

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 current "Agricultural" (A-2) Zone according to the Township of Puslinch Zoning By-law 19/85, to the following:

"Specialized Residential Cluster Townhouse" (R.3A-72(H)) Zone

The R.3A-72(H) 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), 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:

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**

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

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.

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.

Private Amenity Areas

- 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**:
 - 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.
 - 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.

- **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.
- **Private Amenity Areas** may face a public **Street**

Minimum Side Yard

- Notwithstanding Table 5.3.2, Row 6, and Section 5.3.2.2, the minimum **Side Yard** shall be:
 - One-half the **Building Height**, and no less than 3 metres.
 - 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**.

Accessory Building 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.

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**.

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**.

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.

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.

Holding (H) 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.

Conditions:

1. The Owner shall provide the City an updated hydrogeological report to the satisfaction of the City Engineer/General Manager.

2. The Owner shall provide the City an updated grading plan to the satisfaction of the City Engineer/General Manager.

3B – Zoning Regulations, 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 amended, to transfer the subject lands from the current “Urban Reserve 1” (UR.1) Zone to the following:

“Specialized Medium Density Residential 6” (RM.6-25(H)) Zone

The RM.6-25(H) Zone is recommended to be applied to the subject lands as shown in the proposed Zoning Map in Attachment-7 and in accordance with Part C (General Provisions and Parking), and Section 6.3.5, Zoning By-law (2023)-20790, as amended, with the following site-specific regulations and exceptions:

Minimum Interior Side Yard (Lot)

- Notwithstanding Table 6.18, the minimum **Interior Side Yard** (Lot) shall be:
 - One-half the **Building Height**, and no less than 3 metres.
 - 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**.

Minimum Rear Yard (Townhouse Unit)

- Notwithstanding Table 6.19, the minimum **Rear Yard** (Townhouse Unit) shall be:
 - 6 metres from **Lot Line**.
 - 5 metres from back of curb of the internal private road, and minimum length from the outside wall of each **Garage** door frame from back of curb of the internal private road shall be 6 metres.

Minimum Exterior Side Yard (Townhouse Unit)

- Notwithstanding Table 6.19, the minimum **Exterior Side Yard** (Townhouse Unit) shall be 4 metres from back of curb of the internal private road, and the minimum **Exterior Side Yard** (Townhouse Unit) from back of sidewalk shall not apply.

Private Amenity Areas

- Notwithstanding Table 6.18 and additional regulations 12 and 13, the following regulations apply to **Private Amenity Areas**:
 - Ground level units in **Stacked Townhouses** 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.
 - Above grade units in **Stacked Townhouses** 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.
 - 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.

- **Private Amenity Areas** may face a public **Street**.

Accessory Building or Structures

- Notwithstanding Sections 4.5.2 (a) and 4.5.2 (b), 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.

Parking Location

- Notwithstanding Section 5.2.2 (a), 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**.
- Notwithstanding Section 5.2.2 (c), a maximum of 77% of the required **Parking Spaces** shall be permitted in surface **Parking Areas**.

Visitor Parking

- Notwithstanding Section 5.5 (a) and Table 5.3, Row 17, the minimum parking rate shall be 1 space per **Dwelling Unit**, plus 0.145 visitor spaces per **Dwelling Unit**, provided a minimum of 28% of **Dwelling Units** contain both a driveway and individual **Garage**.

Bicycle Parking

- Notwithstanding Section 5.8, the following bicycle parking regulations apply:
 - **Bicycle Parking Spaces, Short Term** are required as set out in Section 5.8.
 - Secure bicycle parking spaces are required at a minimum rate of 0.5 spaces per **Dwelling Unit** (where individual **Garages** are not provided).
 - Sections 5.8.1 and 5.8.2 do not apply to secure bicycle parking spaces.

Severability Provision

The **Uses** and regulations of the RM.6-25(H) **Zone** shall continue to apply collectively to the whole of the lands identified as RM.6-25 (H), despite any future condominium registration or severance.

Holding (H) 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.

Conditions:

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

3C – Proposed Conditions of Site Plan Control

The following conditions are provided as information to Council and will be imposed through site plan control, pursuant to Section 41 of the Planning Act:

1. That the Owner/Developer shall apply to the City for site plan control in accordance with Section 41 of The Planning Act. The application shall include a

detailed site plan, indicating the location of the buildings, landscaping, parking, traffic circulation, access, lighting, proposed servicing, grading and drainage on the lands to the satisfaction of the General Manager of Planning and Building Services and the General Manager of Engineering and Transportation Services/City Engineer.

