasional uses** in accordance with Section 4.19.

b) Regulations

(ix) In accordance with **Table 6.7** of this **By-law**, with the following exceptions and additions:

- Minimum **front yard** and **exterior side yard**
    - The minimum **front yard** and **exterior side yards** within the NCC-10 precinct shall be the average of the **setbacks** of adjoining properties.

7.5 Site Specific Downtown 1 Precincts

7.5.1 D1-1

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

a) Regulations

b) Built Form Regulations

(i) Despite **Table 6.9**, the minimum **stepback** shall be 6 metres and shall be required for all portions of the **building** above the 4th **storey**.

Stepbacks shall be measured from the **building** face of the 3rd **storey** facing a **street**.

(ii)

7.5.2 D1-1(H23)

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

a) Regulations

(i) In accordance with Section 7.6.1. See Section 7.1 for Holding Provisions.

7.5.3 D1-2(H23)

65 Gordon Street, 20, 28, 36, Wellington Street East

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

a) Permitted **uses**

(i) All **uses** permitted by **Table 6.8** (D1 precinct) are permitted and the following:

- **Drive through facility**
- See Section 7.1 for Holding Provisions

7.5.4 D1-3

Elizabeth Street between Arthur Street and Huron Street

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

a) Permitted **uses**

(i) All **uses** permitted by **Table 6.8** (D1 precinct) are permitted and the following:

- **Single detached dwellings** and **semi- detached dwellings** legally existing on the date of the passing of this by- law.
- **Additional residential dwelling units** in accordance with Section 4.13.1

b) Regulations

(ii) **Vehicle** access to a **parking area** in a **rear yard** is by 1 **driveway, access** only, such **driveway, access** shall have a width of not less than 3 metres and an overhead clearance of not less than 4.5 metres.

7.5.5 D1-5

51-59 Yarmouth Street, 58-64 Baker Street

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

a) Permitted **uses**

(i) **Mixed-use building** containing a maximum of 72 **dwelling units**

b) Regulations

(ii) Location of **parking spaces**

- All required **parking spaces** shall be located within the existing **building** or within 23 metres of the **building** on private property which permits a **parking area**.

7.5.6 D1-7

55 Wyndham Street North

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

a) Regulations

(i) Licensed establishments

- In addition to the provisions of **Table 6.9** a maximum of 4 **licensed establishments** shall be permitted on property municipally known as 55 Wyndham Street North.

- 1 **licensed establishment** only is permitted a maximum **floor area** of 510 square metres provided the total capacity of such **licensed establishment** shall not exceed 190 persons.

7.5.7 D1-8

27-33 Cardigan Street

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

a) Permitted **uses**

(i) **Apartment buildings**

(ii) **Art gallery**

(iii) **Artisan studio**

(iv) **Day care centre**

(v) **Home occupation** in accordance with Section 4.17

(vi) **Live-work units**

(vii) **Medical clinic** to a maximum GFA of 500 m^2

(viii) **Mixed-use building**

(ix) **Municipal parkland**

(x) **Office** to a maximum GFA of 500 m^2

(xi) **School, commercial** to a maximum GFA of 500 m^2

(xii) **Service establishment** to a maximum GFA of 500 m^2

(xiii) **Restaurant** to a maximum GFA of 500 m^2

(xiv) **Retail establishment** to a maximum GFA of 500 m^2

(xv) **Townhouse**

b) Regulations

(i) **Floor space index** (FSI)

- Despite **Table 6.9**, the minimum **floor space index** (FSI) is 1.0.

(ii) Size of off-street parking spaces

- Despite **Table 5.2**, 10 percent of the required **parking spaces** may have a minimum size of 2.6 metres by 4.1 metres.

(iii) Minimum **landscaped open space**

- 10 square metres per **dwelling unit**.

7.5.8 D1-9

35, 87 Gordon Street, 33 Elizabeth Street

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

a) Permitted **uses**

(i) All **uses** permitted by **Table 6.8** (D.1 zone), are permitted and the following:

- **Vehicle service station**
- **Vehicle repair establishment**

7.5.9 D1-9(H23)

67 Surrey Street East, 46, 48 Wyndham Street South, 73 Gordon Street

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

a) Regulations

(i) In accordance with Section 7.6.10. See Section 7.1 for Holding Provisions.

7.5.10 D1-10

10 Wilson **Street**

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

a) Permitted **uses**

(i) All **uses** permitted by **Table 6.8** (D.1 precinct), are permitted and the following:

- **Parking facility**

(ii) For the purposes of the D.1-10 precinct, the **first storey** shall be measured from the intersection of Wilson Street and Northumberland Street.

(iii) The geodetic elevation of the floor of the **first storey** shall be located at or within 0.75 metres of the geodetic elevation of the intersection of Wilson Street and Northumberland Street.

b) Built Form Regulations

(iv) Despite **Table 6.9**, the minimum **stepback** from Wilson Street and Northumberland Street **street line** shall be 3 metres and shall be required for all portions of the **building** above 14.1 metres in height as measured from the geodetic elevation of the intersection of Wilson Street and Northumberland Street.

(v) A **stepback** is not required for 30% of the **building** length along Wilson Street and Northumberland Street.

c) **Active frontage area** Regulations

(vi) Despite **Table 6.9**, the following active frontage regulations apply to the portion of the property identified as **Active Frontage Area** Overlay on Appendix C2:

(vii) The minimum **front yard setback** shall be 0 metres.

(viii) The height of the **first storey** shall be a minimum of 4.5 metres.

(ix) A minimum of 1 **active entrance** to the **first storey** shall be required along the Wilson Street façade.

(x) A minimum of 60% of the surface area of the Wilson Street **first storey** façade, measured from the **finished grade** up to a height of 4.5 metres, must be comprised of a **transparent window** and/or **active entrances**.

