

## **Attachment 3:**

### **Recommended Zoning, Regulations and Conditions**

#### **Part A - Proposed Conditions:**

The following conditions are provided as information to Council and will be imposed through a development agreement and/or site plan approval with the City and may be registered in an agreement on title for the subject lands.

1. The Developer shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating but not limited to, the location of the building, building design, master planning, landscaping, tree inventory and preservation, parking, traffic circulation, access, lighting, site servicing, erosion and sediment control, grading and drainage on the said lands to the satisfaction of the General Manager of Planning and Building Services and the City Engineer/General Manager of Engineering and Transportation Services, prior to any construction, site alteration or grading on the lands. All applications for a building permit shall be accompanied by a plan that shows that the proposed building, grading and drainage is in conformance with the approved overall drainage and grading plan.
  - a. The Developer shall commit and agree that the details of the layout and design for the development of the subject lands shall be generally in conformance with the development concept plan and rendering attached as Attachments 9 and 10 to the September 12, 2022 Infrastructure, Development and Enterprise Report Number 2022-272.
  - b. The Developer shall implement the recommendations of the Urban Design Brief, dated April 22, 2022, by Astrid J. Clos Planning Consultants to the satisfaction of the General Manager of Planning, Urban Design and Building Services.
2. The 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 Developer/Landowner.
3. The Developer shall review the stormwater management strategy and determine whether it is possible to further limit flows exiting the site to aid in alleviating existing storm sewer surcharging conditions surrounding the intersection of Willow Road and Silvercreek Parkway North prior to site plan approval.
4. The Developer shall ensure that Civil plans completed by Stantec Consulting, dated August 2022, match that of the Site Plan shared by Petroff, dated August 2022, prior to site plan approval.
5. The Developer shall work with City of Guelph staff to incorporate the following features into the design, prior to site plan approval:
  - a. Include high quality residential and visitor bike parking within this development. Please include a bicycle parking ratio table with the first site plan submission.
  - b. Incorporate appropriate turning movements for cyclists at the Willow Road and Silvercreek Parkway North driveways. Bi-directional cycleways will need

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- to accommodate left and right turns onto both Willow Road and Silvercreek Parkway North's uni-directional cycling facilities.
- c. Ensure future submissions capture all bus stops in the area.
  - d. A sufficient daylight triangle shall be provided for the intersection of Willow Road at Silvercreek Parkway North as per the criteria set out in the City's Development Engineering Manual (DEM) (Section 6.3.4.1 Sight Triangles).
  - e. Sight line triangles (4m X 5m) shall be identified at the driveways as per the Zoning By-law.
6. The Developer shall provide to the City, to the satisfaction of the City Engineer/General Manager of Engineering and Transportation Services and the General Manager of Planning and Building Services, any of the following studies, plans and reports that may be requested by the City Engineer/General Manager of Engineering and Transportation Services and General Manager of Planning and Building Services. The cost related to preparation and implementation of such studies, plans and reports shall be the sole responsibility of the Owner.
- a. A Functional Servicing Report and Stormwater Management Report certified by a Professional Engineer (P.Eng) in accordance with the City's Development Engineering Manual (DEM) and the latest edition of the Ministry of the Environment, Conservation and Parks (MECP) "Stormwater Management Practices Planning and Design Manual" and an updated Supplemental Geotechnical Report including four seasons of recorded seasonal high groundwater elevations and groundwater monitoring in accordance with the DEM. The spring freshet elevations are to also be included within the updated geotechnical report.
  - b. Detailed Grading, Drainage and Servicing Plan prepared by a Professional Engineer (P.Eng) for the site.
  - c. A detailed Erosion and Sediment Control Plan, certified by a Professional Engineer (P.Eng).
  - d. Detailed Composite Utility Plan(s) locating existing and proposed utility infrastructure within the adjacent roads at all locations that include changes to the road and/or boulevard design, and any location where shoring of underground works is required adjacent to the road.
  - e. A Salt Management Plan.
  - f. A Construction Traffic Access and Control Plan for all phases of servicing and building construction.
  - g. A Detailed Noise Study completed as per the Guelph Noise Control Guidelines and ensuring all required noise barriers comply with Appendix B of the guidelines.
  - h. A Pedestrian Level Wind Study.
7. The Developer shall, to the satisfaction of the City Engineer/General Manager of Engineering and Transportation Services, address and be responsible for adhering to all the recommended measures contained in all plans, studies and reports submitted.

