

Staff Report



To	City Council
Service Area	Infrastructure, Development and Environment
Date	Tuesday, September 10, 2024
Subject	Site-Specific Housekeeping Amendments to the City’s Comprehensive Zoning By-law (2023)-20790 Statutory Public Meeting and Decision Report File OZS24-013

Recommendation

1. That the proposed City-initiated Zoning By-law Amendments to recognize site-specific zoning or provide placeholders in the Zoning By-law (2023)-20790 for the properties at 12 Poole Street, 78-82 Eastview Road, 140 Hadati Road, 785 Gordon Street, 1242-1270 Gordon Street and 9 Valley Road, 33-41 Arkell Road and 1408 Gordon Street be received.
 2. That the City-initiated Zoning By-law Amendments to recognize site-specific zoning or provide placeholders in the Zoning By-law (2023)-20790 for the properties at 12 Poole Street, 78-82 Eastview Road, 140 Hadati Road, 785 Gordon Street, 1242-1270 Gordon Street and 9 Valley Road, and 33-41 Arkell Road and 1408 Gordon Street, be approved in accordance with Attachment 2 of the Infrastructure, Development and Environment Report 2024-354, dated September 10, 2024.
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Executive Summary

Purpose of Report

This is a combined statutory public meeting and decision report to recommend site-specific amendments to City of Guelph By-law (2023)-20790, being the City’s Comprehensive Zoning By-law (CZBL). The recommended CZBL amendments either: (i) reflect settlements which were approved by the Ontario Land Tribunal (Tribunal) under the prior zoning by law (1995)-14865 (1995 ZBL) before the Tribunal Order bringing the CZBL into effect, or (ii) create a transitional placeholder for pending site-specific appeals for which the original application pre-dates the coming into force of the CZBL.

Key Findings

Staff recommend that the proposed site-specific amendments be approved consistent with existing Council and Ontario Land Tribunal approvals under the 1995 Zoning By-law and to create placeholders for pending decisions from the Ontario Land Tribunal (OLT).

Strategic Plan Alignment

The implementation of previously approved settlements facilitates residential development of those sites in a manner recommended by planning staff and approved by the Tribunal.

Future Guelph Theme

City Building

Future Guelph Objectives

City Building: Improve housing supply

Financial Implications

The approval of a City-initiated zoning by-law amendment to implement Tribunal-approved redevelopments and streamline the implementation of the outcome of future appeals is an efficient use of staff resources and avoids motions to re-open the CZBL appeals process.

Report

On February 6, 2024, the Tribunal issued an order directing that the CZBL was in effect City-wide with the exception of 27 specific addresses for which site-specific appeals were filed in 15 appeals to the CZBL,¹ and subject to appeals on listed CZBL policies which had been jointly appealed City-wide by Guelph and District Home Builders' Association and the Guelph Wellington Development Association. By operation of the Planning Act, the Order is retroactive to April 18, 2023, the date on which the CZBL was approved by Council.

Between the passage of the CZBL and its coming into force by Tribunal Order, Council and the Committee of Adjustment adopted the practice of passing by-laws making changes to zoning concurrently under both the 1995 ZBL and the CZBL, anticipating that when the CZBL appeals were scoped, the CZBL would come into force retroactively. However, this still left a gap for open appeals on applications which pre-dated the CZBL.

City staff had anticipated that the question of an order implementing Tribunal-approved amendments under the CZBL could be addressed directly to the Tribunal. However, by a letter from the Chair of the Tribunal dated May 6, 2024, the Tribunal expressly declined authority to order amendments to the CZBL in appeals which had been taken under the 1995 by-law, even when amendments had been proposed jointly by the appellant and the City with approval from Council and given substantive approval by the Tribunal in a decision. The effect of that direction is that three appeals which were settled in 2023 and 2024, with changes approved by the Tribunal, technically remain unimplemented under the CZBL, while the outcomes of two pending appeals would be unimplemented without a future additional Council process.

The amendments proposed by this report will:

¹ Three further addresses have subsequently come under the CZBL with the approval of settlements of three appeals by the OLT.

1. For properties municipally known as 12 Poole Street, 78-82 Eastview Road, and 140 Hadati Road, implement the Council and Tribunal approved site-specific zoning by-law amendments for those properties under the CZBL.
2. For properties municipally known as 785 Gordon Street and 1242-1270 Gordon Street and 9 Valley Road, insert a provision into the CZBL indicating that the site-specific zoning for those properties shall be amended, if applicable, in accordance with the outcomes of the merits hearings for those properties which will be proceeding before the Tribunal on October 21, 2024, and March 10, 2025, respectively.
3. For the site municipally known as 33-41 Arkell Road & 1408 Gordon Street, implement site specific regulations in the CZBL that were part of the Council decision report on March 21, 2023 (see [Attachment-7](#) of [Report 2023-20](#)). As this approval was just prior to the approval of the Comprehensive Zoning By-law, there was only an amendment to the 1995 Zoning By-law through By-law (2023)-20783. At the time Council approved the 2023 Comprehensive Zoning By-law on April 18, 2023, this site-specific by-law amendment was still in its appeal period.

Staff Recommendation

Planning staff are satisfied that the proposed Zoning By-law Amendments for 12 Poole Street, 78-82 Eastview Road, 140 Hadati Road and 33-41 Arkell Road & 1408 Gordon Street, reflect and further implement Council and/or Ontario Land Tribunal approvals under the previous 1995 Zoning By-law by bringing them into effect in the 2023 CZBL. No additional changes to the existing planning approvals are part of these amendments, and as such, they remain consistent with the 2020 Provincial Policy Statement and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe. The proposed Zoning By-law Amendments continue to conform to the objectives and policies of the Official Plan and the specialized zoning regulations are appropriate for the subject sites.

For the 785 Gordon Street and 1242-1270 Gordon Street and nine Valley Road sites, a placeholder for each property is being created to permit the future Ontario Land Tribunal decision to be incorporated in the 2023 CZBL. This administrative change will streamline the implementation of these future decisions.

For these reasons, planning staff recommend that Council approve these site-specific Zoning By-law Amendments subject to the specialized zoning regulations as outlined in Attachment-2.

Financial Implications

The approval of a City-initiated zoning by-law amendment to implement Tribunal-approved redevelopments and streamline the implementation of the outcome of future appeals is an efficient use of staff resources and avoids motions to re-open the CZBL appeals process.

Consultations and Engagement

A public notice was placed in the City news pages on August 15, 2024. The application was also circulated to standard City departments and agencies on August 12, 2024.

Attachments

Attachment-1 Location Map

Attachment-2 Recommended Zoning Regulations

Attachment-3 Staff Presentation for Public Meeting

Departmental Approval

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