(xi) Despite **Table 6.8** the **uses** identified in the active **uses** column in **Table 6.8** with a "P" shall occupy a minimum of 60% of the **street line**.

d) Maximum **front yard setback**

(xii) Despite **Table 6.9**, a maximum **front yard setback** is not required for a **parking facility building**.

e) Minimum **floor space index** (FSI).

(xiii) Despite **Table 6.9**, a minimum **floor space index** (FSI) shall not be required for a **parking facility building**.

7.5.11 D1-11(H23)

75 Wyndham Street South

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

a) Regulations

(i) Parking location

- Despite Section 5.3.3(c) of this **By-law**. A maximum of 2 **parking spaces** shall be permitted within the **front yard**.

(ii) Buffer strips

- None required.
- See Section 7.1 for Holding Provisions.

7.5.12 D1-12

5 Gordon Street

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

a) Permitted uses

(i) **Mixed-use building** containing a maximum of 55 **dwelling units**.

7.5.13 D1-14

21 Surrey Street West

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

a) Regulations

(i) Buffer strips

- No **buffer strip** is required along the **lot line** abutting any residential precinct.
- Despite the above, a boundary **fence** of solid construction shall be provided along the **lot line** abutting any residential precinct.

7.5.14 D1-15

22 Surrey Street West

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

a) Permitted **uses**

(i) All **uses** permitted in **Table 6.8** (D1 precinct), the following additional **Use** shall be permitted:

- A parking lot providing parking spaces for 21 Surrey Street West.

b) Off-street parking location

(ii) Despite Section 5.3.3(a) and 5.3.3(c) of this **By-law**, off-**street** parking may be permitted ahead of the required **setback** line.

7.5.15 D1-16

42 and 56 Gordon Street

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

a) Permitted **uses**

(i) All **uses** permitted by **Table 6.8** (D1 precinct), are permitted and the following:

- **Vehicle rental establishment**

7.5.16 D1-17

49 Gordon Street

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

a) Permitted **uses**

(i) All **uses** permitted by **Table 6.8** (D1 precinct), are permitted and the following:

- **Drive through facility** as existing on the date of the passing of **By-law** (2017)-20187.
- **Veterinary service**

7.5.17 D1-18

23-25, 31 Gordon Street

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

a) Regulations

(i) Off-**Street** parking

- An off-site parking agreement is required which shall be entered into by the owner with the **City** and shall be registered against title of the property known as 25 Gordon Street.

(ii) Off-Site parking

- The maximum parking distance from the subject property for off-site parking shall be permitted to be 152 metres.

7.5.18 D1-19

160 Macdonell Street

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

a) Built form regulations

(i) Despite **Table 6.9**, the maximum **floorplate** shall be 1,276 square metres from the 3rd **storey** to the 16th **storey** of the **building**.

(ii) The 17th **storey** shall have a maximum **floorplate** of 1,045 square metres.

(iii) Despite **Table 6.9**, the minimum **stepback** shall be 2 metres and shall be required for all portions of a **building** above the 2nd **storey**. **Stepbacks** shall be measured from the **building** face of the 2nd **storey** facing a **street**.

(iv) A **stepback** of 0 metres shall be permitted for a maximum of 3 metres of the length of the **building**.

b) Off-**street** parking

(i) Despite **Table 5.6**: Maximum Width of Attached Garage, Rows 1 and 2, the minimum number of **bicycle parking spaces** shall be 18.

7.5.19 D1-20

150 Wellington Street East

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

c) Built form regulations

(i) Despite **Table 6.9** the maximum **floorplate** shall be 1,089 square metres from the 7th **storey** to the 15th **storey** of the **building**.

d) Off-**street** parking

(i) Despite Table 5.5, Rows 1 and 2, the minimum number of **bicycle parking spaces** shall be 30.

7.5.20 D1-21

45 Yarmouth Street

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

a) Built form regulations

(i) Despite Table 6.9, the minimum stepback shall be 2 metres along Yarmouth Street and 1 metres along Baker Street and shall be required above the 3rd storey. **Stepbacks** shall be measured from the building face of the 3rd storey facing a street.

(ii) **Building tower** separation provisions requiring a minimum of 25 meters for any portion if another **tower** above the 12th story of any **building** shall not apply.

b) Off-**street** parking

(i) Despite Section 5.2.4(d), a **parking area** is permitted within the first 4.5 metres of the depth measured from the **street line** of Yarmouth Street.

7.5.21 D1-22

152, 160 Wyndham Street North, 55 Baker Street

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

a) Permitted **uses**

(i) All **uses** permitted by **Table 6.8** (D1 precinct), are permitted and the following:

- **Parking facility**
- **Stacked Townhouse**

b) Regulations

In accordance with the **Table 6.9** and **Table 6.9** of this **by-law**, with the following exceptions and additions:

(ii) Minimum Building Height

- Despite **Schedule C1**, a minimum **Building Height** of 3 **Storeys** is permitted in this precinct where Schedule C1 shows a **Building Height** of 5 **Storeys**.

(iii) Maximum **Exterior Side Yard**

- Despite Table 6.11, the maximum **Exterior Side Yard** shall be 17.5 metres in an **Active Frontage Area**.

(iv) **Floorplate** Ratio

- Despite Table 6.9, a floorplate ratio of 1.9:1 for the North Tower and 2.3:1 for the South tower shall be permitted.

(v) Minimum **Stepback**

- Despite any other provision in this **By-law**, a minimum **Stepback** of 6 metres shall be permitted for all portions of the building above the 2nd **Storey** when measured from the building face of the 1st **Storey** facing a **Street**.

