

Attachment-3 Recommended Zoning Regulations and Conditions

3A – Zoning Regulations

Staff are recommending a “Specialized Community Shopping Centre” (CC-29) Zone for the subject lands.

Permitted Uses:

In addition to the permitted uses set out in Section 6.2.1.2, of Zoning By-law (1995)-14864, as amended, the following additional uses are permitted:

- Stacked Townhouse in accordance with Section 5.3.1.1 of the By-law
- Apartment Building in accordance with Section 5.4.1.1 of the By-law

Prohibited Uses:

- Carwash, Automatic
- Carwash, Manual
- Vehicle Gas Bar
- Drive-through

Regulations for Stacked Townhouses:

In accordance with the regulations of Table 5.3.2 of the By-law, with the following exceptions:

Stacked Townhouse

For the purposes of the CC-29 zone, a Stacked Townhouse is defined as: 1 building or structure containing 2 or more townhouses, which are horizontally and vertically attached.

Minimum Rear Yard

The minimum rear yard shall be 5.5 metres, whereas the By-law requires a minimum rear yard of one-half the building height, and in no case less than 3 metres.

Maximum Building Height

The maximum building height shall be 4 storeys, whereas the By-law permits a maximum building height of 3 storeys.

Private Amenity Area

A private amenity area shall be provided for each unit and it shall have a minimum area as follows:

Below grade units – 9 square metres per unit

Ground level units – 3 square metres per unit

Above grade units – 3 square metres per unit

Regulations for Apartment Buildings:

In accordance with the regulations of table 5.4.2 of the By-law, with the following exceptions:

Common Amenity Area

The minimum common amenity area shall be 10 square metres per unit, whereas the By-law requires a minimum of 20 square metres per dwelling unit for the first 20 units and 20 square metres per unit for each additional dwelling unit.

Maximum Building Height

The maximum building height shall be 5 storeys, whereas the By-law permits a maximum building height of 8 storeys.

Regulations for all Permitted Uses in the CC-29 Zone:

Minimum Landscaped Open Space

The minimum landscaped open space shall be 35% of the Lot.

Net Density

Despite Sections 5.3.2.6 and Table 5.4.2, row 5 of the By-law, the residential net density for the CC-29 Zone shall be a maximum of 150 units per hectare.

Off-Street Parking

Despite Table 6.2.2, Row 14 and Section 4.13.4.1 of the By-law, the minimum off-street parking required shall be 1 space per 23 square metres of Gross Floor Area for all non-residential Uses in this Zone.

Maximum Commercial Gross Floor Area

Despite Table 6.2.2, Row 10, the maximum Commercial Gross Floor Area shall be 5,920 square metres.

Ministry of Transportation Setback

All buildings and structures shall be setback a minimum of 14 metres from the highway property limit.

Severability Provision

The uses and regulations of the CC-29 Zone shall continue to apply collectively to the whole of the lands identified as CC-29, despite any future severance or condo registration.

3B – Proposed Conditions of Site Plan Approval:

The following conditions are provided as information to Council and will be imposed through site plan approval, pursuant to Section 41 of the Planning Act:

1. That the Owner/Developer shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of the building, building design, landscaping, parking, traffic circulation, sidewalks, access, lighting, grading and drainage on the said lands to the satisfaction of the General Manager of Planning and the General Manager/City Engineer, prior to any construction or grading on the lands.
2. That the Owner/Developer commits and agrees that the details of the layout and design for the development of the subject lands shall be generally in accordance with the current conceptual site plan in Attachment 10 of the November 9, 2020 816 Woolwich Street Decision Report from Infrastructure, Development and Enterprise Services.
3. That the Owner/Developer shall work with the landowners to the north and south to provide pedestrian/active transportation connections between the sites.
4. That the Owner/Developer acknowledges and agrees that ensuring the suitability of the land from an environmental engineering perspective, for the proposed use(s) is the responsibility of the Owner/Developer.
5. That prior to site plan approval and prior to any construction or grading on the lands, the Owner/Developer shall provide to the City, to the satisfaction of the General

