

Attachment-3 Recommended Zoning Regulations and Conditions

3A – Zoning Regulations - Zoning By-law (1995) - 14864

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 “Urban Reserve” (UR) Zone to the following:

“Residential Single Detached” (R.1A) Zone

The R.1A zone is recommended to be applied to the subject lands as shown in the proposed Zoning Map in Attachment-6 and in accordance with Section 4 (General Provisions) and Section 5.1.2 of Zoning By-law (1995)-14864, as amended.

“Specialized Residential Townhouse” (R.3A-70) Zone

The R.3A-70 zone is recommended to be applied to the subject lands as shown in the proposed Zoning Map in Attachment-6 and in accordance with Section 4 (General Provisions) and Section 5.3 and Table 5.3.2 of Zoning By-law (1995)-14864, as amended, with the following site-specific regulations and exceptions:

Maximum Density (units/ha)

- Notwithstanding Section 5.3.2.6, the maximum density shall be 60 units per hectare in the R.3A-70 zone.

Minimum Lot Area per Unit

- Notwithstanding table 5.3.2, Row 3 the minimum lot area per unit shall be 169 square metres in the R.3A-70 zone.

Maximum Building Coverage

- Notwithstanding Table 5.3.2, Row 8 the maximum building coverage shall be 32% in the R.3A-70 zone.

Private Amenity Area – Cluster Townhouses

- Notwithstanding Section 5.3.2.5 the private amenity areas shall be a minimum setback of 0 metres from side and rear lot lines in the R.3A-70 zone.

Private Amenity Area – Stacked Townhouses

- Notwithstanding Section 5.3.2.5, the following provisions apply to private amenity areas for stacked townhouses in the R3.A-70 zone.
 - a) a minimum of 10 square metres per unit of private amenity area for ground level Stacked Townhouse units;
 - b) private amenity areas for ground level Stacked Townhouse units to be located in a front yard or an unenclosed porch or balcony with no privacy screen;
 - c) a minimum of 6.5 square metres per unit of private amenity area for units above or below finished grade and be permitted within a front yard;
 - d) private amenity areas may face a public street.

Maximum number of Dwelling Units in a row

- Notwithstanding Table 5.3.2, Row 18 the maximum number of dwelling units in a row, within a stacked townhouse shall be 32, for the lands zoned R.3A-70.

Active Entrances

- Active entrances facing Cassino Avenue shall be at least every 30 metres of the building length for the lands zoned R.3A-70. Active Entrances shall be defined as: Active Entrance means a door that is designed to be the principle entrance or a secondary entrance facing a public street or public square and excludes emergency egress doors, garage doors, service doors, loading doors and doors giving access to storage areas.

Bicycle Parking

- Notwithstanding anything in this by-law to the contrary, 32 bicycle parking spaces are required for the lands zoned R.3A-70.

Electric Vehicle Parking

- Notwithstanding anything in this by-law to the contrary, no electric vehicle parking is required for the lands zoned R.3A-70.

3B – Zoning Regulation – Comprehensive Zoning By-law (2023)-20790

That the Zoning By-law Amendment application be approved and that City staff be instructed to prepare the necessary amendment to Zoning By-law (2023)-20790, as approved, to transfer a portion of the subject lands as shown in the proposed Zoning Map in Attachment-6 from the “Low Density Residential 1” (RL.1) Zone to the following:

“Specialized Low Density Residential 4” (RL.4-22) Zone

The RL.4-22 zone is recommended to be applied to the portion of the subject lands as shown in the proposed Zoning Map in Attachment-6 and in accordance with Part C (General Provisions and Parking) and Section 6.3.5 of Zoning By-law (2023)-20790, as approved, with the following site-specific regulations and exceptions:

Maximum Density (units/ha)

- Notwithstanding Table 6.17, the maximum density shall be 60 units per hectare.

