THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2014)-19691

A by-law to amend By-law Number (1995)-14864, as amended, known as the Zoning By-law for the City of Guelph (Administrative Amendment 2014)

WHEREAS Section 34(1) of The Planning Act, R.S.O. 1990, c.P.13 authorizes the Council of a Municipality to enact Zoning By-laws;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH ENACTS AS FOLLOWS:

1. Section 3.1 of By-law (1995)-14864, as amended, is hereby further amended by adding the following:

1.1 "***Animal Boarding Establishment***" means a ***Building***, ***Structure*** or part thereof, where dogs and cats and other domesticated animals, excluding livestock, are bred, raised, groomed, trained or kept for a fee on a temporary basis and may include overnight accommodation and outdoor facilities.

1.2 "***Animal Care Establishment***" means a ***Building***, ***Structure*** or part thereof, where dogs and cats and other domesticated animals, excluding livestock, are groomed and/or kept for a fee on a daily basis, excluding overnight boarding and outdoor facilities.

1.3 Definition (56) ***"Driveway"*** is deleted and replaced with the following:

"***Driveway (Non-Residential)***" means the area provided for ***Vehicle*** access between a ***Street*** and an off-street ***Parking Space***, but does not include a ***Parking Aisle***.

"***Driveway (Residential)***" means a surface area in a residential ***Zone*** between a ***Street*** and a main ***Structure*** consisting of, but not limited to, asphalt, concrete, compact gravel, interlocking brick, paving stone or the like used or designed to be used for the driving or parking of ***Vehicles*** and shall include any surfaced walk or hard landscaping situated parallel to the ***Driveway*** in a manner capable of being parked or driven upon by part or the whole of a ***Vehicle***.

1.4 "***Licensed Establishment***" means a ***Place***, including an ***Arena***, ***Club***, ***Public Hall***, ***Recreation Centre***, ***Restaurant***, ***Tavern*** and the like that sells, provides, or serves liquor pursuant to a licence issued by the Alcohol and Gaming Commission of Ontario or a successor agency/board thereto, but does not include a ***Place*** for which only a special occasion permit or permits are issued, or a ***Place*** owned and operated by the ***City***.

1.5 "***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.

Section 3.1 of By-law (1995)-14864, as amended, is hereby further amended by:

1.6 Section 3.1 is amended to remove the numbering of definitions.

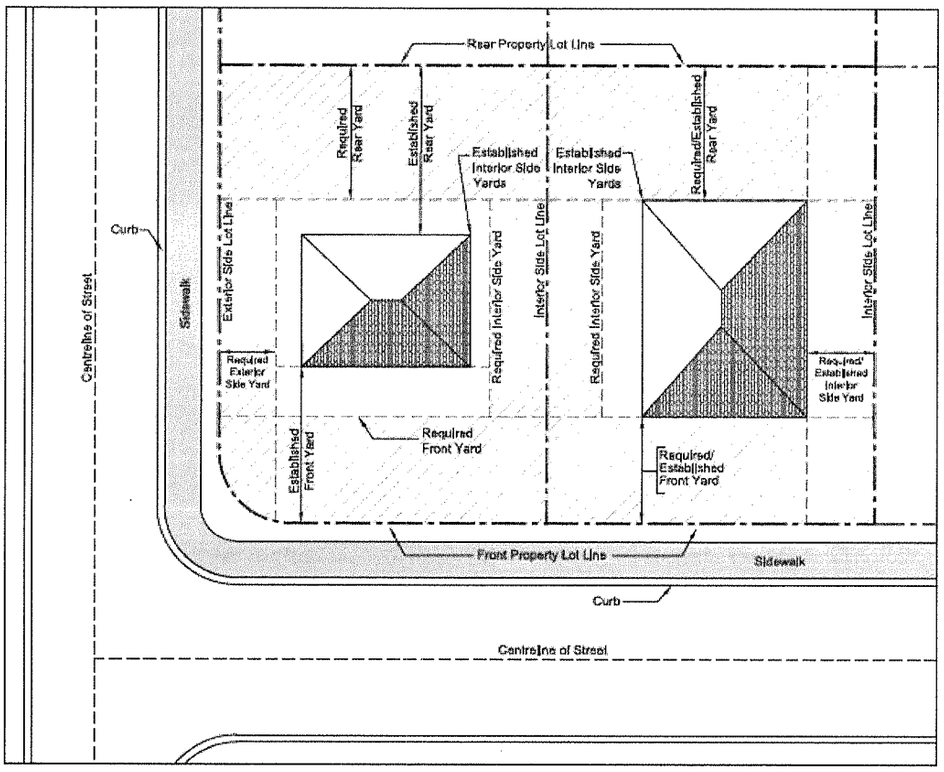
1.7 Section 3.1 is amended to add references to the "***Dwelling Unit***" definition, alphabetically for ***Accessory Apartment***, ***Apartment Building***, ***Duplex Dwelling***, ***Garden Suite***, ***Link Dwelling***, ***Maisonette***, ***Semi-Detached***