Manager/City Engineer, any of the following studies, plans and reports that may be requested by the General Manager/City Engineer:

- i. a stormwater management report and plans certified by a Professional Engineer in accordance with the City's Guidelines and the latest edition of the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual", which addresses the quantity and quality of stormwater discharge from the site together with a monitoring and maintenance program for the stormwater management facility to be submitted;
 - ii. Noise Report shall be submitted and shall be completed in accordance with the City's noise guidelines.
 - iii. a grading, drainage and servicing plan prepared by a Professional Engineer for the site;
 - iv. a detailed erosion and sediment control plan, certified by a Professional Engineer that indicates the means whereby erosion will be minimized and sediment maintained on-site throughout grading and construction;
 - v. a construction traffic access and control plan for all phases of servicing and building construction;
 - vi. salt management plan in accordance with the Grand River Source Protection Policy CG-CW-29.
6. That the Owner/Developer shall, to the satisfaction of the General Manager/City Engineer, address and be responsible for adhering to all the recommended measures contained in the plans, studies and reports outlined in subsections 5 i) to 5 vi) inclusive.
 7. That the Owner/Developer shall obtain a site alteration permit in accordance with City By-law (2016)-20097 to the satisfaction of the General Manager/City Engineer if grading or earthworks is to occur prior to site plan approval.
 8. That prior to any construction or grading on the lands, the Owner/Developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager/City Engineer, in accordance with a plan that has been submitted to and approved by the General Manager/City Engineer. Furthermore, the Owner/Developer shall provide a qualified environmental inspector, satisfactory to the General Manager/City Engineer, to inspect the site during all phases of development and construction including grading, servicing and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control measures and procedures on a weekly or more frequent basis if required. The environmental inspector shall report on his or her findings to the City on a monthly or more frequent basis.
 9. That the Owner/Developer shall stabilize all disturbed soil within 90 days of being disturbed, control all noxious weeds and keep ground cover to a maximum height of 150 mm (6 inches).
 10. That the Owner/Developer shall prepare and implement a construction traffic access and control plan for all phases of servicing and building construction to the satisfaction of the City Engineer. Any costs related to the implementation of such a plan be borne by the Owner/Developer.

Attachment-3 Recommended Zoning Regulations and Conditions (continued)

11. That the Owner/Developer shall pay to the City the actual cost of the construction of the new driveway entrances and required curb cut and/or curb fill. Furthermore, prior to site plan approval and prior to any construction or grading on the lands, the Owner/Developer shall pay to the City, the estimated cost as determined by the General Manager/City Engineer of the construction of the new driveway entrances and required curb cut and/or curb fill.
12. That the Owner/Developer shall pay to the City the actual cost of construction of municipal services within the City's right-of-way including such items as sanitary, water and storm laterals, driveways, curb cuts and/or curb fills, sidewalk. Prior to approval of the plans, the Owner/Developer shall pay to the City the estimated cost of the construction of municipal services as determined by the General Manager/City Engineer.
13. That the Owner/Developer agrees, prior to final site plan approval, to grant any necessary servicing easements in favour of the adjacent lands currently using or draining into the existing watermain, sanitary and storm sewer.
14. That the Owner/Developer acknowledges that the City does not allow retaining walls higher than 1.0 metre abutting existing residential properties without the permission of the General Manager/City Engineer.
15. That the Owner/Developer shall ensure that any private water supply wells, boreholes, monitoring wells and septic systems are decommissioned in accordance with O. Reg. 903.
16. That the Owner/Developer shall confirm that the basements will have a minimum 0.5 metre separation from the seasonal high groundwater elevation in accordance with Development Engineering Manual.
17. That the Owner/Developer shall construct the new buildings at such an elevation that the lowest level of the buildings can be serviced with a gravity connection to the sanitary sewer.
18. That the Owner/Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official certifying that all fill placed below proposed building locations has adequate structural capacity to support the proposed building. All fill placed within the allowable Zoning By-law envelope for building construction shall be certified to a maximum distance of 30 metres from the street line. This report shall include the following information; lot number, depth of fill, top elevation of fill and the area approved for building construction from the street line.
19. That the Owner/Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official providing an opinion on the presence of soil gases (Radon and Methane) in the plan in accordance with applicable provisions contained in the Ontario Building Code.
20. That the Owner/Developer shall enter into an agreement with the City, to be registered on title, satisfactory to the City Solicitor which includes all requirements, financial and otherwise to the satisfaction of the City of Guelph.