(vi) Minimum **Tower Separation**

- Despite Table 6.9, a **Tower Separation** of 23 metres shall be permitted between any portion of a **Tower** above the 12th **Storey** of a **Building** and any portion of another **Tower** above the 12th **storey**.

(vii) Exterior Finishes

- Section 6.3.5(a)(i), shall only apply to the podium of any **Building** for the subject lands within the Downtown Exterior Finishes Overlay as shown on Appendix C3.

(viii) Accessible **Parking Spaces**

- Despite Table 5.3, Row 4, an accessible parking rate of 2 **Accessible Parking Spaces** plus an additional 0.74% of only Type B **Accessible Parking Spaces** shall be required.

(ix) Minimum **Parking Aisle** Width

- Despite Section 5.4.1(e), a **Parking Aisle** with a minimum width of 6.0 metres to provide two-way access shall be permitted.

  Despite Table 5.6, Additional Regulation 2(i), an accessible parking access aisle with a minimum width of 1.9 metres with an obstruction shall be permitted.

(x) Compact Vehicle **Parking Spaces**

- In addition to Section 5.4.3(b), a maximum of four (4) **Parking Spaces** for compact vehicles measuring 2.75 metres by 4.8 metres shall be permitted.

  In addition to Section 5.4.3(b) and the above, a maximum of four (4) **Parking Spaces** for compact vehicles measuring 2.6 metres by 5.7 metres shall be permitted.

(xi) **Bicycle Parking Space** and Aisle Dimensions

- Sections 5.7.2 shall not apply.

(xii) Payment-in-Lieu of Visitor Parking

- Required visitor parking may be provided through an agreement with the City that provides for payment-in-lieu of parking.

(xiii) Minimum **Structure** Grade

- Despite Section 5.3.4(b), a minimum depth of 0.2 metres between the grade and the Structure for an underground parking **Structure** located in accordance with 5.3.4(a) and located below a required **Landscape Open Space** area or **Buffer Strip** shall be permitted.

(xiv) Rooftop Mechanicals

- Despite any other provision in this **By-law**, Section 4.16.3 shall not apply.

(xv) Stair Exit **Structure**

- Despite any other provision in this **By-law**, the north exit stair **Structure** that connects to the underground parkade is permitted in the **Front Yard**

(xvi) Severability Provision

- The uses and regulations of the D1-22 precinct shall continue to apply collectively to the whole of the lands in the D1-22 precinct, despite any future severance or condo registration.

7.5.22 D1-23(H23)

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

a) Permitted **uses**

(i) All **uses** permitted by **Table 6.8** (D1 precinct), are permitted and the following:

- **Parking facility**

- See Section 7.1 for Holding Provisions.

7.5.23 D1-24

110 Macdonell Street

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

a) Permitted **uses**

(i) All **uses** permitted by **Table 6.8** (D1 precinct), are permitted and the following:

- **Parking facility**

7.5.24 D1-25

71 Wyndham Street South

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

a) Regulations

(i) First storey use

- A non-residential **use** is required on the **first storey** of the **building** facing Wyndham Street South and this **use** shall be a minimum of 100 square metres of **gross floor area** (GFA).

(ii) Building height

- The height of the **first storey** shall be a minimum of 4.5 metres.

(iii) Built form regulations

- Despite **Table 6.9** the following built form regulations shall apply:
    - The maximum **floorplate** of the 7th and 8th **storeys** of the **building** shall not exceed 1550 square metres.
    - The maximum **Floorplate** of the 9th and 10th **Storeys** of the **Building** shall not exceed 1475 square metres.
    - The maximum **floorplate** of the 11th and 12th **storeys** of the **building** shall not exceed 1365 square metres.

- The maximum **floorplate** of the 13th and 14th **storeys** of the **building** shall not exceed 1035 square metres.

(iv) Front **building stepbacks**

- The minimum **stepback** shall be 2 metres and shall be required for all portions of the **building** above the **first storey**. **Stepbacks** shall be measured from the **building** face of the **first storey** facing Wyndham Street South.
- The minimum **stepback** shall be 4 metres, required for all portions of the **building** above the 4th **storey**. **Stepbacks** shall be measured from the **building** face of the **first storey** facing Wyndham Street South.

(v) Rear **building stepbacks**

- The minimum **stepback** shall be 2 metres and shall be required for a portion of the **building** above the **first storey**. **Stepbacks** shall be measured from the rear **building** face of the **first storey**.
- The minimum **stepback** shall be 4 metres and shall be required for a portion of the **building** above the 6th **storey**. **Stepbacks** shall be measured from the rear **building** face of the **first storey**.

(vi) Bicycle parking spaces

- Despite **Table 5.5**: Required Bicycle Parking Rates in Downtown, Row 1, a total of 75 **bicycle parking spaces, long term** and 11 **bicycle parking spaces, short term** are required.

7.5.25 D1-26

40 Wellington Street West

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

a) Regulations

(i) In accordance with **Table 6.9** of this **By-law**, with the following exceptions and additions:

- Minimum **front yard** or **exterior side yard**
    - Despite **Table 6.9**, of the **By-law**, the minimum **front yard** or **exterior side yard** shall be 0 metres.

(ii) Minimum **interior side yard**

- Despite **Table 6.9** of the **By-law**, the minimum **interior side yard** shall be 1.2 metres.

(iii) Minimum **rear yard**

- Despite **Table 6.9**, of the **By-law**, the minimum **rear yard** shall be 1.5 metres.

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

- The maximum **gross floor area** (GFA) shall be 3,502 square metres of **ground floor area** plus 186 square metres of mezzanine **floor area** for a total **gross floor area** (GFA) of 3,688 square metres.