Dwelling, ***Single Detached Dwelling***, ***Townhouse*** (***Cluster Townhouse***, ***On-Street Townhouse***, ***Stacked Townhouse***), ***Multiple Attached Dwelling***.

1.8 Section 3.1 is amended to remove illustrations "H," "I," and "J".

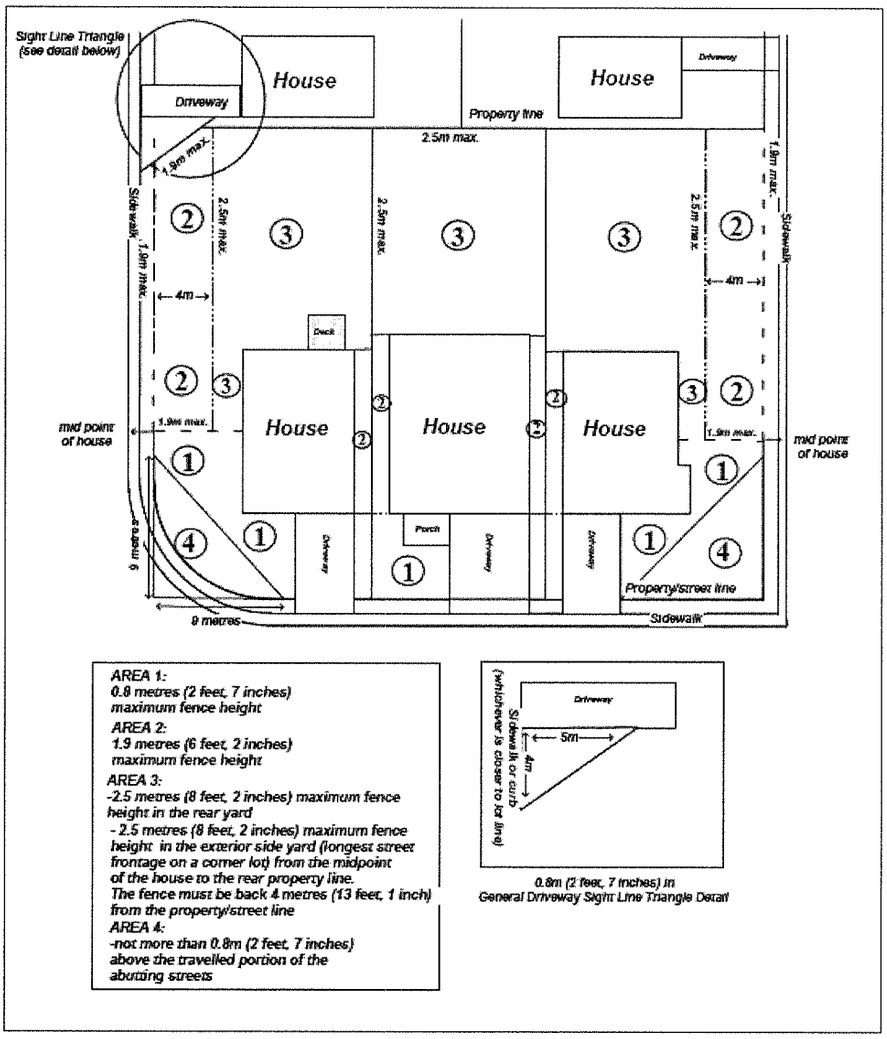
1.9 Section 3.1 is amended to replace "Illustration of Yards and Setbacks" with the following illustration:

