

Council Caucus Room
August 3, 2010 6:15 p.m.

A meeting of Guelph City Council.

Present: Mayor Farbridge, Councillors Beard, Bell, Billings, Burcher, Findlay, Hofland, Kovach and Piper

Absent: Councillors Farrelly, Laidlaw, Salisbury and Wettstein

Staff Present: Dr. J. Laird, Executive Director of Planning, Engineering & Environmental Services; Mr. J. Riddell, General Manager of Planning & Building Services; Mr. S. Hannah, Manager of Development & Parks Planning; Ms. S. Smith, Associate Solicitor; Ms. T. Agnello, Deputy Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

- 1. Moved by Councillor Hofland
Seconded by Councillor Findlay

THAT the Council of the City of Guelph now hold a meeting that is closed to the public with respect to:

Potential OMB Appeal

- S. 239 (2) (e) Litigation or potential litigation / S. 239 (2) (f) Advice that is subject to solicitor-client privilege

Carried

The meeting adjourned at 6:16 o'clock p.m.

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Mayor

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Deputy Clerk

Council Caucus Room
August 3, 2010 6:17 p.m.

A meeting of Guelph City Council closed to the public.

Present: Mayor Farbridge, Councillors Beard, Bell, Billings, Burcher, Findlay, Hofland, Kovach and Piper

Absent: Councillors Farrelly, Laidlaw, Salisbury and Wettstein

Staff Present: Dr. J. Laird, Executive Director of Planning, Engineering & Environmental Services; Mr. J. Riddell, General Manager of Planning & Building Services; Mr. S. Hannah, Manager of Development & Parks Planning; Ms. S. Smith, Associate Solicitor; Ms. T. Agnello, Deputy Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There were no declarations.

Litigation or potential litigation / Advice that is subject to solicitor-client privilege

Staff provided the Committee with information.

The meeting adjourned at 6:30 o'clock p.m.

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Mayor

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Deputy Clerk

Council Chambers
August 3, 2010

Council reconvened in formal session at 7:00 p.m.

Present: Mayor Farbridge, Councillors Beard, Bell, Billings, Burcher, Findlay, Hofland, Kovach, Piper and Salisbury

Absent: Councillors Farrelly, Laidlaw and Wettstein

Staff Present: Dr. J. Laird, Executive Director of Planning, Engineering & Environmental Services; Mr. J. Riddell, General Manager of Planning & Building Services; Mr. S. Hannah, Manager of Development & Parks Planning; Ms. T. Agnello, Deputy Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

PLANNING PUBLIC MEETING

Mayor Farbridge announced that in accordance with The Planning Act, Council was now in a public meeting for the purpose of informing the public of various planning matters. The Mayor asked if there were any delegations in attendance with respect to planning matters listed on the agenda.

246 Arkell Road: Proposed Draft Plan of Subdivision and Zoning By-law Amendment (File 23T10501 and ZC1003)

Katie Nasswetter, Senior Development Planner highlighted the application proposing a subdivision consisting of 12 lots to accommodate 24 semi-detached dwellings and 2 blocks to accommodate approximately 68 townhouse units and an associated stormwater management facility.

Nancy Shoemaker was present on behalf of the applicant Victoria Wood to answer any questions. Council had no questions.

Mary Staples was present and expressed concern with the network of roads shown on her adjacent property. She also expressed concern with the proposed density and height of the buildings and the location of the proposed townhouses and parking. She requested the following:

- amend Schedule 6 by removing any road network from her property;
- that no residences exceed 2 storeys;
- that noise pollution and garbage issues be addressed; and
- that the plan show the location of the townhouse units parking.

She further advised that she will not be responsible for any people trespassing onto her property.

Caroline Pickett suggested that a single use subdivision is not consistent with modern mixed use planning. She expressed concern that there is no green space, community services, or opportunity for small businesses. She was concerned that approval is being given based on the vague information, leaving details to a later stage.