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8. The Developer shall obtain a site alteration permit in accordance with City By-law (2016)-20097 to the satisfaction of the City Engineer/General Manager of Engineering and Transportation Services if grading or earthworks are to occur prior to site plan approval.
9. The Developer shall construct, install and maintain erosion and sediment control facilities to the satisfaction of the City Engineer/General Manager of Engineering and Transportation Services, in accordance with a plan that has been submitted to and approved by the City Engineer/General Manager of Engineering and Transportation Services. Furthermore, the Developer shall provide a qualified environmental inspector, satisfactory to the City Engineer/General Manager of Engineering and Transportation Services, 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.
10. The Developer shall pay to the City the actual cost of the design and construction including 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 Developer shall pay to the City, the estimated cost as determined by the City Engineer/General Manager of Engineering and Transportation Services of the construction of the new driveway entrances and required curb cut and/or curb fill.
11. The Developer shall grade, develop and maintain the site including the storm water management facilities designed by a Professional Engineer (P.Eng), in accordance with a site plan that has been submitted to and approved by the City Engineer/General Manager of Engineering and Transportation Services. Furthermore the 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 built as it was approved by the City and that it is functioning properly.
12. The Developer shall ensure that any existing domestic wells as well as all boreholes and monitoring wells installed for environmental, hydrogeological or geotechnical investigations are properly decommissioned in accordance with current Ministry of the Environment, Conservation and Parks (MECP) regulations (O.Reg. 903 as amended) and to the satisfaction of the City Engineer/General Manager of Engineering and Transportation Services, prior to site plan approval and prior to any construction or grading on the lands.
13. The Developer shall locate the position of any existing sanitary sewer, storm sewer, water service laterals and septic systems serving the existing buildings, prior to commencing any demolition activity. Further, the Developer shall be responsible for the entire cost of removing the existing service laterals from

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the said lands satisfactory to the City, and removal of any existing septic systems satisfactory to the City.

14. The Developer shall acknowledge that the City does not allow retaining walls higher than 1.0-metre abutting existing residential properties without the permission of the City Engineer/General Manager of Engineering and Transportation Services.
15. The 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).
16. The Developer shall make satisfactory arrangements with Alectra Utilities and telecommunication providers for the servicing of the lands as well as provisions for any easements and/or rights-of-way for their required infrastructure, prior to site plan approval.
17. The Developer shall make satisfactory arrangements with Enbridge Gas for the servicing of the lands as well as provisions for any easements and/or right-of-way for their infrastructure, prior to site plan approval and prior to any construction or grading on the lands.
18. The Developer shall pay the estimated and the actual cost for decommissioning and removal of any services as determined by the General Manager/City Engineer.
19. The Developer shall provide assurance of proper operation and maintenance of the stormwater management facility, and oil-grit-separator (OGS) unit(s) through a site plan control agreement, to be registered on title.
20. The Developer shall provide assurance of proper operation and maintenance of the infiltration galleries through the site plan control agreement, to be registered on title.
21. The Developer agrees to maintain a 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 control agreement, to be registered on title.
22. The Developer shall retain a Professional Engineer (P.Eng), 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 (P.Eng). The Owner 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 Developer shall pay the engineering on-site works inspection fee to the satisfaction of the City.

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23. The Developer shall demonstrate conformance with the City's Bird-friendly Design Guidelines.
24. That prior to site plan approval, the 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.
25. The 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, pursuant to Section 42 of the Planning Act and 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.
26. Prior to the issuance of the first building permit, the 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 pursuant to Section 42 of the Planning Act. The value of the land shall be determined as of the day before the day the first building permit is issued. 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.
27. Notwithstanding the foregoing, if the narrative appraisal provided by the applicant 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.
28. The collection of Development Charges is required prior to the issuance of a building permit(s).
29. The Developer shall install an advisory sign on the site informing prospective residents about schools in the area, to the specifications and satisfaction of the Upper Grand District School Board, prior to the issuance of any building permits.