ILLUSTRATION OF YARDS AND SETBACKS



1.10 Section 3.1 is amended by adding a new illustration "Residential Fence Height Illustration":

RESIDENTIAL FENCE HEIGHT REGULATIONS



2. Section 4 of By-law (1995) – 14864, as amended, is hereby further amended as follows:

2.1 Section 4.3 is amended by adding a new subsection 4.3.6:

4.3.6 "The ***Use*** or storage of a container, truck or transport trailer or any part thereof on a residentially ***Zoned*** property."

2.2 Table 4.7 is amended by deleting the Row 9 and replacing it with the following:

9	Central Residential Air Conditioners and Heat Pump Units	***Front*** and ***Exterior Side Yards*** ***Side Yard*** ***Rear Yard***	1.2 metres 1.2 metres ----------	----- ----- -----

2.3 Section 4.10 is amended by adding a new subsection 4.10.4:

4.10.4 "When the owner of a property proposes to develop, redevelop and/or sever the property that has an existing ***Building*** on it, the owner will be obligated to connect to ***City*** services if the municipal services are within 45.74 metres (150.0 feet) of the ***Dwelling***. Furthermore, the piping from the private well and/or

septic tank will have to be disconnected and the well and septic tank must be decommissioned to the satisfaction of the ***City's*** Plumbing Inspector."

2.4 Section 4.13 is amended by deleting 4.13.3.2.2 and replacing it with the following:

4.13.3.2.2 "Despite Section 4.13.3.2.1, the minimum ***Parking Space*** dimensions for ***Single Detached***, ***Semi-Detached*** and ***Duplex Dwellings*** or ***Home Occupations***, ***Group Homes***, ***Bed and Breakfast Establishments***, ***Accessory Apartments***, ***Lodging House Type 1***, ***On-Street Townhouses*** and R.4 ***Zones*** are 3 metres by 6 metres within a ***Garage*** or ***Carport***. The minimum exterior ***Parking Space*** dimensions are 2.5 metres by 5.5 metres."

2.5 Section 4.13 is amended by deleting 4.13.5 and replacing it with the following:

4.13.5 "In any commercial, institutional, industrial, park or residential R.3A and R.4 ***Zones***, where more than 25 ***Parking Spaces*** are required by Section 4.13.4, the required number of ***Parking Spaces*** shall include the provision of designated accessible ***Parking Spaces*** for the ***Use*** of physically disabled persons in the minimum quantity specified in Section 4.13.5.1."

2.6 Section 4.13 is amended by deleting 4.13.5.1 and replacing it with the following:

4.13.5.1

Total Required ***Parking Spaces***	Number of Required Designated Accessible ***Parking Spaces***
2-50	1
51-200	2
201-300	3
301-400	4
More than 400	1 additional space per 100 required ***Parking Spaces***

2.7 Section 4.13 is amended by deleting 4.13.6 and replacing it with the following:

4.13.6 "In a R.3A or R.4 ***Zone***, in addition to the requirements of Section 4.13.4.3, a minimum of 20% of the calculated total required number of ***Parking Spaces*** shall be provided for the ***Use*** of visitors to a residential ***Building*** and such ***Parking Spaces*** shall be located above grade and clearly identified as being reserved for the exclusive ***Use*** of visitors."

2.8 Section 4.13 is amended by deleting 4.13.7.2 and replacing it with the following:

4.13.7.2 "In a R.1 and R.2 ***Zone*** and for ***On-Street Townhouse Buildings***:

i) Deleted by By-law (2003)-17187
ii) 1 ***Driveway (Residential)*** access only shall be created per residential property.
iii) All off-street parking in the ***Front Yard*** and ***Exterior Side Yard*** shall be confined to the ***Driveway (Residential)*** area and any recognized legal off-street ***Parking Area***."