Attachment-3 Recommended Zoning Regulations and Conditions (continued)

21. That the Owner/Developer shall obtain approval of the General Manager/City Engineer with respect to the availability of adequate water supply and sewage treatment capacity.
22. That the Owner/Developer shall submit a Noise impact study report in accordance with Guelph Noise Control Guidelines to the satisfaction of the General Manager /City Engineer.
23. That the Owner/Developer shall service, grade, develop and maintain the site in accordance with the plans that have been approved by the City through the site plan approval. The Owner/Developer shall have the Professional Engineer who designed the servicing certify to the City that they supervised the construction of the servicing and that the as-built servicing is functioning properly as designed. The Owner/Developer shall have the Professional Engineer who designed the site grading and drainage submit an as-built grading and drainage plan to the City.
24. That the Owner/Developer shall place, or agree to place, the following notifications in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the agreement to be registered on title:
 - a) "Purchasers and/or tenants of all lots or units are advised that sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a certified design by a Professional Engineer."
 - b) "Purchasers and/or tenants of all lots or units are advised that if any fee has been paid by the purchaser to the Owner for the planting of trees on City boulevards in front of residential units does not obligate the City or guarantee that a tree will be planted on the boulevard in front or on the side of a particular residential dwelling. The City shall not provide regular maintenance for trees planted on private property save and except any maintenance conducted pursuant to section 62 of the Municipal Act, 2001, c.25, as amended, and purchasers of all lots or units shall be obligated to maintain any tree on private property in accordance with and pursuant to the City of Guelph's Property Standards By-law (2000)-16454, as amended."
 - c) "Purchasers and/or tenants of all lots or units, are advised prior to the completion of home sales, of the time frame during which construction activities may occur, and the potential for residents to be inconvenienced by construction activities such as noise, dust, dirt, debris, drainage and construction traffic."
 - d) "Purchasers and/or tenants of all lots or units are advised that on-street parking restrictions may apply to the street fronting their property."
25. That the Owner/Developer shall provide the City with a drainage certificate from an Ontario Land Surveyor or a Professional Engineer certifying that the fine grading and sodding/vegetation of the site is complete and that the elevation of the building foundation(s) and the grading of the site is in conformity with the approved grading and drainage plan. Any variance from the approved plans has received the prior approval of the City Engineer.
26. That the Owner/Developer shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.

Attachment-3 Recommended Zoning Regulations and Conditions (continued)