7.5.26 D1-27(H28)

70 Fountain Street/75 Farquhar Street

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

a) Permitted **uses**

(i) Any new **development** containing residential **uses** constructed after the date of this exception is applied to the property shall be in the form of a **mixed-use building** that:

- Shall have a total maximum **gross floor area**, including all **uses**, of 18,500 square metres.
- Shall have a minimum **gross floor area** of 1,550 square metres used solely for **office**.
- Shall have a maximum **gross floor area** of 12,500 square metres for residential **uses**.

- Notwithstanding the definition of "**mixed-use building**", may have **office** and **dwelling units** that share a vestibule with a common entrance to the outside and separate entrances to the **office** and **dwelling units** inside.

b) Minimum **tower setbacks**

(i) That the **tower** portion of the proposed **building** (each **storey** above the 4th **storey**) be **setback** a minimum of 15 metres from the front (Wyndham Street South) and rear (easterly) **lot lines** measured perpendicularly from the exterior wall.

c) Minimum **building stepbacks**

(i) Despite **Table 6.9**, the following minimum **stepbacks** shall be required for all portions of the **building** above the 3rd **storey**, measured from the **building** face of the 3rd **storey**:

- Front **stepback** (from Wyndham Street): 4.5 metres
- Exterior side **stepback** (from Farquhar Street and Fountain Street): 3 metres
- Rear **stepback**: 11.5 metres

d) Maximum **tower floorplate**

(i) Despite **Table 6.9**, that a maximum **tower floorplate** of 925 square metres apply to each **storey** above the 4th **storey**.

e) Active frontage regulations

(i) Notwithstanding **Table 6.9** there shall be no minimum height of the **first storey** for the portions containing functions such as service space, loading and storage space, and parking **garage** entrance.

(ii) Notwithstanding **Table 6.9**, the minimum number of **active entrances** to the **first storey** on the **exterior side yard building** facade abutting Farquhar Street shall be 1.

(iii) Notwithstanding **Table 6.9**, along the Farquhar Street **street line** the **uses** identified in the active **uses** column in **Table 6.8** with a "P" and

common areas for a **mixed-use building** shall occupy a minimum of 40% of the **street line**.

f) Parking **setback**

(i) Notwithstanding Section 5.2.4(c), a **parking area** within a parking **garage** may be located within the **first storey** of a **building** up to and at the **exterior side lot line** shared with Fountain Street.

g) Access to **parking area**

(i) Notwithstanding Section 5.3.1(c), **vehicle** access to a **parking area** may be from 1 **driveway** from each **exterior side lot line** shared with Fountain Street and Farquhar Street.

h) Above-grade **parking areas**

(i) For any portion of the **building** used for parking above the **first storey**, sloped **parking areas** (excluding access ramps) are not permitted. Each **storey** must be level and have a minimum height of 3.5 metres, to permit potential future **conversion** to **office** space.

(ii) See Section 7.1 for Holding Provisions.

7.6 Site Specific Downtown 2 Precincts

7.6.1 D2-1

7-27 Suffolk Street East, 82-88 Yarmouth Street

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

a) Regulations

(i) Any new construction carried out after the passing of By-law (2017)-20187 shall be in accordance with the following regulations:

7.6.2 D2-2

206-212 Norfolk Street

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

a) Permitted **uses**

(i) All **uses** permitted by **Table 6.8** (D2 precinct), and the following:

- **Funeral home**

7.6.3 D2-3

228 Woolwich Street

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

a) Permitted **uses**

(i) All **uses** permitted by **Table 6.8** (D2 precinct), and the following:

- **Vehicle repair establishment**

7.6.4 D2-4

239 Woolwich Street

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

a) Regulations

(i) Minimum **rear yard** 5.3 metres

7.6.5 D2-5

200 Woolwich Street

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

a) Regulations

(i) Minimum **yards**

- The minimum **front yard**, **side yard** and **rear yards** shall be identical to those existing on the date of the passing of By-law (2017)-20187.

(ii) Off-street parking

- Off-street parking shall be in accordance with the following regulations:
    - **Parking spaces** shall be permitted within the required **front yard**.
    - The minimum exterior **parking space** dimensions shall be 2.74 metres by 5.5 metres for a right angle **parking space** and 2.59 metres by 5.49 metres for a parallel **parking space**.

7.6.6 D2-6

9, 13 Paisley Street

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

a) Permitted **uses**

(i) All **uses** permitted by **Table 6.8** (D2 precinct), and the following:

- Retail and wholesale fur sales

7.6.7 D2-7(H14)

290 Woolwich Street

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

a) Permitted **uses**

(i) Only the following **uses** shall be permitted:

- A maximum of 10 **townhouse dwellings**, specifically excluding a **home occupation** or **accessory use**, and allowing a stand- alone residential **use** without a commercial component.

b) Regulations

(ii) In accordance with **Table 6.9** with the following exceptions:

- Minimum **front yard** and **exterior side yard**
    - Despite **Table 6.9**, minimum **front yard** on Edwin Street shall be 1.15 metres and the minimum **exterior side yard** on Woolwich Street shall be 1.5 metres.

(iii) Minimum **rear yard**

- Despite **Table 6.9**, the minimum **rear yard** on London Road shall be 1.15 metres.

(iv) Location of **parking spaces**

- Despite Section 5.3.3(a) and 5.3.3(c), a maximum of 2 **parking spaces** shall be allowed to locate a minimum of 0.3 metres from the **street line**.
- See Section 7.1 for Holding Provisions.