Council requested that when staff report back that they consider:

- road layout and how it integrates with neighbouring properties
- public amenities and businesses
- urban design and the street function of the buildings onto Arkell Road.

1. Moved by Councillor Findlay
Seconded by Councillor Burcher

Mr. J. Riddell
Dr. J. Laird

THAT Report 10-76 regarding a proposed Draft Plan of Subdivision and associated Zoning By-law Amendment for a property municipally known as 246 Arkell Road, and legally described as Part of Lot 6, Concession 8, Township of Puslinch, from Planning, Engineering and Environmental Services dated August 3, 2010, be received.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Findlay, Hofland, Kovach, Piper, Salisbury and Mayor Farbridge (10)

VOTING AGAINST: (0)

Carried

Proposed Amendment to Zoning By-law Number (1995)-14864, (Guelph's Comprehensive Zoning By-law) Regarding Shared Rental Housing

The General Manager of Planning & Building Services highlighted the ongoing integrated shared rental housing program and how the zoning by-law fits into the overall program. He reviewed the community issues relating to this issue and the legal framework with respect to the zoning and licensing of shared rental housing. He outlined the proposed zoning regulations and the licensing changes recommended for consideration. He reviewed the next steps.

Councillor Findlay retired from the meeting.

Rohan Perera expressed concern with the proposed changes as they relate to his recent purchase of a home and his family needing two kitchens and extra bedrooms to accommodate family members. He urged Council to consider larger families needs.

Jane Londerville, Chair of the Wellington Guelph Housing Committee expressed concern with the proposed by-law as it may contravene the City's Official Plan, and the short notice of the public consultation process which was held

over the summer. She suggested that there is no indication if the number of complaints are increasing/decreasing and that increasing the intensity of the by-law will create a number of illegal units. She further suggested that the separation distance and the impact of the proposed changes on affordable housing needs more analysis. She suggested that the City has 2 years' time for an interim control by-law to be in effect in order to assess the issues and conduct a thorough review before implementing any changes.

Imad Syed advised that he owns a number of rental properties on behalf of his parents and actively manages them. He suggested that there is a great need for affordable housing for families as well as students. He advised that he supports the change that accessory apartment should only be allowed in single detached dwellings but has concern with the separation distance of 100m. He further suggested that there needs to be clarification with respect to the differences between a lodging house and 2 unit house. He also suggested that those accessory apartments applied for prior to the interim control by-law be grandfathered.

Daphne Wainman-Wood was present on behalf of the executive of the Old University Neighbourhood Resident Association and stated that it is essential that both the zoning and licensing regulations be put into place simultaneously and that the interim control by-law remain in place until both are approved. She expressed concern with respect to the definition for 2 unit houses; that the separation distance apply to both 2 units with 6 or more bedrooms and lodging houses; units should be capped at 3 and lodging houses should be reduced to 4 units.

Donna Haley was present and advised that she is a landlord of legal accessory housing units. She expressed concern that there are no statistics available with respect to noise, safety or garbage issues. She suggested that the proposed by-law would limit the availability of safe affordable rental housing and that the City should create a viable student housing program. She urged Council to maintain the status quo respecting current accessory houses and to enforce the existing by-laws and regulations for those not complying.

Terri Ann Ford expressed concern that the proposed by-law would impact families like hers who have recently invested in a unit to provide rental income. She requested that consideration be given to grandfathering the units that were already in the process of establishing legal accessory units.

Bruce Ryan advised that people do not understand what is happening in some neighbourhoods. He stated that he has experienced difficulties in the past with respect to requests for enforcement and has stopped reporting infractions. He was concerned with the increase of residents that are occupied by nonrelated persons. He asked Council not to create a by-law that will stop a family from living together.

Marcel Schalf was not present.

John Campbell advised that the proposed recommendations look promising but he expressed concern with the implementation. He was concerned with student behavior and felt that a provision for a superintendant in residence is important. He suggested that the interim control by-law should remain in place until both the zoning and licensing are in place.