27. That the Owner/Developer shall provide the City with a certificate from a Professional Engineer certifying that the sanitary sewers, building drains, building sewers, building storm drains, building storm sewers, watermains, water distribution system, hydrants, catchbasins, roadways, driveways, parking areas and sidewalks that are to become part of the common facilities and areas, are in good repair, free from defects and functioning properly.
28. That the Owner/Developer shall provide assurance of proper operation and maintenance of the Stormwater management facility, and oil-grit-separator (OGS) unit(s) through site plan agreement and condominium declaration.
29. That the Owner/Developer agrees to provide assurance of proper operation and maintenance of the infiltration galleries through site plan agreement and condominium declaration.
30. That the Owner/Developer agrees to maintain log for perpetual cleaning / maintenance of oil-grit-separator (OGS) unit(s), Stormwater management facility, and infiltration galleries and agrees to submit the maintenance log for audit purposes to the City and other agencies upon request through site plan agreement and condominium declaration.
31. That all applications for a building permit shall be accompanied by a plot plan that shows that the proposed building, grading and drainage are in conformance with the approved overall site drainage and grading plan.
32. That the Owner/Developer shall retain a Professional Engineer, licensed in the Province of Ontario, to prepare an on-site engineering works cost estimate using the City's template. The estimate is to be certified by the Professional Engineer. The Owner/Developer shall provide the City with cash or letter of credit security for the on-site engineering works in an amount satisfactory to the City. The Owner/Developer shall pay the engineering on-site works inspection fee to the satisfaction of the City.
33. That prior to any site alteration, tree removal or construction, the Owner/Developer shall prepare an updated Tree Inventory & Preservation Plan as well as a Landscaping, Compensation and Replacement Plan, satisfactory to the General Manager of Planning and Building Services.
34. That prior to site plan approval or site alteration or tree removal, the Owner/Developer shall prepare a detailed Landscaping, Compensation and Replacement Plan, prepared by an OALA that includes provision of street trees and landscaping of amenity space/ common elements of the future condominium satisfactory to the General Manager of Planning and Building Services.
35. That prior to site alteration or tree removal, the Developer shall provide a qualified Environmental Inspector, satisfactory to the General Manager of Planning and Building Services and the City Engineer, to inspect the site during all phases of development and construction including grading, servicing, and building construction. The environmental inspector shall monitor and inspect the erosion and sediment control and tree protection measures and procedures on a weekly or more frequent basis and report on their findings to the City on a monthly basis.
36. That prior to site plan approval the Owner/Developer shall prepare a Salt Management Plan for the development satisfactory to the City's Risk Management Official for Source Water Protection.

Attachment-3 Recommended Zoning Regulations and Conditions (continued)

37. That prior to site plan approval, the Owner/Developer shall complete and provide a security to the City to ensure the proper and timely completion of all landscaping in accordance with the approved Landscaping Plan(s). The amount of the securities required is determined from a detailed cost estimate for the sited works, listing items, quantities, unit costs and total costs. The cost estimate is to be prepared by the consultant and to the satisfaction of the General Manager of Planning and Building Services.
38. That prior to site plan approval the Owner/Developer shall provide the City with a letter of credit to cover the City approved cost estimate for the post-development monitoring program to the satisfaction of the General Manager of Planning and Building Services.
39. That the Owner/Developer shall be responsible for the cost of design and development of the demarcation of lands owned by the City in accordance with the City of Guelph Property Demarcation Policy. This shall include the submission of drawings and the administration of the construction contract up to the end of two-year warrantee period completed by a full member of Ontario Association of Landscape Architect (OALA) with seal for approval to the satisfaction of the Deputy CAO of Public Services. The Owner/Developer shall provide the City with cash or letter of credit to cover the City approved estimate for the cost of installation of the demarcation for the City lands to the satisfaction of the Deputy CAO of Public Services. The Owner/Developer shall be responsible for installing demarcation prior to registration of the Plan of Condominium.
40. That the existing City Gateway Feature is located within the property limits of the subject lands and is proposed to be relocated. The City and Owner/Developer will work together through the site plan approval process to determine an acceptable location for the gateway feature. Details regarding the location, design, installation and maintenance of the new gateway feature shall be included in an Agreement between the City and Owner/Developer to the satisfaction of the City Solicitor if an acceptable location is agreed upon by both the Owner/Developer and the City.
41. That if an acceptable location for the gateway feature is agreed upon by both the Owner/Developer and the City, the Owner/Developer and City shall enter into an Agreement regarding an easement on the subject lands in favour of the City for access and maintenance to the gateway feature. The City would be looking to purchase an easement interest over the agreed upon location, which would be obtained under separate process through Realty Services, by Agreement of Purchase and Sale, for fair market value.
42. That the Owner/Developer shall provide Park Planning with a digital file in CAD format containing the as-built information of City Gateway Feature, grades/contours, landscaping etc. if the City Gateway Feature is located on the subject lands.
43. That the Owner/Developer shall pay cash in-lieu of parkland conveyance for the entire development according to City of Guelph By-law (2019)-20366 as amended by (2019)-20380 or any successor thereof, prior to issuance of any building permits.

