

# THE CORPORATION OF THE CITY OF GUELPH

## By-law Number (2020)-20480

A by-law to amend By-law Number (1995)-14864, as amended, known as the Zoning By-law for the City of Guelph as it affects property known municipally as 361 Whitelaw Road and legally described as Part of the NE Half of Lot 5, Concession 1, Division 'B' (Geographic Township of Guelph), City of Guelph (OZS18-005).

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. By-law Number (1995)-14864, as amended, is hereby further amended by transferring property legally described as Part of the NE Half of Lot 5, Concession 1, Division 'B' (Geographic Township of Guelph), City of Guelph, municipally known as 361 Whitelaw Road, from the UR (Urban Reserve) Zone and A (Agriculture) Zone to an R.4B-22(H) (Specialized High Density Apartment) Zone, R.4A-55(H) (Specialized General Apartment Zone, R.3A-66(H) (Specialized Cluster Townhouse) Zone, P.1 (Conservation Land) Zone and P.2 (Neighbourhood Park) Zone.
2. Section 5.4.3.2 of By-law Number (1995)-14864, as amended, is hereby further amended by adding a new subsection 5.4.3.2.22:

#### 5.4.3.2.22 **R.4B-22(H)**

361 Whitelaw Road

As shown on Defined Area Map 5 of Schedule 'A' of this *By-law*.

#### 5.4.3.2.22.1 Permitted Uses

Despite Section 5.4.1.2., the following *Uses* shall be permitted

- *Apartment Building*
- *Cluster Townhouses* attached to an *Apartment Building*
- *Accessory Uses* in accordance with Section 4.23
- *Home Occupation* in accordance with Section 4.19

#### 5.4.3.2.22.2 Regulations

In accordance with Section 4 (General Provisions) and Section 5.4 and Table 5.4.2 (Regulations Governing R.4 Zones) of *By-law* (1995)-14864, as amended, with the following exceptions:

#### 5.4.3.2.22.2.1 Maximum Building Height

Notwithstanding Table 5.4.2. Row 10, the maximum *Building Height* within 120 metres of the intersection along Paisley Road and 100 metres from the intersection along Whitelaw Road as measured along the streetline shall be 9 *Storeys* and the maximum *Building Height* shall be 8 *Storeys* at all other locations, and in accordance with Sections 4.16, 4.18.

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5.4.3.2.22.2.2 Maximum **Front Yard** and **Exterior Side Yard**

Notwithstanding Table 5.4.2, Row 7, the maximum **Front Yard** or **Exterior Side Yard** facing Paisley Road shall be 8 metres and the maximum **Front Yard** or **Exterior Side Yard** facing Whitelaw Road shall be 20 metres.

5.4.3.2.22.2.3 Minimum **Rear Yard**

Notwithstanding Table 5.4.2, Row 9, the minimum **Rear Yard** shall be 14 meters, measured from the westerly property line.

5.4.3.2.22.2.4 Minimum **Side Yard**

Notwithstanding Table 5.4.2, Row 8, the minimum **Side Yard** shall be 3 metres.

5.4.3.2.22.2.5 Minimum Distance between **Buildings**

Notwithstanding Sections 5.4.2.2 and Table 5.4.2, Row 11, the minimum distance between **Apartment Buildings** shall be 15 metres.

5.4.3.2.22.2.6 Minimum Landscaped Site Gateway

That the area within 30 metres of the intersection along Whitelaw Road and within 50 metres of the intersection along Paisley Road as measured along the streetline shall be used only for gateway, entryway, and landscaping purposes, acting as the “Landscaped Site Gateway”.

5.4.3.2.22.2.7 Maximum **Building Length**

The maximum length of an **Apartment Building** shall be 60 metres.

5.4.3.2.22.2.8 Minimum **Stepback** of Upper **Storeys** of **Apartment Buildings**

The upper **Storeys** of an **Apartment Building** shall have additional minimum stepbacks as follows:

The adjacent wall of any **Apartment Building** facing the Landscaped Site Gateway area as set out in Section 5.4.3.2.22.2.6 of this bylaw, shall have a **Stepback** of an additional 3.0 metres above the fourth **Storey**, and a further 3.0 metres above the seventh **Storey**.