Sylvia Watson advised of living in a neighbourhood with 30% houses in her block being rental units. She stated that 80% of all lodging homes are located in ward 5 and was concerned that quality of life is suffering because landlords are interested in generating income. She supports the recommendations contained in the report.

Sean O'Neill expressed concern with the language around who could live at residences would be defined in terms of licensing; would a large family count as one unit or as individuals?

Anastasia Zavarella, Central Student Association, Local Affairs Commissioner expressed concern with the effect the proposed by-law would have on affordable housing for students and marginalized people. She encouraged Council to look at co-op housing and delay a decision until students are back in the fall so that they can voice their opinions.

Richard Chaloner suggested that rents of \$500.00 per bedroom per month are not affordable. He suggested that shared rental housing should be spread throughout the city and not centralized.

Mark Enchin suggested that the housing prices in the Old University Neighbourhood are a lot higher than in other areas of the city because of the availability for rental income. He stated that zoning by-laws cannot change people's behaviours. He further suggested that proactive enforcement of the current regulations and fining individuals could result in decreasing the undesirable behaviours.

Staff were requested to consider the following:

- clarification re licensing of 2 unit houses
- owner occupied versus non owner occupied units
- clarify regulations if landlord rents 6 rooms or more
- opportunity to provide exemptions to the interim control by-law
- Interim control by-law remain in place until zoning/licensing is in place
- impacts on affordable housing
- clarification of where families cannot reside together

2. Moved by Councillor Piper
Seconded by Councillor Kovach

Mr. J. Riddell
Dr. J. Laird

THAT Report 10-84, regarding a proposed amendment to Zoning By-law Number (1995)- 14864 regarding shared rental housing, from Planning, Engineering and Environmental Services, dated August 3, 2010, be received.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Hofland, Kovach, Piper, Salisbury and Mayor Farbridge (9)

VOTING AGAINST: (0)

Carried

Consent Agenda

The following items were extracted from the August 3, 2010 Consent Agenda to be voted on separately:

- A-2 Proposed Administrative Amendment to Zoning By-law Number (1995(014864, as amended (Guelph's Comprehensive Zoning By-law)
- A-3 1291 Gordon Street: Update of Proposed Zoning By-law Amendment (File ZC0905)

3. Moved by Councillor Kovach
Seconded by Councillor Hofland

THAT the balance of the August 3, 2010 Council Consent Agenda as identified below, be adopted:

a) 18 Norwich Street East: Proposed Zoning By-law Amendment (File ZC1001)

Mr. J. Riddell
Dr. J. Laird
Mr. M. Amorosi
Mr. J. Stokes

THAT Report 10-79 dated August 3, 2010 regarding an application for a Zoning By-law Amendment for 18 Norwich Street East from Planning, Engineering and Environmental Services be received;

AND THAT the city-initiated application for a Zoning By-law Amendment (File ZC1001) from the OR-1 Zone to a new specialized OR-?? Zone affecting the property known as 18 Norwich Street East and legally described as Part of Lot 10, Part of Lot 11, Registered Plan 144, City of Guelph, and an additional zoning definition and regulations for Emergency Shelters, be approved in accordance with the permitted uses and regulations set out in Schedule 1 attached.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Hofland, Kovach, Piper, Salisbury and Mayor Farbridge (9)

VOTING AGAINST: (0)

Carried

Proposed Administrative Amendment to Zoning By-law Number (1005)-14864 (Guelph's Comprehensive Zoning By-law)

Daphne Wainman-Wood was present on behalf of the Old University Neighbourhood Resident Association and advised that she is in support of the recommendation.