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### **Recommended Zoning, Regulations and Conditions**

#### **Part B – Zoning Regulations:**

That the Zoning By-law Amendment application be approved and that City staff be instructed to prepare the necessary amendment to Zoning By-law (1995)-14864, as amended, to transfer the subject lands from the "Specialized Community Shopping Centre" Zone (CC-9) to the following:

#### **Proposed Zoning: "Specialized Community Shopping Centre Zone with Holding Provision" – CC-32(H)**

In accordance with Section 4 (General Provisions), Section 5.4 and Section 6.2 of Zoning By-law (1995)-14864, as amended, with the following site-specific exceptions:

##### **Permitted Uses**

- Despite Section 6.2.1.1, the following additional use shall also be permitted:
  - **Apartment Building**
  - **Accessory Uses** in accordance with Section 4.23

##### **Lot Frontage**

- Minimum Lot Frontages shall be:
  - Greengate Road – 175 metres
  - Applewood Crescent – 336 metres
  - Willow Road – 60 metres
  - Silvercreek Parkway North – 60 metres

##### **Lot Area**

- Despite Table 5.4.2, Row 3, the minimum Lot Area shall be 11,000 m<sup>2</sup>.

##### **Maximum Dwelling Units**

- The maximum number of dwelling units shall be 160.

##### **Setbacks**

- Despite Table 5.4.2, the following minimum setbacks shall apply for an Apartment Building:
  - Minimum Front and Exterior Side Yard: 6 metres
  - Minimum Side Yard: 3 metres
  - Minimum Rear Yard: 7.5 metres
- Despite Table 6.2.2, the following minimum setbacks shall apply to the following Street Lines for a commercial Building, including a Mall:
  - Applewood Crescent – 18 metres
  - Greengate Road – 22.5 metres
  - Willow Road – 3 metres
  - Silvercreek Parkway North – 1.86 metres
- Despite Section 4.13.3.4.2, the minimum setback for an underground Parking Area shall be 1 metre.

##### **Building Height**

- Despite Table 6.2.2, Row 8, the maximum Building Height for an Apartment Building shall be 6 storeys.

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#### **Building Length**

- The maximum Building length along Silvercreek Parkway North shall be 91 metres.

#### **Off-Street Parking**

- Despite Section 4.13.4, the minimum required off-street Parking Spaces for commercial uses permitted in Section 6.2.1.2 shall be 3.9 spaces per 100 m<sup>2</sup> of Gross Floor Area.
- Despite Section 4.13.3.2.2, the minimum dimensions for Parking Spaces for Apartment Buildings within a garage shall be 2.75 metres by 5.5 metres.
- Notwithstanding the above, all required accessible Parking Spaces shall be designed and placed in accordance with the City's Facility Accessibility Design Manual or, 3.4 metres by 5.5 metres for Type A accessible parking spaces and 2.4 metres by 5.5 metres for Type B accessible parking spaces, whichever is greater.

#### **Common Amenity Area**

- Despite Section 5.4.2.4.1, a minimum 13 m<sup>2</sup> of Common Amenity Area shall be provided per Dwelling Unit.

#### **Landscaped Open Space**

- Despite Table 5.4.2, Row 13, a minimum 14% of the Lot Area shall be used as Landscaped Open Space.

#### **Floor Space Index**

- Despite Table 5.4.2, Row 18, there shall be no maximum Floor Space Index regulation.

#### **Severability Provision**

- The zoning provisions, including those listed above, shall continue to apply collectively to the whole of the lands in the CC-32(H) Zone, despite any future severance, partition or division for any purpose.

#### **Apartment Building**

- Notwithstanding the above specialized regulations and Section 6.2 and Table 6.2.2 for the Community Shopping Centre (CC) Zone, Apartment Buildings and mixed-use buildings at 111-193 Silvercreek Parkway North shall be otherwise regulated by the High Density Apartment (R.4B) Zone, including Section 5.4.2 and Table 5.4.2 of Zoning By-law (1995)-14864, as amended.

#### **Holding Provision (H)**

##### **Purpose:**

To ensure that the development of the lands does not proceed until the Owner has met certain conditions to the satisfaction of the City of Guelph.

##### **Holding Provision Conditions:**

1. The Developer/Owner shall provide the City with verification that a Record of Site Condition (RSC) has been filed with the Ministry of Environment, Conservation and Parks (MECP) to the satisfaction of the City Engineer/General Manager of Engineering and Transportation Services.

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### **Recommended Zoning, Regulations and Conditions**

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2. The Developer/Owner shall provide the City with an updated Feasibility Noise Study, to the satisfaction of the City Engineer/General Manager of Engineering and Transportation Services.