The adjacent wall of any **Apartment Building** facing Whitelaw Road shall have a **Stepback** of an additional 1.5 metres above the fourth **Storey**, and a further 1.5 metres above the seventh **Storey**.

The adjacent wall of any **Apartment Building** facing Paisley Road shall have a **Stepback** of an additional 1.5 metres above the fourth **Storey**, and a further 3.0 metres above the seventh **Storey**.

5.4.3.2.22.2.9 Minimum Off-Street Parking

Notwithstanding Section 4.13 and Table 5.4.2, Row 14, the minimum required parking for **Apartments** shall be 1.0 **Parking Space** per unit plus 0.1 spaces per unit for visitor parking. No additional **Parking Spaces** above the minimum shall be permitted unless such parking is located in a parking structure.

5.4.3.2.22.2.10 Off-Street Parking Location

A maximum of 10% of the required parking may be permitted at grade, in surface **Parking Areas**.

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5.4.3.2.22.2.11 Minimum Parking Space Dimensions

Notwithstanding Section 4.13.3.2.2, the minimum *Parking Space* dimensions for at-grade and below-grade spaces shall be 2.75 metres by 5.5 metres.

5.4.3.2.22.2.12 Holding Provision

Purpose:

To ensure that development of the subject lands does not proceed until the following conditions have been met to the satisfaction of the *City* related to the subject development:

Conditions:

1. The completion of the design and reconstruction of Whitelaw Road including but not be limited to vertical grade changes, curb/gutter, boulevard, *Municipal Services* and sidewalk.
2. That the Owner complete an Energy Strategy Report that shows how the proposed development addresses the City's Community Energy Initiative, to the satisfaction of the General Manager of Planning and Building Services.

3. Section 5.4.3.1 of By-law Number (1995)-14864, as amended, is hereby further amended by adding a new subsection 5.4.3.1.55:

5.4.3.1.55 **R.4A-55(H)**

361 Whitelaw Road

As shown on Defined Area Map Number 5 of Schedule "A" of this *By-law*.

5.4.3.1.55.1 Permitted Uses

Despite Section 5.4.1.2., the following *Uses* shall be permitted

- *Apartment Building*
- *Cluster Townhouse* in accordance with Section 5.3, and Section (Specialized Townhouse) of this *By-law*.
- *Stacked Townhouse* in accordance with Section 5.3, and Section 5.3.3.1.66 of this *By-law*.
- *Back to Back Townhouse* in accordance with Section 5.3, and Section 5.3.3.1.66 of this *By-law*.
- *Stacked Back to Back Townhouse* in accordance with Section 5.3, and Section 5.3.3.1.66 of this *By-law*.
- *Home Occupation* in accordance with Section 4.19
- *Accessory Uses* in accordance with Section 4.23

- 5.4.3.1.55.1.1 The following definitions shall apply in the R.4A-55 *Zone*:

***Back-to-Back Townhouse:*** 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*

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from the outside accessed through the *Front Yard*, *Side Yard* or *Exterior Side Yard* and does not have a *Rear Yard*.

***Stacked Back-to-Back Townhouse***: means a ***Building*** where each ***Dwelling Unit*** is divided vertically by common walls, including a common rear wall and common side wall, and stacked vertically, one ***Unit*** over another. Each ***Unit*** has an independent entrance to the ***Dwelling Unit*** from the outside accessed through the ***Front Yard***, ***Side Yard*** or ***Exterior Side Yard*** and does not have a ***Rear Yard***.

5.4.3.1.55.2 Regulations

5.4.3.1.55.2.1 Maximum ***Building Height***

Notwithstanding Table 5.4.2 Row 10, the maximum ***Building Height*** for ***Apartment Buildings*** shall be 6 ***Storeys***.

5.4.3.1.55.2.2 Minimum ***Stepback*** of Upper ***Storeys*** of ***Apartment Buildings***

The adjacent wall of any ***Apartment Building*** facing Whitelaw Road shall have a ***Stepback*** of an additional 1.5 metres above the fourth ***Storey***.