4. Moved by Councillor Piper
Seconded by Councillor Burcher

Mr. J. Riddell
Dr. J. Laird

THAT Report 10-78, regarding a proposed administrative amendment to Zoning By-law Number (1995)-14864 from Planning, Engineering & Environmental Services, dated August 3, 2010 be received;

AND THAT General Provision with respect to Permitted Yard Projects, Table 4.7, Row 9 "Central Residential Air Conditioners are required a minimum setback from 0.6 metres (2') from property line in all yards." remain in the Zoning By-law;

AND THAT the City-initiated administrative amendments to the Zoning By-law be approved in accordance with the regulations set out in Schedule 2 attached.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Hofland, Kovach, Piper, Salisbury and Mayor Farbridge (9)

VOTING AGAINST: (0)

Carried

**1291 Gordon Street: Proposed Zoning By-law
Amendment (File ZC0905)**

5. Moved by Councillor Burcher
Seconded by Councillor Beard

THAT the deferral of 1291 Gordon Street, proposed zoning by-law amendment be reconsidered.

VOTING IN FAVOUR: Councillors Beard, Bell, Burcher, Hofland, Piper, Salisbury and Mayor Farbridge (7)

VOTING AGAINST: Councillor Billings and Kovach (2)

Carried

John Valeriotte was present on behalf of the applicant and advised that if the application is approved a "Holding" zone would be put on the property until the EIR and site plan processes are completed. He further advised that zoning approval is critical for the applicant as it permits them to proceed with full design of the building and developing the engineering program. He requested clarification on the 6 or 7 storey height of the building.

Judy Martin suggested that it is premature to approve this application because the results of the EIR are unknown and requested deferral of the application. She stated that by approving this application, zoning is approved prior to the impacts to the environment being known.

Laura Murr was present and expressed concern with the impact this development would have on the groundwater discharge area. She questioned the size, mass, density of the proposal located in an ecologically sensitive area. She expressed concern with the proposed public amenity areas being located beside a major truck route. She suggested that Council do their due diligence by having questions answered prior to approval.

Gwendolyn Weeks of Stantec, in response to questions advised that the EIR would take at least 6 months to complete EIR.

6. Moved by Councillor Kovach
Seconded by Councillor Billings

THAT the site plan for 1291 Gordon Street come back to Council for approval prior to the removal of the holding symbol.

VOTING IN FAVOUR: Councillors Bell, Billings, Kovach, Piper and Salisbury (5)

Mr. J. Riddell
Dr. J. Laird

VOTING AGAINST: Councillors Beard, Burcher, Hofland and Mayor Farbridge (4)

Carried

Mr. J. Riddell
Dr. J. Laird

7. Moved by Councillor Kovach
Seconded by Councillor Billings
THAT the Environmental Implementation Report for the proposed development at 1291 Gordon Street come back to Council for information prior to the removal of the holding symbol.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Hofland, Kovach, Piper, Salisbury and Mayor Farbridge (9)

VOTING AGAINST: (0)

Carried

8. Moved by Councillor Burcher
Seconded by Councillor Beard
THAT the Procedural By-law be suspended to allow Council to continue beyond 11 p.m.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Hofland, Kovach, Piper, Salisbury and Mayor Farbridge (9)

VOTING AGAINST: (0)

Carried

9. Moved by Councillor Burcher
Seconded by Councillor Salisbury
THAT Report 10-70 dated July 5, 2010 regarding an application for a Zoning By-law Amendment for 1291 Gordon Street from Community Design & Development Services, be received;

AND THAT the application by GSP Group for a Zoning By-law Amendment (File ZC0905) from the UP and WL Zones to the WL Zone, P.1 Zone and a specialized R.4A-?? Zone, affecting the property known as 1291 Gordon Street and legally described as Part of Lot 6, Concession 7, Township of Puslinch, and Part 1 of Reference Plan 61R-8098, be approved in the form of a Specialized R.4A-?? (H) Holding Zone, in accordance with the regulations and conditions set out in Schedule 3 attached;

AND THAT in accordance with Section 34 (17) of the Planning Act, City Council has determined that no further

public notice is required related to the minor modifications to the proposed zoning by-law amendment affecting 1291 Gordon Street as set out in Report 10-70 from Community Design & Development Services dated July 5, 2010.