Maximum Building Coverage (% of lot area)

- Notwithstanding Table 6.18, the maximum Building Coverage shall be 32%

Private Amenity Area – Cluster Townhouses

- Notwithstanding Table 6.18, footnote 11.b.c., private amenity area for cluster townhouses may be setback 0 metres from the rear lot line in the RL.4-22 zone.

Private Amenity Area – Stacked Townhouses

- Notwithstanding Table 6.18, footnote 12 and 13, the following provisions apply to private amenity areas for stacked townhouses in the RL.4-22 zone.
 - a) private amenity areas for ground level units in stacked townhouses shall be a minimum of 10m²/unit and may be located in a front yard or an unclosed porch or balcony with no privacy screen.
 - b) Private amenity area for units above or below finished grade shall have a minimum of 6.5m² and may be located in a front yard.
 - c) Private amenity areas for units above-grade must consist of a balcony and be defined by a wall or railing between adjacent units to a height of 1.8m.
 - d) Private amenity areas may face a public street

Lot area per dwelling unit

- Notwithstanding Table 6.19, the minimum lot area per dwelling unit shall be 169m² for the RL.4-22 zone.

Exterior Side and Rear Yard from a Private Street

- Notwithstanding Table 6.19, front, exterior side and rear yard setbacks to private streets back of curb or sidewalk or lot line do not apply, for the RL.4-22 zone.

Building Length

- Notwithstanding Table 6.19, the maximum building length shall be 60 metres.

Bicycle Parking Rates

- Notwithstanding Section 5.8, bicycle parking requirements shall be 1 per stacked townhouse dwelling unit.

Electric Vehicle Parking Requirements

- Notwithstanding Section 5.9, electric vehicle parking requirements shall not apply.

3C – 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. The Owner 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 of Engineering and Transportation Services/City Engineer, prior to any construction or grading on the lands.
2. The Owner shall acknowledge and agree that ensuring the suitability of the land from an environmental engineering perspective, for the proposed use(s) is the responsibility of the Developer/Owner.
3. The Owner shall provide to the City, to the satisfaction of the General Manager of Engineering and Transportation Services/City Engineer, any of the following studies, plans and reports that may be requested by the General Manager of Engineering and Transportation Services/City Engineer, prior to site plan approval and prior to any construction or grading on the lands:
 - a) a stormwater management report and plans certified by a Professional Engineer (P.Eng) in accordance with the City's Guidelines and the latest edition of the Ministry of Environment, Conservation and Parks (MECP) "Stormwater Management Practices Planning and Design Manual", which addresses the quantity and quality of stormwater discharge from the subject lands together with a monitoring and maintenance program for the stormwater management facility to be submitted;
 - b) a Detailed Noise Report in accordance with the City's noise guidelines.
 - c) a grading, drainage and servicing plan prepared by a Professional Engineer (P.Eng);
 - d) a detailed erosion and sediment control plan, certified by a Professional Engineer (P.Eng) that indicates the means whereby erosion will be minimized and sediment maintained on-site throughout grading and construction;
 - e) a construction traffic access and control plan for all phases of servicing and building construction; and
 - f) a salt management plan in accordance with the Grand River Source Protection Policy CG-CW-29.
4. The Owner shall, to the satisfaction of the General Manager of Engineering and Transportation Services/City Engineer, address and be responsible for adhering to all the recommended measures contained in the plans, studies and reports outlined in subsections 3 a) to f) inclusive.
5. The Owner shall obtain a site alteration permit in accordance with City By-law (2016)-20097 to the satisfaction of the General Manager of Engineering and Transportation Services/City Engineer if grading or earthworks is to occur prior to site plan approval.
6. The Owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the General Manager of Engineering and Transportation Services/City Engineer, in accordance with a plan that has

been submitted to and approved by the General Manager of Engineering and Transportation Services/City Engineer, prior to any construction or grading on the lands. Furthermore, the Owner shall provide a qualified environmental inspector, satisfactory to the General Manager of Engineering and Transportation Services/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 their findings to the City on a monthly or more frequent basis.