5.4.3.1.55.2.3 Minimum Distance between ***Buildings***

Notwithstanding Sections 5.4.2.2 and Table 5.4.2, Row 11, the minimum distance between ***Apartment Buildings*** shall be 15 metres, and 10 metres between any ***Apartment Building*** and ***Townhouse Building***.

5.4.3.1.55.2.4 Minimum Off-Street Parking

Notwithstanding Section 4.13 and Table 5.4.2, Row 14, the minimum required parking for ***Apartment Units*** shall be 1.0 ***Parking Space*** per ***Unit*** plus 0.1 ***Parking Space*** per ***Unit*** for visitor parking. No additional ***Parking Spaces*** above the minimum shall be permitted unless such parking is located in a parking structure.

Notwithstanding Section 4.13 and Table 5.3.2, Row 16, the minimum required parking for ***Townhouse Units*** shall be 1.0 ***Parking Space*** per ***Unit*** plus 0.2 spaces per unit for visitor parking.

5.4.3.1.55.2.5 Off-Street Parking Location

A maximum of 10% of required parking for ***Apartment Units*** may be permitted at grade, in surface ***Parking Areas***.

5.4.3.1.55.2.6 Minimum ***Parking Space*** Dimensions

Notwithstanding Section 4.13.3.2.2, the minimum ***Parking Space*** dimensions for at grade and below grade spaces shall be 2.75 metres by 5.5 metres.

5.4.3.1.55.2.7 Maximum ***Front Yard***

The maximum ***Front Yard*** for ***Buildings*** located adjacent to Whitelaw Road shall be 6 metres.

5.4.3.1.55.2.8 Minimum ***Rear Yard***

Notwithstanding Table 5.4.2, Row 9, the minimum ***Rear Yard*** shall be 10 metres, measured from the westerly property line.

5.4.3.1.55.2.9 Minimum ***Side Yard***

Notwithstanding Table 5.4.2, Row 8, the minimum ***Side Yard*** shall be 3

metres.

5.4.3.1.55.2.10 Holding Provision

Purpose:

To ensure that development of the subject lands does not proceed until the following conditions have been met to the satisfaction of the *City* related to the subject development:

Conditions:

1. The completion of the design and reconstruction of Whitelaw Road including but not be limited to vertical grade changes, curb/gutter, boulevard, *Municipal Services* and sidewalk.
2. That the Owner complete an Energy Strategy Report that shows how the proposed development addresses the City's Community Energy Initiative, to the satisfaction of the General Manager of Planning and Building Services.

4. Section 5.3.3.1 of By-law Number (1995)-14864, as amended, is hereby further amended by adding a new subsection 5.3.3.1.66:

5.3.3.1.66     **R.3A-66(H)**

361 Whitelaw Road

As shown on Defined Area Map Number 5 of Schedule "A" of this *By-law*.

5.3.3.1.66.1   Permitted Uses

Notwithstanding 5.3.1.1, the following *Uses* shall be permitted:

- *Cluster Townhouse*
- *Stacked Townhouse*
- *Back to Back Townhouse*
- *Stacked Back to Back Townhouse*
- *Home Occupation* in accordance with Section 4.19
- *Accessory Uses* in accordance with Section 4.23

5.3.3.1.66.1.1 The following definitions shall apply in the R.3A-66 *Zone*:

***Back-to-Back Townhouse***: 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***, ***Side Yard*** or ***Exterior Side Yard*** and does not have a ***Rear Yard***.

***Stacked Back-to-Back Townhouse***: means a ***Building*** where each ***Dwelling Unit*** is divided vertically by common walls, including a common rear wall and common side wall, and stacked vertically, one ***Unit*** over another. Each ***Unit*** has an independent entrance to the ***Dwelling Unit*** from the outside accessed through the ***Front Yard***, ***Side Yard*** or ***Exterior Side Yard*** and does not have a ***Rear Yard***.

5.3.3.1.66.2   Regulations

5.3.3.1.66.2.1 Maximum Density

Notwithstanding 5.3.2.6 and Table 5.3.2 Row 20, the maximum ***Density*** for all permitted ***Townhouses*** shall be a total of 80 ***Units*** per hectare.

