

Attachment-3 Recommended Zoning Regulations and Conditions

3A – Zoning Regulations

The following two zones are proposed on the subject lands as shown in the proposed zoning map in Attachment 6.

“Specialized Residential Single Detached” (R.1D-53) Zone

Maximum Driveway Width

To permit a maximum driveway width of 6 metres, whereas Section 4.13.7.2.1 of the Zoning By-law permits a maximum driveway width of 5 metres in the R.1D Zone.

Minimum Side Yard Setback

To require a minimum left side yard setback of 1.5 metres for the property municipally known as 9 Omar Street, whereas Table 5.1.2. Row 7 requires a minimum side yard setback of 0.6 metres.

“Specialized Residential Single Detached” (R.1D-54)

Maximum Driveway Width

To permit a maximum driveway width of 6 metres, whereas Section 4.13.7.2.1 of the Zoning By-law permits a maximum driveway width of 5 metres in the R.1D Zone.

Railway Setback

No building shall be located closer than 30 metres from the main line of the railway.

3B – Proposed Conditions of Consent/Site Plan Approval

The following conditions are provided as information to Council and will be imposed through Consent/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 prior to the issuance of site plan approval, implementation measures including warning clauses in the accepted Noise and Vibration Feasibility Study, prepared by HGC Engineering, dated September 2, 2020 shall be shown on site plan drawings and warning clauses shall be included in the site plan agreement.
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. The cost related to preparation and implementation of such studies, plans and reports shall be borne by the Owner/Developer:
 - 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. A detailed 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 Engineering 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.
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 all plans, studies and reports submitted.
 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.
 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 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.
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 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.
22. 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."
23. 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.
24. 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.
25. 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.
26. That the Owner/Developer agrees to provide assurance of proper operation and maintenance of the infiltration galleries through the site plan agreement.
27. 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 the site plan agreement.
28. That 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.
29. 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.

30. 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.
31. 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.
32. That the Owner/Developer shall be responsible for payment in lieu of conveyance of parkland to the City to the satisfaction of the Deputy CAO of Public Services or their designate, in accordance with the City's Parkland dedication By-law (2019)-20366 as amended by (2019)-20380 or any successor thereof, prior to issuance of any building permits.
33. That prior to the issuance of a building permit, the Owner/Developer shall provide to the Deputy CAO of Public Services or their designate, a satisfactory narrative appraisal report prepared for The Corporation of the City of Guelph for the purposes of calculating the amount for payment in lieu of conveyance of parkland dedication. The narrative 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 or their designate.
34. Notwithstanding the foregoing, if the narrative appraisal provided by the Owner/Developer is not satisfactory to the Deputy CAO of Public Services or their designate, the City, acting reasonably, reserves the right to obtain an independent narrative appraisal for the purposes of calculating the amount for payment in lieu of conveyance of parkland.
35. That prior to the issuance of the Certificate of Official and/or prior to undertaking activities which may injure or destroy regulated trees, the applicant shall submit a Tree Inventory and Preservation Plan (TIPP) which shall be developed and carried out by an Arborist and in accordance with the Private Tree Protection By-law (2010-19058), to the satisfaction of the General Manager of Planning and Building Services.
36. That prior to the issuance of the Certificate of Official, the Owner/Developer shall grant CN Rail an environmental easement for operational noise and vibration emissions, registered on title of the subject lands in favour of CN Rail.