

## **Attachment-4 Recommended Zoning Regulations and Conditions**

### **4A – Zoning Regulations**

The following zone is proposed on the subject lands as shown in the proposed zoning map in Attachment 7.

#### **“Specialized High Density Apartment” (R.4B-25) Zone**

##### Permitted Uses

In addition to the permitted uses set out in Section 5.4.1.2, of Zoning By-law (1995)-14864, as amended, the following additional uses are permitted:

- Day Care Centre in accordance with Section 4.26 of the By-law
- Seniors Day Use

For the purposes of this By-law, a **Seniors Day Use** shall be defined as a place in which programs and activities are offered for older adults in the community, offering a place for people to gather and interact. No medical assistance is provided and overnight stays are not permitted.

##### Net Density

The residential net density for the R.4B-25 Zone shall be a maximum of 172 units per hectare, whereas Table 5.4.2, Row 5 of the Zoning By-law permits a maximum net density of 150 units per hectare.

##### Maximum Building Height

The maximum building height shall be 6 storeys, whereas Table 5.4.2, Row 10 of the Zoning By-law permits a maximum building height of 10 storeys.

##### Off-Street Parking

Despite Table 5.4.2, Row 14 and Section 4.13, a minimum of 1 parking space per residential unit and a minimum of 1 parking space per 30 square metres of gross floor area for a Seniors Day Use or Day Care Centre shall be required.

##### Residential Visitor Parking

Residential visitor parking can be shared with parking for the Seniors Day Use or Day Care Centre.

##### Minimum Landscaped Open Space

The minimum landscaped open space shall be 32% of the lot area, whereas Table 5.4.2, Row 13 of the Zoning By-law requires a minimum landscaped open space area of 40% of the total lot area.

##### Common Amenity Area Design

Despite Section 5.4.2.4.2, the length of common amenity areas can exceed 4 times the width.

##### Floor Space Index

To permit a floor space index of 1.64, whereas Table 5.4.2, Row 18 of the Zoning By-law permits a maximum floor space index of 1.5.

#### **4B – 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, access, lighting, grading and drainage on the said lands to the satisfaction of the General Manager of Planning and Building Services 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 9 of Decision Report 2021-93.
3. 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.
4. 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. The Owner agrees to collect and obtain groundwater monitoring data to determine the seasonal high ground water elevation.
  - iii. A Detailed Noise Report shall be submitted and shall be completed in accordance with the City's noise guidelines.
  - iv. A grading, drainage and servicing plan prepared by a Professional Engineer for the Site;
  - v. 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;
  - vi. A construction traffic access and control plan for all phases of servicing and building construction;
  - vii. Salt management plan in accordance with the Grand River Source Protection Policy CG-CW-29.
5. 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 4 i) to 4 vii) inclusive.
6. 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.

#### **4B – Proposed Conditions of Site Plan Approval (continued)**

7. 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.
8. 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).
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.

#### **4B – Proposed Conditions of Site Plan Approval (continued)**

17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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 shall have the Professional Engineer who designed the site grading and drainage submit an as-built grading and drainage plan to the City.
23. 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."

#### **4B – Proposed Conditions of Site Plan Approval (continued)**

- 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."
24. 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.
25. 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.
26. 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.
27. 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.
28. That the Owner/Developer agrees to provide assurance of proper operation and maintenance of the infiltration galleries through site plan agreement and condominium declaration.
29. 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.
30. 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.
31. That the Owner/Developer shall submit UST removal documentation (including confirmatory soil sampling results) for the City's records and reference.
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.

#### **4B – Proposed Conditions of Site Plan Approval (continued)**

33. 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.
34. 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.
35. That as part of the site plan approval process the Owner/Developer shall develop the elevations including materials and colours, provide rooftop mechanical screening details and provide architectural details.
36. That prior to site plan approval, the Owner/Developer shall implement the directions of the Wind Opinion Letter.
37. That the Owner/Developer shall be responsible for a payment in lieu of parkland conveyance for the entire development, in accordance with the City of Guelph Parkland Dedication By-Law 2019 - (20366) as amended by the By-Law 2019 - (20380) or any successor thereof prior to issuance of any building permits.
38. That prior to Site Plan approval, the Owner/Developer shall provide a long form appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the amount of payment in-lieu of parkland conveyance pursuant to s.42 of the Planning Act, to the satisfaction of the Deputy CAO of Public Services. The value of the land shall be determined as of the day before the day the first building permit is issued. The long form 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 City in accordance with the Parkland Dedication Bylaw. Notwithstanding the foregoing, if the appraisal provided by the applicant is not satisfactory to the City, acting reasonably, the City reserves the right to obtain an independent appraisal for the purposes of calculating the payment in-lieu of parkland conveyance.
39. That the Owner/Developer shall complete an updated Arborist Report and Tree Management Plans, satisfactory to the General Manager of Planning and Building Services, prior to any grading, tree removal or Site Plan Approval. The updated plan will include:
  - a. The long-term protection of the trees on adjacent properties, with consideration to achieving a wider buffer and integration of appropriate design changes as may be required;
  - b. Pre, during and post construction mitigation and monitoring of private and neighbouring trees.
40. That the Owner/Developer shall complete a Tree Compensation Plan, in addition to or included with, standard landscaping requirements of a Landscape Plan, satisfactory to the General Manager of Planning and Building Services, prior to any grading, tree removal or Site Plan Approval. Should space not be available for compensation trees on site, an alternative site and/or cash-in-lieu compensation will be provided.

#### **4B – Proposed Conditions of Site Plan Approval (continued)**

41. That during the site plan or demolition phase of the project, whichever comes first, it is expected that the TPP and Tree Management Plans will be revised to include appropriate mitigation to preserve the trees during demolition.
42. That the Owner/Developer shall revise the landscape plans as part of site plan approval to include native enhancements to the dripline in the area that is currently shown as sod along the eastern property limit in the Landscape Concept for Common Amenity Area prepared by GSP Group dated June 2020.
43. 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.
44. 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.
45. 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.”