2.9 Section 4.13 is amended by adding a new subsection 4.13.7.2.1:

4.13.7.2.1 "A ***Driveway (Residential)*** in an R.1 ***Zone*** shall have a maximum width of:

i) 7.5 metres in an R.1A ***Zone***
ii) 6.5 metres in an R.1B ***Zone***
iii) 6 metres in an R.1C ***Zone***
iv) 5 metres in an R.1D ***Zone***"

2.10 Section 4.13 is amended by adding a new subsection 4.13.7.2.2:

4.13.7.2.2 "Despite Section 4.13.7.2.1, a surfaced walk within 1.5 metres of the nearest foundation wall is permitted providing that it is not ***Used*** for parking."

2.11 Section 4.13 is amended by adding subsection 4.13.7.2.3:

4.13.7.2.3 "A ***Driveway (Residential)*** in an R.2 ***Zone*** shall have a maximum driveway width of 3.5 metres."

2.12 Section 4.13 is amended by adding subsection 4.13.7.2.4:

4.13.7.2.4 "Despite Section 4.13.7.2.3, a surfaced walk within 1.5 metres of the nearest foundation wall is permitted providing that it is not ***Used*** for parking."

2.13 Section 4.13 is amended by adding subsection 4.13.7.2.5:

4.13.7.2.5 "The ***Driveway (Residential)*** width in an R.3B ***Zone*** shall not exceed the ***Garage*** width of the unit, as measured from the outside walls of the ***Garage*** or no more than 50% of the ***Front Yard***, whichever is less, to a minimum of 3 metres wide. The ***Front Yard***, excepting the ***Driveway (Residential)*** shall be landscaped and no parking shall be permitted within this ***Landscaped Open Space***."

2.14 Section 4.13 is amended by adding subsection 4.13.7.2.6:

4.13.7.2.6 "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 width is measured perpendicular to the direction in which the ***Vehicle*** drives and parks on the ***Driveway (Residential)***."

2.15 Section 4.13 is amended by adding subsection 4.13.7.2.7:

4.13.7.2.7 "Every ***Driveway (Residential)*** associated with such ***Parking Spaces*** shall have a minimum width of 3 metres. This driveway width may be reduced to 2.5 metres at the point of entry of a ***Garage*** entrance or ***Fence*** opening."

2.16 Section 4.16 is amended by deleting Section 4.16.1 and replacing it with the following:

4.16.1 "***Angular Plane from a River or Park***" means an imaginary inclined plane, rising over a ***Lot*** adjacent to a river or park, drawn at a specified angle from the horizontal, the bottom side of which is coincidental with the ***Lot Lines***, which together with other ***Building*** regulations and ***Lot*** size requirements, delineates the maximum bulk and ***Building Height***.

"***Angular Plan from a Street***" means an imaginary inclined plane, rising over a ***Lot***, drawn at a specified angle from the horizontal, the bottom side of which is coincidental with the ***Centre Line*** of the ***Street*** and which together with other ***Building*** regulations and ***Lot*** size requirements, delineates the maximum bulk and ***Building Height***."

2.17 Section 4.17 is amended by deleting the title reference and replacing it with the following:

4.17 "**OUTDOOR PATIOS**

Despite any other provisions of ***By-law***, the following shall apply to an ***Outdoor Patio*** of a ***Restaurant*** or ***Licensed Establishment***."

2.18 Section 4.17 is amended by deleting Section 4.17.1 and replacing it with the following:

4.17.1 "Capacity
The total number of persons permitted on all ***Outdoor Patios*** associated with a ***Restaurant*** or ***Licensed Establishment*** shall not exceed 50% of the indoor licensed capacity, or 70 persons, whichever is less."

