

The Corporation of the City of Guelph

By-law Number (2023) - 20856

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 331 Clair Road East and legally described as Concession 8 Rear Part 11, formerly Township of Puslinch, City of Guelph (File No. OZS23-007).

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;

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 the lands legally described as Concession 8 Rear Part 11, formerly Township of Puslinch, City of Guelph, from the existing "Agricultural" Zone known as the A-2 Zone in the Township of Puslinch Zoning By-law 19/85 to the new "Specialized Residential Townhouse" Zone, to be known as the R.3A-72(H) Zone.
2. Section 5.3 of By-law Number (1995)-14864, as amended, is hereby further amended by adding a new subsection 5.3.3.1.72:

5.3.3.1.72 R.3A-72(H)
331 Clair Road East
As shown on Defined Area Numbers 75 and 76 of Schedule "1"
of this **By-law**.

5.3.3.1.72.1 Permitted Uses
In accordance with the permitted uses under Section 5.3.1.1 of
By-law Number (1995)-14864, as amended.

The following definition shall apply in the R.3A-72(H) **Zone**:

Stacked Townhouse: means a **Building** where the **Dwelling Units** share a common side wall and have vertically stacked **Dwelling Units**.

5.3.3.1.72.2 Regulations
In accordance with Schedule 4 (General Provisions), Section 5.3
and Table 5.3.2 (Residential Townhouse Zone) of Zoning By-law
(1995)-14864, as amended, with the following site-specific
regulations and exceptions:

5.3.3.1.72.3 Minimum Lot Area Per Dwelling Unit
Notwithstanding Table 5.3.2, Row 3, the minimum **Lot Area** per **Dwelling Unit** shall be 120 square metres.

5.3.3.1.72.4 Maximum Density of Site
Notwithstanding Table 5.3.2, Row 20, and Section
5.3.2.6, the maximum density shall be 85 units per
hectare.

5.3.3.1.72.5 Maximum Number of Dwelling Units in a Row
Notwithstanding Table 5.3.2, Row 18, the maximum
number of **Dwelling Units** in a row shall be 24.

5.3.3.1.72.6

Minimum Private Amenity Area

Notwithstanding Table 5.3.2, Row 12 and Sections 5.3.2.5.1, 5.3.2.5.2 and 5.3.2.5.3, the following regulations apply to **Private Amenity Areas**:

- a. Ground level **Stacked Townhouse** units shall have a minimum total **Private Amenity Area** of 9 square metres and may be provided on an unenclosed porch or balcony with no privacy screen.
- b. Above grade **Stacked Townhouse** units shall have a minimum total **Private Amenity Area** of 9 square metres and must consist of a patio, balcony or terrace which must be defined by a wall or railing between adjacent units to a height of 1.8 metres.
- c. **Dwelling Units** below finished grade shall have a minimum **Private Amenity Area** of 9 square metres and have a maximum 50% first storey projection above the below grade patio.
- d. **Private Amenity Areas** may face a public **Street**.

5.3.3.1.72.7

Minimum Side Yard

Notwithstanding Table 5.3.2, Row 6, and Section 5.3.2.2, the minimum **Side Yard** shall be:

- a. One-half the **Building Height**, and no less than 5.5 metres from the westerly **Side Lot Line** for a **Building** located within 70 metres of the **Front Lot Line**.
- b. No less than 5 metres for all other **Side Yards**.

5.3.3.1.72.8

Accessory Buildings or Structures

Notwithstanding Sections 4.5.1.4 and 4.5.2.1, the maximum ground floor area of all accessory **Buildings** or **Structures** shall be 115 square metres, and the maximum height of an accessory **Building** or **Structure** shall be two-storeys.

5.3.3.1.72.9

Off-Street Parking Location

Notwithstanding Section 4.13.2.2, every **Parking Space** shall be setback 3 metres from the **Front Lot Line**, **Rear Lot Line** and easterly **Side Lot Line**, and 5 metres from the westerly **Side Lot Line**.

5.3.3.1.72.10

Parking Space Dimensions

Notwithstanding Section 4.13.3.2.2, the minimum **Parking Space** dimension shall be 2.75 metres by 5.5 metres (excluding any obstructions) within a **Garage**.

5.3.3.1.72.11

Visitor Parking

Notwithstanding Section 4.13.6, in addition to the requirements of Section 4.13.4.3, a minimum of 14.5% of the calculated total required number of **Parking Spaces** shall be provided for the **Use** of visitors, provided a minimum of 28% of **Dwelling Units** contain both a driveway and individual **Garage**. All visitor **Parking**

Spaces shall be located above grade and clearly identified as being reserved for the exclusive **Use** of visitors.

5.3.3.1.72.12

Severability Provision

The **Uses** and regulations of the R.3A-72(H) **Zone** shall continue to apply collectively to the whole of the lands identified as R.3A-72(H), despite any future condominium registration or severance.

5.3.3.1.72.13

Holding Provision

Purpose: To ensure that development of the subject lands does not proceed until the following condition(s) have been met to the satisfaction of the City related to the subject development.

Condition - prior to removing the Holding Symbol (H):

- a. The Owner shall provide the City an updated hydrogeological report to the satisfaction of the City Engineer/General Manager.
- b. The Owner shall provide the City an updated grading plan to the satisfaction of the City Engineer/General Manager.

3. Schedule "A" of By-law Number (1995)-14864, as amended, is hereby further amended by deleting Defined Area Maps 75 and 76 and substituting new Defined Area Maps 75 and 76 attached hereto as Schedule "1".
4. 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 Ontario Land Tribunal.

Passed this Twelfth day of December, 2023.

Schedules:

Schedule 1: Defined Area Map 75 and Defined Area Map 76

Cam Guthrie, Mayor

Dylan McMahon, Deputy City Clerk