7.6.8 D2-8

18 Norwich Street East

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

a) Permitted **uses**

(i) All **uses** permitted by **Table 6.8** (D2 precinct), and the following:

- **Emergency shelter**

7.6.9 D2-9

75 Dublin Street North

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

Subject to Ontario Land Tribunal decision (OLT-220002509)

7.6.10 D2-10

93 Surrey Street East

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

a) Permitted **uses**

(i) All **uses** permitted by **Table 6.8** (D2 precinct), and the following:

- **Vehicle body shop**

7.6.11 D2-11

128 Norfolk Street

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

a) Regulations

(i) Minimum **front yard** 0.9 metres

(ii) Minimum **exterior side yard** 2.74 metres

7.7 Site Specific Downtown 3 Precincts

7.7.1 D3-1

111 Farquhar Street

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

a) Regulations

(i) Built form regulations

- Any new **building** or addition to an existing **building** erected after the **effective date** of By-law (2017)-20187 shall be in accordance with built form regulations in Table 6.9.

7.7.2 D3-2

35, 60, 74 Woolwich Street, 128, 130, 146 MacDonell Street, 1, 59 Carden Street

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

a) Regulations

-

(i) Table 6.9 built form regulations does not apply.

7.7.3 D3-3

81, 91, 95, 97 Farquhar Street, 90, 94 Fountain Street East

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

a) Permitted **uses**

(i) All **uses** permitted by **Table 6.8** (D3 precinct), and the following:

- **Dwelling units** legally existing on the date of the passing of By-law (2017)-20187.

b) Built form regulations

(ii) Any new **buildings** or addition to an existing **building** erected after the **effective date** of By-law (2017)-20187 shall be in accordance with built form regulations in **Table 6.9**.

7.7.4 D3-4

15 Wyndham Street South

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

a) Regulations

(i) Built form regulations

- Any new **building** or addition to an existing **building** erected after the **effective date** of **By-law** (2017)-20187 shall be in accordance with built form regulations in **Table 6.9**.

7.7.5 D3-5

146 Macdonell Street

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

a) Permitted **uses**

(i) All **uses** permitted by **Table 6.8** (D3 precinct), and the following:

- **Parking facility**

b) Regulations

(i) **Table 6.9** built form regulations does not apply.

7.8 Site Specific Downtown Major Transit Station Precincts

7.8.1 DMTSA-1(H23)

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

a) Permitted **uses**

(i) All **uses** permitted by **Table 6.8** (DMTSA precinct), and the following:

- **Parking facility**
- See Section 7.1 for Holding Provisions.

7.9 Floodplain Overlay

Note: Anyone who proposes to undertake the **development** or **redevelopment** of lands within the SPA overlay is reminded that the approval of the Grand River Conservation Authority pursuant to regulations made under the Conservation Authorities Act, R.S.O 1990, Chapter C.27, may be required in addition to any requirements of this **By-law**.

The Floodplain Overlay for the Speed and Eramosa Rivers and their tributaries applies to lands that lie within the floodway and flood fringe portions of the regulatory floodplain. Permitted **uses** are identified by the underlying precincts(s) of the property.

Despite any other provision in this **By-law**, land shall not be used and no **building** or **structure** shall be erected, located or used, except in accordance with the regulations of this **By-law** for the zone in which the lands are located and the regulations below:

7.9.1 Prohibited uses

a) The following **uses** shall not be permitted to locate within lands that lie within the FL Overlay:

(i) Institutional **uses** associated with **hospitals**, nursing homes, pre-school, school nurseries, child care centres and **schools**

(ii) Essential emergency service such as fire, police, and ambulance stations, and electrical substations

(iii) **Uses** associated with the disposal, **manufacturing**, treatment or storage of hazardous substances

7.9.2 Permitted uses

a) Permitted uses are identified by the underlying zone(s) of the property and in accordance with Section 1.1.

b) The following additional regulations apply to portions of the Floodplain Overlay:

(i) **Development**, **redevelopment** and rehabilitation of **buildings** and **structures** within the flood fringe portion of the Floodplain Overlay may be permitted, in accordance with Section 4 and subject to special rules and provided specific area **floodproofing** requirements are met, as established by the Grand River Conservation Authority.

(ii) Minor additions or alterations to existing residential, industrial, commercial and institutional **buildings** or **structures** and non-habitable **accessory buildings or structures** may be permitted within the portion

of the One Zone Floodplain located outside designated Significant Natural Areas and Natural Areas in the **City's** Official Plan in force and effect on the **effective date** of this **By-law**, in accordance with the regulations of the Grand River Conservation Authority, and provided that it has been demonstrated through an **Environmental impact study** that there will be no negative impacts to protected natural heritage features and areas or their associated ecological functions, as required.

(iii) Outdoor recreation, including small, municipal **accessory buildings or structures**, may be permitted within the Floodway portion of the Two Zone Floodplain located outside designated Significant Natural Areas and Natural Areas in the **City's** Official Plan in force and effect on the **effective date** of this **By-law**, provided that damage potential is minimized and proposed **structures** will not affect the hydraulic characteristics of the floodplain, in accordance with the regulations of the Grand River Conservation Authority, and provided that it has been demonstrated through an **Environmental impact study** that there will be no negative impacts to protected natural heritage features and areas or their associated ecological functions, as required.

7.10 Special Policy Area Overlay

Note: Anyone who proposes to undertake the **development** or **redevelopment** of lands within the SPA overlay is reminded that the approval of the Grand River Conservation Authority pursuant to regulations made under the Conservation Authorities Act, R.S.O 1990, Chapter C.27, may be required in addition to any requirements of this **By-law**.

The Special Policy Area Overlay applies to lands that lie within the special policy area floodplain portions of the **regulatory flood**plain where **development** and **redevelopment** may be permitted, subject to special rules and provided specific area **floodproofing** requirements are met, as established by the Province, the Grand River Conservation Authority and the **City** included on Appendix C6.