Attachment-3 Recommended Zoning Regulations and Conditions (continued)

44. That prior to submitting any building permit applications, the Owner/Developer shall provide to the Deputy CAO of Public Services a satisfactory narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the payment of cash-in-lieu of parkland dedication. The appraisal report shall be prepared by a qualified appraiser who is a member in good standing of the Appraisal Institute of Canada and shall be subject to the review and approval of the Deputy CAO of Public Services.
45. That prior to site plan approval, the Owner/Developer shall demonstrate to the satisfaction of the General Manager of Planning and Building Services a commitment to incorporate features into the development that will implement recommendations of the City's Community Energy Initiative (CEI) and the overall goal of becoming a net zero carbon community by 2050.
46. That prior to the issuance of site plan approval, written confirmation shall be received from the General Manager of Environmental Services or his or her designate that the proposed development is in conformance with By-law (2011)-19199, or any successor thereof, known as the Waste Management By-law. Further, the Owner/Developer agrees and commits to employ a three-stream waste collection system with considerations and opportunities developed in their Waste Management Plan that would facilitate the transition to City collection at some point in the future.
47. That the Owner/Developer shall pay to the City, as determined applicable by the Chief Financial Officer/City Treasurer, Development Charges in accordance with the City of Guelph Development Charges By-law (2019)-20372, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to this issuance of building permits.
48. That the Owner/Developer agrees to provide the Upper Grand District School Board with digital files of the final site plans in either ARC/INFO export or DXF format containing parcel fabric and street network.
49. That the Owner/Developer shall agree in the site plan agreement/condominium declaration that adequate sidewalks, lighting and snow removal (on sidewalks and walkways) is provided to allow children to walk safely to school or to a designated bus pickup point.
50. That the Owner/Developer and the Upper Grand District School Board reach an agreement regarding the supply and erection of a sign (at the Developer's expense and according to the Board's specifications) affixed to the permanent development sign advising prospective residents about schools in the area.
51. That the Owner/Developer agrees in the site plan agreement/condominium declaration to advise purchasers of residential units and/or renters of same, by inserting the following clause in all offers of Purchase and Sale/Lease:

"In order to limit liability, public school buses operated by the Service de transport de Wellington-Dufferin Student Transportation Services, or its assigns or successors, will not travel on privately owned or maintained right-of-ways to pick up students, and potential busing students will be required to meet the bus at a congregated bus pick-up point."

Attachment-3 Recommended Zoning Regulations and Conditions (continued)

52. That the Owner/Developer shall make satisfactory arrangements with Guelph Hydro/Alectra Utilities and phone and cable providers for the servicing of the lands as well as provisions for any easements and/or rights-of-way for their plant.
53. That the Owner/Developer shall make satisfactory arrangements with Union Gas for the servicing of the lands as well as provisions for any easements and/or right-of-way for their plant, prior to site plan approval and prior to any construction or grading on the lands.
54. That the Owner/Developer shall satisfy Ministry of Transportation requirements to obtain a MTO Building and Land Use Permit, as may be required.
55. That the Owner/Developer shall satisfy the Ministry of Heritage, Sport, Tourism and Culture Industries with archeological assessment(s) for the property and that all reports are submitted to the City along with Ministry acknowledgement prior to site plan approval and prior to any construction or grading on the lands.