7. The Owner 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).
8. The Owner shall prepare and implement a construction traffic access and control plan for all phases of servicing and building construction to the satisfaction of the General Manager of Engineering and Transportation Services/City Engineer. Any costs related to the implementation of such a plan be borne by the Owner.
9. The Owner 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 shall pay to the City, the estimated cost as determined by the General Manager of Engineering and Transportation Services/City Engineer of the construction of the new driveway entrances and required curb cut and/or curb fill.
10. The Owner 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. Furthermore, 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 of Engineering and Transportation Services/City Engineer.
11. The Owner shall agree to grant any necessary servicing easements in favour of the adjacent lands currently using or draining into the existing watermain, sanitary and storm sewer(s), prior to final site plan approval.
12. The Owner shall acknowledge that the City does not allow retaining walls higher than 1.0 metre abutting existing residential properties without the permission of the General Manager of Engineering and Transportation Services/City Engineer.
13. The Owner shall ensure that any private water supply wells, boreholes, monitoring wells and septic systems are decommissioned in accordance with O. Reg. 903.
14. The Owner shall confirm that the basements will have a minimum 0.5 metre separation from the seasonal high groundwater elevation in accordance with the City's current Development Engineering Manual.
15. The Owner 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.

16. The Owner shall submit a report prepared by a Professional Engineer (P.Eng) 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, but not be limited to, the following information: lot number, depth of fill, top elevation of fill and the area approved for building construction from the street line.
17. The Owner shall submit a report prepared by a Professional Engineer (P.Eng) 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.
18. The Owner 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.
19. The Owner shall obtain approval of the General Manager of Engineering and Transportation Services/City Engineer with respect to the availability of adequate water supply and sewage treatment capacity.
20. The Owner 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 shall have the Professional Engineer (P.Eng) 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 (P.Eng) who designed the site grading and drainage submit an as-built grading and drainage plan(s) to the City where necessary.
21. The Owner 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:
22. The Owner shall provide the City with a drainage certificate from an Ontario Land Surveyor (OLS) or a Professional Engineer (P.Eng) 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 shall receive prior approval of the City Engineer.
23. The Owner shall have the Professional Engineer (P.Eng) 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.
24. The Owner shall provide the City with a certificate from a Professional Engineer (P.Eng) 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.

25. The Owner to provide assurance of proper operation and maintenance of the Stormwater management facility, and oil-grit-separator (OGS) unit(s).
26. The Owner agrees to provide assurance of proper operation and maintenance of the infiltration galleries.
27. The Owner 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.
28. 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.
29. The Owner 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 Owner shall pay the engineering on-site works inspection fee to the satisfaction of the City.
30. The Owner 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, prior to site plan approval.
31. The Owner 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 s. 42 of the Planning Act and in accordance with the City's Parkland dedication By-law (2022)-20717 or any successor thereof, prior to issuance of any building permits.
32. Prior to the issuance of the first building permit, the Owner 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.
33. Notwithstanding the foregoing, if the narrative appraisal provided by the 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.
34. That the 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.
35. That the 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.
36. That the developer, as a condition of the Severance, shall provide a site-specific (Lot 3) Arborist Report and Tree Management Plan, satisfactory to the General Manager of Planning and Building Services, prior to any grading, tree removal. The Plans 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.
37. That the developer, as a condition of the Severance, shall complete a Tree Compensation Plan (Lot 3), 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. Should space not be available for compensation trees on site, an alternative site and/or cash-in-lieu compensation will be provided.
38. The collection of Education Development Charges is required prior to the issuance of a building permit(s).
39. School Board staff request that the developer provide the Upper Grand District School Board with a digital file of the plan containing parcel fabric and street network.
40. In an effort to ensure children can walk safely to school or to a designated bus pickup point, the Board requests that adequate sidewalks, lighting and snow removal (on sidewalks and walkways) be provided.
41. It is recommended that an advisory sign be erected at the development site informing prospective residents about schools in the area.