Despite anything else in this **By-law**, land shall not be used and no **building** or **structure** shall be erected, located or used, except in accordance with the regulations of this **By-law** for the precinct in which the lands are located and the regulations below:

7.10.1 Restricted uses

a) **Development** or **redevelopment** is not permitted within the **hydraulic floodway**.

b) **Hotels** may be permitted if the **use** can be **floodproofed** to the regulatory flood **level** and **safe access** can be provided.

c) Within the SPA, **vehicle service stations** and other **uses** involving the **manufacture**, disposal, consumption or storage of chemical, flammable, explosive, toxic, corrosive or other dangerous materials shall not be permitted.

d) Within the SPA, **parking facilities** shall be designed to the satisfaction of the **City** and the Grand River Conservation Authority.

7.10.2 General floodproofing requirements

Floodproofing shall be required for all forms of **building** activity within the SPA to the satisfaction of the **City** and the Grand River Conservation Authority.

a) Any new **building** or **structure** shall be designed such that its structural integrity is maintained during a **regulatory flood**.

b) All forms of **floodproofing**, as outlined in the "Implementation Guidelines of the Provincial Policy Statement on Flood Plain Planning" and any successor thereof, may be used to achieve the necessary **floodproofing** requirements of this **By-law**.

7.10.3 Floodproofing requirements for residential uses

The following regulations apply to the **renovation** of, intensification of, **conversion** to, and **development** or **redevelopment** of residential **uses**:

a) **Renovation** of existing residential **buildings** shall be permitted provided any new **habitable floor space** is not lower than the elevation of the existing ground floor level.

b) Residential intensification, comprising the building of a new **single detached**, **semi-detached** or **duplex dwelling** on an existing vacant **lot**, or adding an additional unit to an existing **single detached**, **semi-detached**, or **duplex dwelling** or the creation of a new **lot** for a **single detached**, **semi-detached**, or **duplex dwelling**, shall be permitted provided that the new **building** or **structure** is **floodproofed** to an elevation no lower than 1 metre below the **regulatory flood** level; and

   (i) The **habitable floor space** is constructed to an elevation equal to, or greater than the elevation of at least one of the adjacent **buildings** but in no case lower than 1 metre below the **regulatory flood** level;

   (ii) **Basements** will only be permitted in instances where the elevation of the **basement** floor is greater than the elevation of 1 metre below the **regulatory flood** level. In instances where this **basement** floor level elevation cannot be achieved, a crawl space of a maximum height of 1.2 metres may be permitted to facilitate servicing;

   (iii) Mechanical, electrical and heating equipment will be located no lower than 1 metre below the **regulatory flood** level; and

   (iv) Access is **available** to an elevation no lower than 1 metre below the **safe access** level.

c) Conversion of a non-residential **building** to a residential **use** will be permitted provided the **building** is **floodproofed** to an elevation no lower than 1 metre below the **regulatory flood** level; and

   (v) The **habitable floor space** elevation of any new residential unit is located at an elevation no lower than 1 metre below the **regulatory flood** level;

   (vi) Mechanical, electrical and heating equipment will be located no lower than 1 metre below the **regulatory flood** level; and

(vii) Access is **available** to the site at an elevation no lower than 1 metre below the **safe access** level.

d) **Development** and **redevelopment** of new residential units shall be permitted provided that the new **building** and related **structures** are **floodproofed** to the **regulatory flood** level; and,

(viii) The **habitable floor space** of any new residential unit is constructed to an elevation equal to or greater than the **regulatory flood** level;

(ix) Windows, doors and other **building** openings for any new residential unit will be located above the **regulatory flood** level;

(x) Mechanical, electrical and heating equipment for any new residential unit will be located above the **regulatory flood** level;

(xi) Access is **available** to the site at an elevation no lower than 1 metre below the **safe access** level; and

(xii) Unenclosed **parking facilities** shall be located at or above an elevation of the 100 year flood level. Enclosed facilities shall be floodproofed to the **regulatory flood** level.

7.10.4 Floodproofing requirements for non-residential uses

In addition to the requirements of Section 16.2.2, the **renovation** of, **conversion** to, and **development** and **redevelopment** of non-residential **uses** shall be permitted provided that:

e) The **building** or **structure** is **floodproofed** to a minimum elevation no lower than 1 metre below the **regulatory flood** level; and

f) The minimum elevation of any **floor area** is at or above the **100 year flood level**.

7.11 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.

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.

7.11.1 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 PRECINCTS

SCHEDULE A - DOWNTOWN PERMIT AREA

Community Planning Permit Area

SCALE 1:6,500

0 80 160 320 m

N W E S

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COMMUNITY PLANNING PERMIT PRECINCTS

SCHEDULE B - DOWNTOWN PERMIT AREA - PRECINCTS AND SITE SPECIFIC PROVISIONS

- Community Planning Permit Area
- Site Specific Provisions

CPPS Precincts

- Downtown 1 (D1)
- Downtown 2 (D2)
- Downtown 3 (D3)
- Downtown Institutional (DI)
- Downtown Major Transit Station (DMTS)
- High Density Residential (HDR)
- Medium Density Residential (MDR)
- Low Density Residential (LDR)
- Neighbourhood Commercial Centre (NCC)
- Natural Heritage System (POS)
- Open Space and Park (NHS)

Note:
Entire Community Planning Permit Area within well head protection area B.