2.19 Section 4.18 is amended by deleting Section 4.18.1 and replacing it with the following:

4.18.1 "No ***Building*** or ***Structure*** shall exceed the height restrictions set out in this ***By-law*** for the ***Zone*** in which such ***Building*** or ***Structure*** is located except for the following:

a) an antenna or mast (when attached to or on a ***Building***)
b) a barn
c) a belfry
d) a chimney or smokestack
e) a church spire or steeple
f) a clock tower, bell tower, or church tower
g) a cupola or other ornamental ***Structure*** or device
h) an electrical power transmission tower or line and related apparatus
i) an elevator or stairway penthouse
j) a light standard, including ***Outdoor Sportsfield*** lighting facilities
k) a flag pole
l) a flight control tower
m) a lightning rod
n) a radio, television, or telecommunications reception or transmission tower, excluding a ***Satellite Antenna***
o) a silo or storage elevator
p) a water tower
q) a windmill or turbine
r) a weathervane or other weather monitoring device
s) storage tank"

2.20 Table 4.24 is amended by deleting Row 42 and replacing it with the following:

42.	Victoria Rd.	15 metres both sides, north ***City*** limit to York Rd. 15 metres both sides, York Rd. to Stone Rd.

18 metres both sides, Stone Rd. to south ***City*** limit

3. Section 5 of By-law (1995) – 14864, as amended, is hereby further amended as follows:

3.1 Table 5.1.2 is amended by deleting Row 12 and replacing it with the following:

12	Minimum ***Landscaped Open Space***	The ***Front Yard*** on any ***Lot***, excepting 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 area of 0.5 metres between the ***Driveway (Residential)*** and the nearest ***Lot Line*** must be maintained as landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetable and indigenous species.

3.2 Section 5.1 is amended by deleting Section 5.1.2.7 i) and replacing it with the following:

5.1.2.7 i) "The minimum ***Front Yard*** or ***Exterior Side Yard*** shall be 6 metres or the average of the ***Setbacks*** of the adjacent properties. Where the off-street ***Parking Space*** is located within a ***Garage*** or ***Carport***, the ***Setback*** for the ***Garage*** or ***Carport*** shall be a minimum of 6 metres from the ***Street Line***."

3.3 Section 5.2 is amended by deleting Section 5.2.2.1.1 i) and replacing is with the following:

5.2.2.1.1 i) "The minimum ***Front Yard*** or ***Exterior Side Yard*** shall be 6 metres or the average of the ***Setbacks*** of the adjacent properties. Where the off-street ***Parking Space*** is located within a ***Garage*** or ***Carport***, the ***Setback*** for the ***Garage*** or ***Carport*** shall be a minimum of 6 metres from the ***Street Line***."

3.4 Table 5.2.2 is amended by deleting Row 15 and replacing it with the following:

15	Minimum ***Landscaped Open Space***	The ***Front Yard*** of any ***Lot***, excepting the ***Driveway (Residential)***, shall be landscaped and no parking shall be permitted within this ***Landscaped Open Space***. Despite the definition of the ***Landscaped Open Space***, for ***Buildings*** that do not have a shared ***Driveway (Residential)*** access, a minimum area of 0.6 metres between the driveway and nearest ***Lot Line*** must be maintained as landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species and may include a surfaced walk in accordance with Section 4.13.7.2.4.

3.5 Section 5.3 is amended by deleting Section 5.3.2.8 and replacing it with the following:

5.3.2.8 "Maximum ***Driveway (Residential)*** width of R.3B ***Zone On-Street Townhouses*** shall comply with 4.13.7.2.5."

3.6 Table 5.3.2 is amended by deleting Row 21 and replacing it with the following:

21	Maximum ***Driveway***		See Section 4.13.7.2.5

	(Residential) width R.3B ***Zone On-Street Townhouses***		

3.7 Table 5.3.2 is amended by deleting Row 8 and replacing it with the following:

8	Maximum ***Building*** Coverage (% of ***Lot Area***)	30	40	50

3.8 Table 5.3.2 is amended by deleting Row 13 and replacing it with the following:

13	***Minimum Landscaped Open*** (% of ***Lot Area***)	40	40	35

4 Section 6 of By-law (1995) – 14864, as amended, is hereby further amended as follows:

4.1 Section 6.3 is amended by deleting Section 6.3.2.1.1 and replacing it with the following:

6.3.2.1.1 "Where windows to a ***Habitable Room*** do not open onto a public ***Street*** or publicly owned lands, a minimum of 1.2 metres shall be maintained between such window and the adjacent ***Lot Line***."

