

# **Attachment-4 Recommended Zoning Regulations and Conditions**

## **3A – Zoning Regulations – 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 current “Residential Single Detached” (R.1B) zone and “Wetland” (WL) zone to the following:

### **“Conservation Land” (P.1)**

The P.1 zone is recommended to be applied to the surveyed wetland buffer portion of the subject lands only as shown in the proposed Zoning Map in Attachment-9 and in accordance with Section 4 (General Provisions), Section 9.2 and Table 9.2 of Zoning By-law (1995)-14864, as amended.

### **“Specialized Neighbourhood Commercial” (NC-14) Zone**

The NC-14 zone is recommended to be applied to the mixed-use development portion of the subject lands as shown in the proposed Zoning Map in Attachment-9 and in accordance with Section 4 (General Provisions), Section 6.2.2 and Table 6.2.2 of Zoning By-law (1995)-14864, as amended, with the following site-specific regulations and exceptions:

#### **Maximum Lot Area**

- Despite Table 6.2.2, Row 2, the maximum lot area shall be 10,074 square metres.

#### **Minimum Side Yard**

- Despite Table 6.2.2, Row 6, the minimum side yard setback shall be 7.5 metres.

#### **Maximum Building Height and Angular Plane**

- Despite Table 6.2.2, Row 8, the maximum building height shall be 7 storeys.
- Despite Table 6.2.2, Row 8 and Section 4.16, the building height shall not exceed an angular plane of 46-degrees projected from the centre line of Gordon Street.

#### **Maximum Gross Floor Area**

- Despite Table 6.2.2, Row 10, the maximum gross floor area shall be 10,880 square metres.

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

- Despite Table 6.2.2, Row 12, and Section 4.15.2, the minimum off-street parking for residential uses shall be 1 space per apartment dwelling unit, inclusive of visitor parking.
- Despite Table 6.2.2, Row 12, and Section 4.13.4.1, the minimum off-street parking for non-residential uses shall be 3.5 spaces per 100 square metres of gross floor area.

#### **Off-Street Loading**

- Despite Table 6.2.2, Row 14, a loading space is not required.

## **Attachment-4 (continued):**

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

#### **Common Amenity Area**

- A minimum common amenity area shall be provided at a rate of 17 square metres per dwelling unit.

#### **Buffer Strips**

- In addition to Table 6.2.2, Row 13, buffer strips may consist of a chain link fence when abutting any residential, park or wetland zones.

### **3B – Zoning Regulations – 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 amended, to transfer the subject lands from the “Neighbourhood Commercial Centre with a Parking Adjustment Suffix and Holding Symbol” ((NCC(PA)(H12)) zone and “Medium Density Residential 5 with a Parking Adjustment Suffix and Holding Symbol” (RM.5(PA)(H12)) zone to the following:

#### **“Natural Heritage System” (NHS)**

The NHS zone is recommended to be applied to the surveyed wetland buffer portion of the subject lands only as shown in the proposed Zoning Map in Attachment-10 and in accordance with Part C (General Provisions and Parking) and Section 13.3 of Zoning By-law (2023)-20790.

#### **“Specialized Neighbourhood Commercial Centre with Parking Adjustment Suffix” (NCC-18(PA)) Zone**

The NCC-18(PA) zone is recommended to be applied to the mixed-use development portion of the subject lands as shown in the proposed Zoning Map Attachment-10 and in accordance with Part C (General Provisions and Parking), Section 7.3.3, Section 7.3.4 and Tables 7.6-7.9 of Zoning By-law (2023)-20790, with the following site-specific regulations and exceptions:

#### **Permitted Use Regulations**

- In addition to Table 7.1, an office use shall be permitted to a maximum 450 square metres.

#### **Maximum Lot Area**

- Despite Table 7.6, Row B, the maximum lot area shall be 10,074 square metres.

#### **Maximum Building Height and Angular Plane**

- Despite Table 7.8, Row B, the maximum building height shall be seven (7) storeys.
- Despite Table 7.9, Row C and Section 4.14.4, the building height shall not exceed an angular plane of 46-degrees projected from the centre line of Gordon Street.

## **Attachment-4 (continued):**

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

#### **Off-street Parking**

- Despite Table 5.3, Row 12, and Section 5.2.3, the minimum off-street parking for residential uses shall be 1 space per apartment dwelling unit, inclusive of visitor parking.
- Despite Table 5.3, Row 61, and Section 5.2.3, the minimum off-street parking for non-residential uses shall be 3.5 spaces per 100 square metres of gross floor area.