5.3.3.1.66.2.2 Minimum Lot Area per Dwelling Unit

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Notwithstanding Table 5.3.2 Row 3, minimum *Lot* area per *Dwelling Unit* shall be 120 square metres.

5.3.3.1.66.2.3 Maximum *Building Height*

Notwithstanding Table 5.3.2 Row 9, maximum *Building Height* shall be 4 *Storeys*, and in accordance with Section 4.16 and 4.18.

5.3.3.1.66.2.4 Maximum *Building Length*

The maximum *Building* length for all types of *Townhouse* blocks shall be 56 metres.

5.3.3.1.66.2.5 Minimum Distance between *Buildings*

Notwithstanding 5.3.2.3 and Table 5.3.2, Row 10, the minimum distance between *Townhouse Buildings* shall be 5 metres, and 10 metres between any *Apartment Building* and *Townhouse Building*.

5.3.3.1.66.2.6 Maximum *Front Yard*

The maximum *Front Yard Setback* for *Buildings* located adjacent to Whitelaw Road shall be 6 metres.

5.3.3.1.66.2.7 Minimum *Rear Yard*

Notwithstanding Section 5.3.2.2 and Table 5.3.2, Row 10, the minimum *Rear Yard* shall be 10 metres, measured from the westerly property line.

5.3.3.1.66.2.8 Minimum *Side Yard*

Notwithstanding Table 5.4.2, Row 8, the minimum *Side Yard* shall be 3 metres.

5.3.3.1.66.2.9 Minimum Off-Street Parking

Notwithstanding Section 4.13 and Table 5.3.2 Row 16, the minimum required parking shall be 1.0 *Parking Space* per *Unit* plus 0.2 *Parking Spaces* per *Unit* for visitor parking.

5.3.3.1.66.2.10 Minimum *Unit Width*

The minimum *Unit* width for a *Back to Back Stacked Townhouse Unit* with an integrated attached *Garage* is 7 metres.

5.3.3.1.66.2.11 Holding Provision

Purpose:

To ensure that development of the subject lands does not proceed until the following conditions have been met to the satisfaction of the *City* related to the subject development:

Conditions:

1. The completion of the design and reconstruction of Whitelaw Road including but not be limited to vertical grade changes, curb/gutter, boulevard, *Municipal Services* and sidewalk.
  2. That the Owner complete an Energy Strategy Report that shows how the proposed development addresses the City's Community Energy Initiative, to the satisfaction of the General Manager of Planning and Building Services.
5. Schedule "A" of By-law Number (1995)-14864, as amended, is hereby further amended by deleting Defined Area Map 5 and substituting a new Defined Area Map 5 attached hereto as Schedule "A".

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6. 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 Local Planning Appeals Tribunal.