4.2 Section 6.3 is amended by deleting Section 6.3.2.5.1 and replacing it with the following:

6.3.2.5.1 "For the purposes of Section 6.3.2.5, 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."

4.3 Section 6.4 is amended by deleting Section 6.4.1.1 and replacing it with the following:

6.4.1.1 "Service Commercial - SC.1 ***Zone***:

Animal Care Establishment
Auto-oriented Department Store
Car wash, Automatic
Car wash, Manual
Catalogue Sales Outlet
Club
Commercial School
Commercial Entertainment
Day Care Centre in accordance with Section 4.26
Financial Establishment
Funeral Home
Group Home in accordance with Section 4.25
Hardware Store
Hotel
Liquor Store
Medical Clinic
Office Supply
Parking Facility
Print Shop

Public Hall
Recreation Centre
Religious Establishment
Research Establishment
Restaurant
Restaurant (take-out)
Retail sales, service and rental of:
-electrical/lighting supplies
-electronic and audio-visual equipment
-furniture and appliances
Tavern
Tourist Home
Vehicle Specialty Repair Shop
Vehicle Service Station
Vehicle Gas Bar
Veterinary Service

Within a ***Mall***:
All ***Uses*** listed in Section 6.4.1.1 and the following:
Artisan Studio
Bake Shop
Cleaning Establishment
Convenience Store
Dry Cleaning Outlet
Florist
Laundry
Medical Office
Office
Personal Service Establishment
Pharmacy
Photofinishing Place
Postal Service
Rental Outlet
Repair Service
Taxi Establishment
Vehicle Parts Establishment
Video Rental Outlet"

5 Section 7 of By-law (1995) – 14864, as amended, is hereby further amended as follows:

5.1 Section 7 is amended by deleting Section 7.1.2.1 and replacing it with the following:

7.1.2.1 "***Office, Factory Sales Outlet***, fleet servicing area and other ***Accessory Uses*** are permitted provided that such ***Use*** is subordinate, incidental and exclusively devoted to a permitted ***Use*** listed in Section 7.1.2 and provided that such ***Use*** complies with Section 4.23.

Temporary ***Uses*** including ***Agriculture (Vegetation Based)***, ***Outdoor Sportsfield Facilities***, and driving range.

Malls
All ***Uses*** listed in Section 7.1.2 and the following:
Animal Boarding Establishment
Catering Service
Cleaning Establishment
Commercial Entertainment/Recreation Centre (excluding movie theatres, bowling alleys and roller rinks)
Commercial School

Computer Establishment
Financial Establishment
Industrial or construction equipment rental or sales firm
Office
Office Supply
Personal Service Establishment
Photofinishing Place
Print Shop
Repair Service
Research Establishment
Restaurant
Tradesperson's Shop
Vehicle Repair Shop
Vehicle Specialty Repair Shop"

5.2 Section 7 is amended by deleting Section 7.1.3 and replacing it with the following:

7.1.3 "***Office, Factory Sales Outlet***, fleet servicing area and other ***Accessory Uses*** are permitted provided that such ***Use*** is subordinate, incidental and exclusively devoted to a permitted ***Use*** listed in Section 7.1.3 and provided that such ***Use*** complies with Section 4.23.

Temporary ***Uses*** including ***Agriculture (Vegetation Based)***, ***Outdoor Sportsfield Facilities***, and driving range.

Malls
All ***Uses*** listed in Section 7.1.3 and the following:
Animal Boarding Establishment
Commercial Entertainment/Recreation Centre (excluding theatres, bowling alleys and roller rinks)
Commercial School
Computer Establishment
Display and retail sales of appliances, furniture and other household furnishings, hardware, and home improvement materials
Financial Establishment
Industrial or construction equipment rental or sales firm
Office
Office Supply
Personal Service Establishment
Photofinishing Place
Print Shop
Research Establishment
Restaurant
Vehicle Repair Shop
Vehicle Specialty Repair Shop"

5.3 Section 7 is amended by deleting Section 7.3.1 and replacing it with the following:

7.3.1 "Minimum ***Side*** and ***Rear Yards***
Despite Row 4 and 5 of Table 7.3, when any Industrial ***Zone*** abuts a Residential, Urban Reserve, Wetland or Park ***Zone***, the minimum ***Side Yard*** or ***Rear Yard*** shall be 10 metres or one-half the ***Building Height***, whichever is greater.