SCALE 1:6,500

0 80 160 320 m

N W E S

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COMMUNITY PLANNING PERMIT PRECINCTS

SCHEDULE C1- DOWNTOWN PERMIT AREA - MINIMUM BUILDING HEIGHTS

Community Planning Permit Area

Minimum Building Heights

- 2 Storey
- 3 Storey
- 4 Storey
- 5 Storey
- 6 Storey

Area Bounded by outline subject to Urban Design Master Plan

Special Policy Area

See Policy 11.1.7.11.10

SCALE 1:6,500

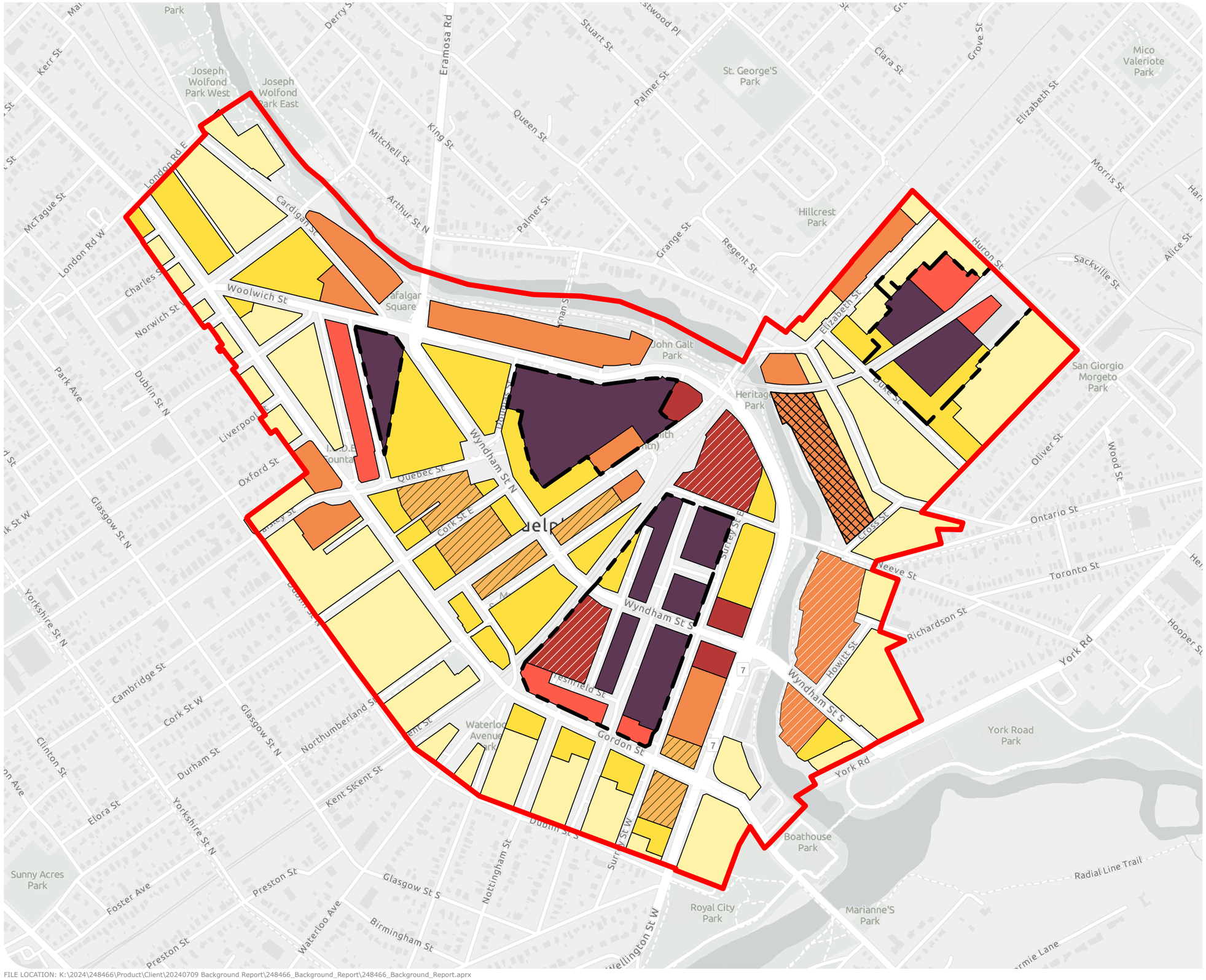
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CITY OF Guelph

COMMUNITY PLANNING PERMIT PRECINCTS

SCHEDULE C2- DOWNTOWN PERMIT AREA - MAXIMUM BUILDING HEIGHTS

Community Planning Permit Area

Maximum Building Heights

- 4 Storey
- 6 Storey
- 8 Storey
- 10 Storey
- 12 Storey
- 16 Storey
- 18 Storey
- 20 Storey
- 24 Storey

Area Bounded by outline subject to Urban Design Master Plan

See Policy 11.1.7.11.10

SCALE 1:6,500

0 80 160 320 m

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COMMUNITY PLANNING PERMIT PRECINCTS

SCHEDULE D - DOWNTOWN PERMIT AREA - BUILDING HEIGHTS REQUIRING FACILITIES, SERVICES AND MATTERS

Community Planning Permit Area

Additional Building Height (storeys) requiring Facilities, Services and Matters

- 0 to 6
- 7 to 14
- >= 15

SCALE 1:6,500

0 80 160 320 m

N W E S

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Appendix A - Map of Holding Provisions



COMMUNITY PLANNING PERMIT PRECINCTS

APPENDIX A - DOWNTOWN PERMIT AREA - HOLDING PROVISIONS

Community Planning Permit Area

Holding Provisions

SCALE 1:6,500

0 80 160 320 m

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

Table B.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/cool water 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
Significant Landform	No buffer required	No buffer required	50 m

Table B.1 Continued: 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 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

Appendix C - Overlays



CITY OF Guelph

COMMUNITY PLANNING PERMIT PRECINCTS

DOWNTOWN OVERLAYS APPENDIX C1- PROTECTED VIEW AREA

- Community Planning Permit Area
- View Corridors

SCALE 1:6,500

0 80 160 320 m

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COMMUNITY PLANNING PERMIT PRECINCTS

DOWNTOWN OVERLAYS APPENDIX C2 - DOWNTOWN ACTIVE FRONTAGE AREA

- Community Planning Permit Area
- Downtown Active Frontage Area

SCALE 1:6,500

0 80 160 320 m

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COMMUNITY PLANNING PERMIT PRECINCTS