**PASSED this TENTH day of FEBRUARY, 2020.**

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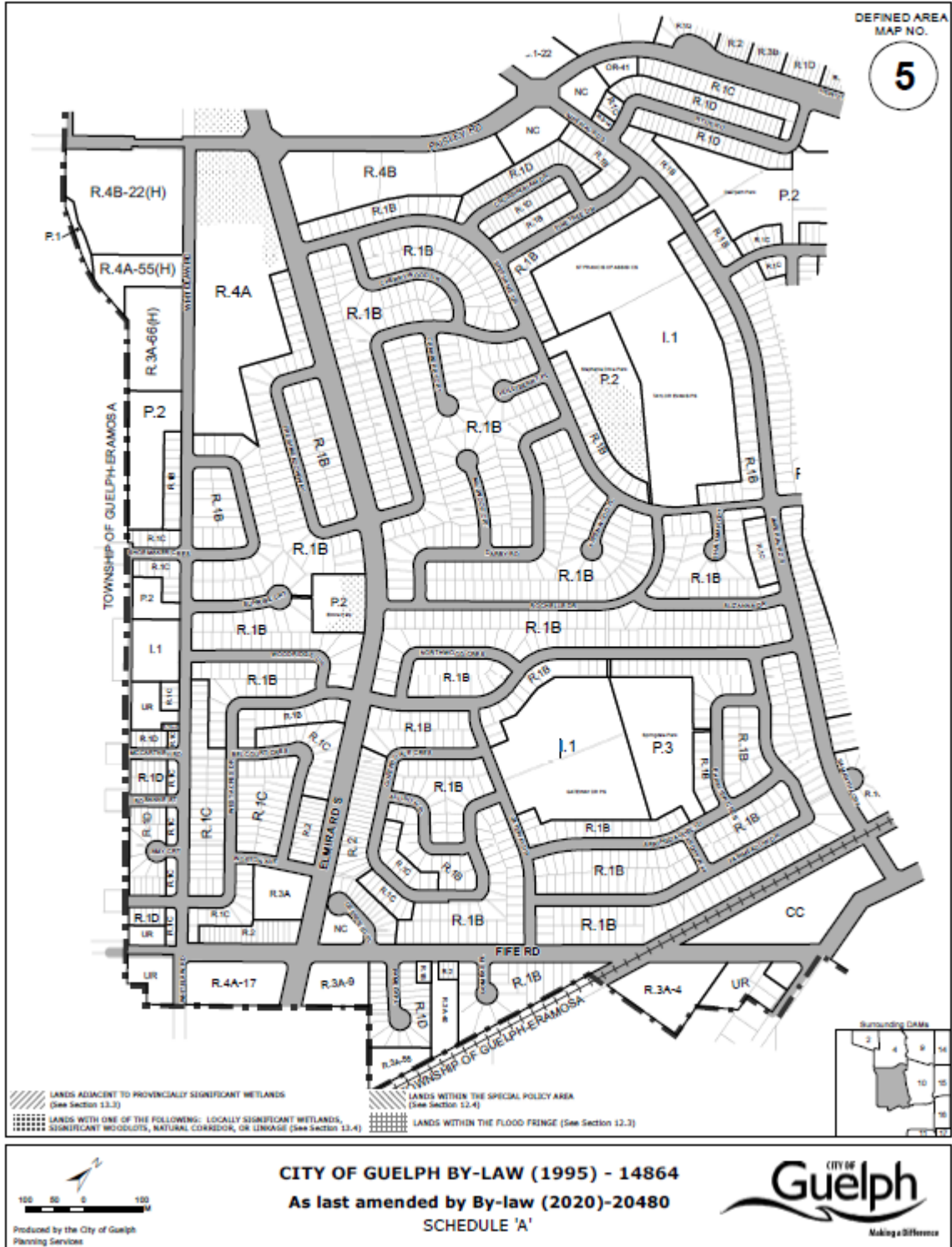
**CAM GUTHRIE - MAYOR**

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**DYLAN MCMAHON – DEPUTY CITY CLERK**

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Schedule "A"





## **EXPLANATION OF PURPOSE AND EFFECT FOR BY-LAW NUMBER (2020)-20480**

1. By-law Number (2020)-20480 has the following purpose and effect:

This By-law authorizes a Zoning By-law Amendment affecting lands municipally known as 361 Whitelaw Road. The purpose of the proposed Zoning By-law amendment is to rezone the subject property from the UR (Urban Reserve) Zone and A (Agriculture) Zone to an R.4B-22(H) (Specialized High Density Apartment) Zone, R.4A-55(H) (Specialized General Apartment Zone, R.3A-66(H) (Specialized Cluster Townhouse) Zone, P.1 (Conservation Land) Zone and P.2 (Neighbourhood Park) Zone to permit the development of a mixed density residential development containing 678 units together with a neighbourhood park. The proposed Zoning By-law Amendment was considered by Guelph City Council at Public Meetings held on December 10, 2018 and on July 10, 2019 and a decision report was presented to Council on February 10, 2020. (City File: OZS18-005).

Further information may be obtained by contacting Katie Nasswetter, Senior Development Planner at 519-837-5616, extension 2356, City Hall, Guelph, Ontario.

Persons desiring to officially support or object to this Zoning By-law amendment must file their support or objection with the City Clerk, City Hall, Guelph, as outlined on the page entitled "Notice of Passing".

2. Key map showing the location of the lands to which By-law (2020)-20480 applies:

### **KEY MAP**