Where an Industrial ***Zone*** abuts a rail spur right-of-way, no ***Side*** or ***Rear Yard*** is required."

6. 6.1 Section 5.1.3.4.45 is further amended by adding the following regulation:

5.1.3.4.45.2.4 Maximum ***Driveway (Residential)*** Width
Despite Section 4.13.7.2.1, for ***Lots*** that are 12 metres wide or greater, a ***Driveway (Residential)*** shall be permitted to be a maximum of 6 metres in width.

7. Section 5.4.3.1 of By-law (1995) – 14864, as amended, is hereby further amended as follows:

7.1 Section 5.4.3.1 is amended by adding subsection 5.4.3.1.46:

5.4.3.1.46 "**R.4A-46**
As shown on Defined Area Map Number 30 of Schedule "A" of this ***By-law***.

5.4.3.1.46.1 **Regulations**
In accordance with Section 5.4.2 and Table 5.4.2 of By-law Number (1995)-14864, as amended, with the following exceptions:

5.4.3.1.46.1.1 Minimum Residential Density
120 units per hectare

5.4.3.1.46.1.2 Maximum Residential Density
150 units per hectare

5.4.3.1.46.1.3 Minimum ***Front Yard***
4.5 metres

5.4.3.1.46.1.4 Minimum ***Rear Yard***
7.5 metres

5.4.3.1.46.1.5 Maximum ***Building Height***
4 ***Storeys***"

8. Schedule "A" of By-law (1995)-14864, as amended, is hereby further amended by deleting Defined Area Map 30 and replacing it with new Defined Area Map 30, attached hereto as Schedule "A".

9. Where notice of this by-law is given in accordance with the Planning Act, and where no notice of objection has been filed within the time prescribed by the regulations, this by-law shall come into effect. Notwithstanding the above, where notice of objection has been filed within the time prescribed by the regulations, no part of this by-law shall come into effect until all of such appeals have been finally disposed of by the Ontario Municipal Board.

PASSED this TENTH day of FEBRUARY, 2014.

KAREN FARBRIDGE- MAYOR

TINA AGNELLO - DEPUTY CLERK

EXPLANATION OF PURPOSE AND EFFECT AND KEY MAP FOR BY-LAW NUMBER (2014)-19691

1. By-law Number (2014)-19691 has the following purpose and effect:

This by-law authorises amendments to the City of Guelph Comprehensive Zoning By-law (1995)-14864, which are intended to introduce modified and new regulations to the text and maps.

An internal staff working group consisting of members from Planning, Building and Zoning and Engineering, known as the Administrative Amendment Review Team has been monitoring the implementation of the present by-law and reviewing common variances and requested changes from developers and staff that regularly use the by-law.

This proposed Amendment would modify or introduce new regulations in the following general categories:

- Definitions (various)
- General Provisions including Parking, Driveway Widths, Minimum Landscaped Open Space, and Permitted Yard Projections
- Various regulations for Residential Single Detached (R.1) and Semi-Detached (R.2) Zones
- Various residential Townhouse (R.3A and R.3B) Zone regulations
- Permitted uses in Service Commercial and Industrial Zones
- The correction of minor typographical and mapping errors

Lands affected by this amendment include all lands in the City Covered by Zoning By-law Number (1995)-14864 as amended.

The intent of this proposed amendment is to improve the usability of the By-law for the development community, the general public, as well as City Staff.

The proposed zoning amendment was considered by Guelph City Council at a Public Meeting held on February 10, 2014.

Further information may be obtained by contacting or visiting Planning Services, 837-5616, City Hall, Guelph, Ontario.

Persons desiring to officially support or object to this zoning amendment must file their support or objection with the City Clerk, City Hall, Guelph, as outlined on the page entitled "Notice of Passing". Any comments or objections which you may have previously submitted are considered to have been unofficial and for the City's guidance only.