#### **Common Amenity Area**

- Despite Table 7.8, Row H, the maximum common amenity area shall be 17 square metres per dwelling unit.

### **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 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 of Engineering and Transportation Services/City Engineer, prior to any construction or grading on the lands.
2. The Developer 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 Development Engineering Manual (DEM) and the latest edition of the Ministry of Environment, Conservation and Parks (MECP) "Stormwater Management Practices Planning and Design Manual";
  - b. a Detailed Noise Report in accordance with the City's noise guidelines.
  - c. updated grading, drainage and servicing plan(s) 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.

## **Attachment-4 (continued):**

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

3. The 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.  
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.
4. 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.
5. The Developer shall implement all recommendations of the Environmental Impact Study (prepared by LGL Ltd., November 2022) and addendum (prepared by LGL Ltd., March 15, 2023).
6. The Developer shall complete an updated Tree Inventory and Preservation Plan satisfactory to the General Manager of Planning and Building Services prior to any grading or tree removal.
7. 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 or tree removal. Should space not be available for compensation trees on site, an alternative site and/or cash-in-lieu compensation shall be provided.
8. The Developer shall be responsible for the cost of design and development of the demarcation of all lands adjacent to City owned lands in accordance with the City of Guelph Property Demarcation Policy. This shall include the submission of drawings and the administration of the construction contract up to the end of the warranty period completed by an Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the Deputy CAO of Public Services. The Developer shall provide the City with cash or letter of credit to cover the City approved estimate for the cost of development of the demarcation for the City lands to the satisfaction of the Deputy CAO of Public Services.
9. The Developer shall be responsible for the cost of design and implementation of the Open Space Works and Restoration where necessary and in accordance with the "Environmental Impact Study" to the satisfaction of the Deputy CAO of Public Services. This shall include the submission of drawings and the administration of the construction contract up to the end of the warranty period completed by an Ontario Association of Landscape Architects (OALA) member for approval to the satisfaction of the Deputy CAO of Public Services. Further, the Developer shall provide the City with cash or letter of credit to cover the City approved estimate for the cost of the Open Space works and restoration for the City lands to the satisfaction of the Deputy CAO of Public Services.

## **Attachment-4 (continued):**

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

10. The Developer shall provide Public Services with a digital file in either AutoCAD - DWG format or DXF format containing the following final approved information: parcel fabric, development layout and trail design, grades/contours, and landscaping.
11. The Developer shall provide an easement in favour of the City for the City trail connection. The final trail parcel dimensions will be determined through the Site Plan process. The registered plan for the trail parcel shall be to the satisfaction of the Deputy CAO of Public Services. An easement agreement for the trail parcel shall be to the satisfaction of the Deputy CAO of Public Services.
12. 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 (2022)-20717 or any successor thereof, prior to issuance of any building permits.
13. The Developer shall provide to the Deputy CAO of Public Services or their designate, a satisfactory narrative appraisal report prepared for 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, prior to the issuance of the first building permit. 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. 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.
14. The Developer shall place the following notifications in all offers of purchase and sale and/or lease agreement for all dwelling units and agrees that these same notifications shall be registered on title:
  - "Purchasers and/or tenants of all units abutting City owned lands are advised that abutting City owned lands may be fenced in accordance with the current standards and specifications of the City".
  - "Purchasers and/or tenants of all units abutting City owned lands are advised that no private gates will be allowed into the subject lands.
  - "Purchasers and/or tenants of all units are advised that a public trail will be installed or exists abutting or in close proximity to the subject site.
  - "Purchasers and/or tenants of all units are advised that the Stormwater Management Block has been vegetated to create a natural setting. Be advised that the City will not carry out routine maintenance such as grass cutting. Some maintenance may occur in the areas that are developed by the City for public walkways, bikeways, and trails."

## **Attachment-4 (continued):**

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- "Purchasers and/or tenants of all units are advised that the Open Space Block has been retained in its natural condition. Be advised that the City will not carry out regular maintenance such as grass cutting. Periodic maintenance may occur from time to time to support the open space function and public trail system."
- "Purchasers and/or tenants of all units are advised that the boundaries of the open space and stormwater management blocks will be demarcated in accordance with the City of Guelph Property Demarcation Policy. This demarcation will consist of black vinyl chain link fence adjacent to the subject site."