

The Corporation of the City of Guelph

By-law Number (2023) - 20773

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 the property municipally known as 70 Fountain Street East and legally described as all of Lots 19 & 20, Registered Plan 8, City of Guelph (File No. OZS19-015).

Whereas the Ontario Land Tribunal (the “Tribunal”) pursuant to section 34(26) of the Planning Act, R.S.O. 1990 has the power on appeal by an applicant from the decision of Council, to direct the amendment of a municipality’s Zoning By-law;
And whereas in matter OLT-22-001969, by a decision dated 16 December 2022, the Tribunal ordered the amendment of the Zoning By-Law as it relates to the property municipally known as 70 Fountain Street/75 Farquhar Street;

The Council of the Corporation of the City of Guelph enacts as follows:

1. By-law Number (1995)-14864, as amended, is hereby amended by transferring lands municipally known as 70 Fountain Street East and legally described as all of Lots 19 & 20, Registered Plan 8, City of Guelph, from the existing “Central Business District” Zone known as the CBD.1-1 Zone to a new “Specialized Downtown 1” Zone, to be known as the D.1-32(H) Zone.
2. Section 6.3.3.1, of By-law Number (1995)-14864, as amended, is hereby further amended by adding a new subsection 6.3.3.1.26:
 - 6.3.3.1.26 D.1-32(H)
70 Fountain Street / 75 Farquhar Street
As shown on Defined Area Map Number 37 of Schedule “A” of this **By-law**.
 - 6.3.3.1.26.1 Permitted Uses
Any new **Development** containing residential **Uses** constructed after the date this Exception is applied to the property shall be in the form of a **Mixed-Use Building** that:
 - a) Shall have a total maximum **Gross Floor Area**, including all uses, of 18,500 square metres.
 - b) Shall have a minimum **Gross Floor Area** of 1,550 square metres used solely for **Office**.
 - c) Shall have a maximum **Gross Floor Area** of 12,500 square metres for residential **Uses**.
 - d) Notwithstanding the definition of “**Mixed-Use Building**”, may have **Office** and **Dwelling Units** that share a vestibule with a common entrance to the outside and separate entrances to the **Office** and **Dwelling Units** inside.
 - 6.3.3.1.26.2 Regulations
In accordance with Section 4 (General Provisions) and Section 6.3 and Table 6.3.2.7 (Regulations Governing D.1 Zones) of Zoning **By-law** (1995)-14864, as amended, with the following exceptions and additions:
 - 6.3.3.1.26.2.1 Maximum Building Height
Notwithstanding Defined Area Map 67, the maximum **Building Height** shall be 16 Storeys.
 - 6.3.3.1.26.2.2 Minimum Tower Setbacks
That the tower portion of the proposed **Building** (each **Storey** above the 4th **Storey**) be **Setback** a minimum of 15 metres from the front (Wyndham St S) and rear (easterly) **Lot Lines**

measured perpendicularly from the exterior wall.

6.3.3.1.26.2.3 Minimum **Building Stepback**

Despite Section 6.3.2.1, the following minimum **Stepbacks** shall be required for all portions of the **Building** above the 3rd **Storey**, measured from the **Building** face of the 3rd **Storey**:

- i) Front **Stepback** (from Wyndham St): 4.5 metres
- ii) Exterior Side **Stepback** (from Farquhar St and Fountain St): 3 metres
- iii) Rear **Stepback**: 11.5 metres

6.3.3.1.26.2.4 Maximum Tower **Floorplate**

Despite Section 6.3.2.1, that a maximum tower **Floorplate** of 925 square metres apply to each **Storey** above the 4th **Storey**.

6.3.3.1.26.2.5 **Active Frontage** Regulations

6.3.3.1.26.2.5.1 Notwithstanding Section 6.3.2.4.1.4, there shall be no minimum height of the first **Storey** for those portions containing functions such as service space, loading and storage space, and parking garage entrance.

6.3.3.1.26.2.5.2 Notwithstanding Section 6.3.2.4.1.5, the minimum number of **Active Entrances** to the first **Storey** on the **Exterior Side Yard Building** façade abutting Farquhar Street shall be 1.

6.3.3.1.26.2.5.3 Notwithstanding Section 6.3.2.4.1.7, along the Farquhar Street **Street Line** the **Uses** identified in the Active **Uses** column in Table 6.3.1.1 with a "√" and common areas for a **Mixed-Use Building** shall occupy a minimum of 40% of the **Street Line**.

6.3.3.1.26.2.6 Minimum Parking

For minimum parking requirements:

- i) Notwithstanding Section 6.3.2.5.1, the minimum number of **Parking Spaces** for **Dwelling Units** within a **Mixed-Use Building** shall be 0.81 spaces per unit plus the 0.05 visitor **Parking Space** per unit required by Section 6.3.2.5.1.1.

6.3.3.1.26.2.7 Parking Setback

Notwithstanding Section 6.3.2.5.2.1.4, a **Parking Area** within a parking garage may be located within the first **Storey** of a **Building** up to and at the **Exterior Side Lot Line** shared with Fountain Street.

6.3.3.1.26.2.8 Access to **Parking Area**

Notwithstanding Row 6 on Table 6.3.2.7, vehicle access to a **Parking Area** may be from 1 Driveway from each **Exterior Side Lot Line** shared with Fountain Street and Farquhar Street.

6.3.3.1.26.2.9 Above-grade **Parking Areas**

For any portion of the **Building** used for parking above the first **Storey**, sloped **Parking Areas** (excluding access ramps) are not permitted. Each **Storey** must be level and have a minimum height of 3.5 metres, to permit potential future conversion to **Office** space.

6.3.3.1.26.2.10 Holding Provision

Purpose:

To ensure that **Development** of the subject lands does not proceed until the following condition has been met to the satisfaction of the **City** related to the subject **Development**.

Condition:

That sanitary sewer condition and sanitary capacity is confirmed and available for the proposed **Development** to the satisfaction of the **City**.

1. Should it be determined that any necessary services required for the proposed **Development** are not adequate and available, then prior to the (H) being lifted:
 - i) Adequate security for the actual design and construction costs of any municipal services required for the proposed **Development** shall be provided to the **City** in a matter satisfactory to the **City**; and,
 - ii) Any municipal services required for the proposed **Development** shall be designed to the satisfaction of the **City**; and,
 - iii) Any municipal services required for the proposed **Development** shall be constructed to the satisfaction of the **City**.
3. Schedule "A" of By-law Number (1995)-14864, as amended, is hereby further amended by deleting Defined Area Map 38 and substituting a new Defined Area Map 38 attached hereto as Schedule "A".
4. Schedule "A" of By-law Number (1995)-14864, as amended, is hereby further amended by deleting Defined Area Map 65 and substituting a new Defined Area Map 65 attached hereto as Schedule "A".
5. Schedule "A" of By-law Number (1995)-14864, as amended, is hereby further amended by deleting Defined Area Map 67 and substituting a new Defined Area Map 67 attached hereto as Schedule "A".

Passed this fourteenth day of February, 2023.

Schedules:

Schedule A: Defined Area Maps 37, 65 and 67

Cam Guthrie, Mayor

Dylan McMahon, Deputy City Clerk