2. That the Owner/Developer commits and agrees that the details of the layout and design for the development of the subject lands shall be generally in accordance with the conceptual site plan in Attachment-9 of Decision Report 2023- 430.
3. That the Owner/Developer 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 of Guelph.
4. That prior to site plan approval, the Owner/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. That prior to site plan approval, the Owner/Developer shall provide to the City a land dedication for a 5.18m road widening on the Clair Road East frontage as identified in the Official Plan.
6. That prior to site plan approval, the Owner/Developer shall provide to the City, to the satisfaction of the General Manager/City Engineer, any of the following studies, plans and reports that may be requested by the General Manager/City Engineer. The cost related to the preparation and implementation of such studies, plans and reports shall be borne by the Owner/Developer.
 - Consolidated Linear Infrastructure Environmental Compliance Approval (CLI ECA) application with all required documentation and fees for the extension of the municipal sanitary sewer across Clair Road East to Wilkie Crescent.
 - An updated Traffic Geometrics Plan.
 - Detailed design for the westbound left turn lane on Clair Road East at Tolton Drive/new development access.
 - A Stormwater Management Report and plans certified by a Professional Engineer in accordance with the latest edition of the City's Development Engineering Manual (DEM) and the Ministry of the Environment's "Stormwater Management Practices Planning and Design Manual".
 - Detailed Grading, Drainage and Servicing Plan certified by a Professional Engineer for the site.
 - A Detailed Noise Study certified by a qualified Professional Engineer in accordance with the City of Guelph Noise Control Guidelines.
7. That prior to site plan approval, the Owner/Developer shall provide to the City, to the satisfaction of the Risk Management Official a Section 59 Policy Applicability Review form as well as a Salt Management Plan in accordance with the Grand River Source Protection Policy CG-MC-29.
8. Prior to site plan approval, the Owner/Developer shall enter into an agreement with the City that identifies the Owners/Developers responsibility to pay for the following:

- Design and construction of the westbound left turn lane on Clair Road East at Tolton Drive/new development access.
 - Design and construction of a protected pedestrian crossing at Clair Road East and Tolton Drive/new development access.
 - Design and construction of a municipal sidewalk across the frontage of the site connecting to the existing sidewalk to the east.
9. That prior to site plan approval, the Owner/Developer shall provide the following to the satisfaction of the General Manager of Planning and Building Services:
 - An updated Tree Inventory and Preservation Plan.
 - A Tree Compensation Plan, in addition to or included with, standard landscaping requirements of a Landscape Plan. Should space not be available for compensation trees on site, an alternative site and/or cash-in-lieu compensation will be provided.
 - An updated Functional Servicing Report (FSR) and/or Hydrogeological Report with an updated water balance.
 - A completed Sustainable Development Checklist.
 10. That the Owner/Developer shall obtain the Guelph.ca/environment Magnet from the City to distribute to all residences within the plan.
 11. That prior to the issuance of any building permits, the Owner/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 s. 42 of the Planning Act and in accordance with the City's Parkland dedication By-law (2022) 20717 or any successor thereof..
 12. That prior to the issuance of the first building permit, the Owner/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 s.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. Notwithstanding the foregoing, if the narrative appraisal provided by the Owner/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.
 13. That the collection of Education Development Charges is required prior to the issuance of a building permit(s).
 14. That the Owner/Developer provide the Upper Grand District School Board with a digital file of the plan containing parcel fabric and street network.
 15. 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.

16. That the Owner/Developer agrees to advise all purchasers of residential units and/or renters of same, by inserting the following clause in all offers of Purchase and Sale/Lease:

- "In order to limit liability, public school buses operated by the Service de transport de Wellington-Dufferin Student Transportation Services (STWDSTS), or its assigns or successors, will not travel on privately owned or maintained right-of-ways to pick up students, and potential busing students will be required to meet the bus at a congregated bus pick-up point."

17. That prior to site plan approval, the Owner/Developer will consult with Canada Post to determine suitable permanent locations for the placement of Community Mailboxes and to indicate these locations on all appropriate plans and contact Canada Post to address all other conditions as outlined in the letter dated September 20, 2023, and included in Attachment-12.