DOWNTOWN OVERLAYS APPENDIX C3 - DOWNTOWN EXTERIOR FINISHES

Community Planning Permit Area

Downtown Exterior Finishes

SCALE 1:6,500

0 80 160 320 m

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COMMUNITY PLANNING PERMIT PRECINCTS

DOWNTOWN OVERLAYS APPENDIX C4 - DOWNTOWN LICENSE ESTABLISHMENT

- Community Planning Permit Area
- Downtown License Establishment

SCALE 1:6,500

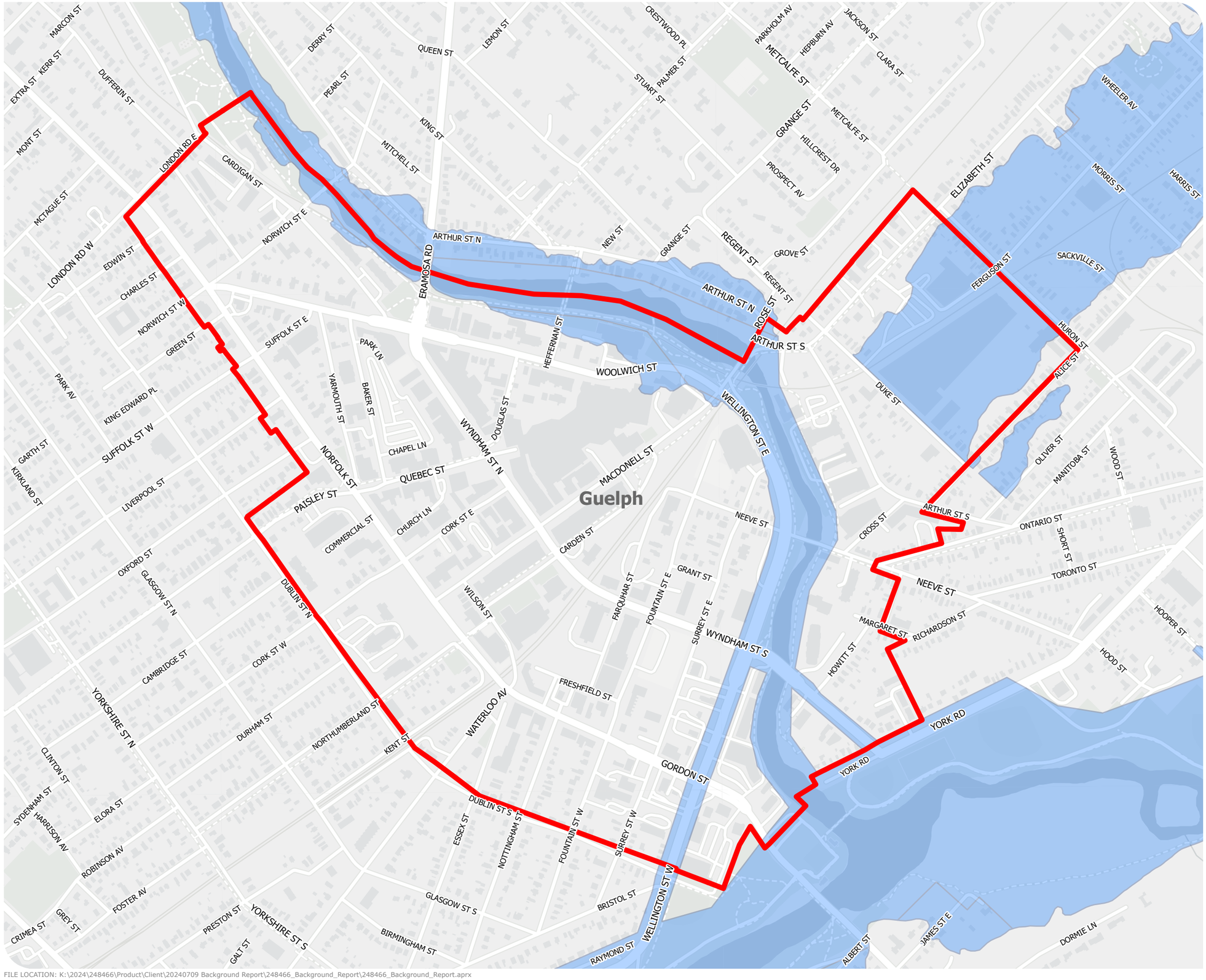
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COMMUNITY PLANNING PERMIT PRECINCTS

DOWNTOWN OVERLAYS APPENDIX C5 - FLOODPLAIN OVERLAY

- Community Planning Permit Area
- Floodplain Overlay

SCALE 1:6,500

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COMMUNITY PLANNING PERMIT PRECINCTS

DOWNTOWN OVERLAYS APPENDIX C6 - SPECIAL POLICY AREA OVERLAY

- Community Planning Permit Area
- Special Policy Area

SCALE 1:6,500

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Appendix D - Affordable Housing Thresholds and Cash-in-lieu of Affordable Dwelling Unit

Table D.1 – Affordability threshold for City of Guelph Ownership or Rental Affordable Dwelling Units (updated annually as per the provincial affordable residential unit bulletin)

Tenure	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: $407,100 per residential unit
Rental Unit Mix	The rental rate of the affordable rental unit shall be equal or less than: $1,253 per studio apartment $1,563 per 1 bedroom apartment $1,714 per 2-bedroom apartment $1,881 per 3-bedroom or more apartment

Table D.2 – Cash-in-lieu of Affordable Dwelling Unit

	Required contribution amount
Cash-in-lieu of affordable dwelling unit	$97,000 per affordable **dwelling unit** required