10. Moved in Amendment by Councillor Billings
Seconded by Councillor Salisbury

THAT the regulation with respect to off-street parking be removed from the regulations and conditions.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Hofland, Kovach, Piper, Salisbury and Mayor Farbridge (9)

VOTING AGAINST: (0)

Carried

11. Moved in Amendment by Councillor Burcher
Seconded by Councillor Beard

THAT the regulation with respect to maximum building height be amended to 7 storeys with 6 storeys being visible from Gordon Street.

VOTING IN FAVOUR: Councillors Beard, Bell, Burcher, Hofland, Piper and Mayor Farbridge (6)

VOTING AGAINST: Councillors Billings, Kovach and Salisbury (3)

Carried

12. Moved by Councillor Burcher
Seconded by Councillor Salisbury

THAT Report 10-70 dated July 5, 2010 regarding an application for a Zoning By-law Amendment for 1291 Gordon Street from Community Design & Development Services, be received;

Mr. H. Handy
Mr. J. Riddell
Dr. J. Laird
Mr. D. McCaughan
Ms. M. Neubauer
Mr. M. Amorosi
Ms. T. Sinclair

AND THAT the application by GSP Group for a Zoning By-law Amendment (File ZC0905) from the UP and WL Zones to the WL Zone, P.1 Zone and a specialized R.4A-?? Zone, affecting the property known as 1291 Gordon Street and legally described as Part of Lot 6, Concession 7, Township of Puslinch, and Part 1 of Reference Plan 61R-8098, be approved in the form of a Specialized R.4A-?? (H) Holding Zone, in accordance with the regulations and conditions as amended with respect to off-street parking being removed from the regulations, and with respect to maximum building height being amended to 7 storeys with 6 storeys being visible from Gordon Street, and set out in Schedule 3 attached;

AND THAT in accordance with Section 34 (17) of the Planning Act, City Council has determined that no further public notice is required related to the minor modifications to the proposed zoning by-law amendment affecting 1291 Gordon Street as set out in Report 10-70 from Community Design & Development Services dated July 5, 2010.

VOTING IN FAVOUR: Councillors Beard, Bell, Burcher, Hofland, Piper, Salisbury and Mayor Farbridge (7)

VOTING AGAINST: Councillors Billings and Kovach (2)

Carried

BY-LAWS

13. Moved by Councillor Beard

Seconded by Councillor Hofland

THAT By-laws Numbered (2010)-19058 to (2010)-19059, inclusive, are hereby passed.

VOTING IN FAVOUR: Councillors Beard, Bell, Billings, Burcher, Hofland, Kovach, Piper, Salisbury and Mayor Farbridge (9)

VOTING AGAINST: (0)

Carried

ADJOURNMENT

The meeting adjourned at 11:15 o'clock p.m.

Minutes read and confirmed August 30, 2010.

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Mayor

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Deputy Clerk

The property affected by this Zoning By-law Amendment is municipally known as 18 Norwich Street East and legally described as Part of Lot 10, Part of Lot 11, Registered Plan 144.

The following zoning is proposed:

Specialized Office-Residential Zone (OR-??)

Regulations

A. For the Specialized OR-?? Zone

Permitted Uses

In accordance with the provisions of Section 6.5.1 of Zoning By-law (1995) – 14864, as amended, with the following additions:

- ***Boutique***
- ***Commercial School***
- ***Medical Clinic***
- ***Religious Establishment***
- ***Emergency Shelter*** in accordance with Section 4.28

Regulations

In accordance with Section 6.5.1 of Zoning By-law (1995) – 14864, as amended, with the following exceptions and additions:

Off-street Parking

Despite Table 6.5.2 Row 12,
No off-street parking shall be required.

B. Definition (to be added to Section 3 of the Zoning By-law)

3.1

(?) **“Emergency Shelter”** means a government subsidized facility which provides lodging and services to meet the personal needs of people experiencing homelessness on a short-term, infrequent basis.

C. Regulations to be added to Section 4 of the Zoning By-law

4.28 REGULATIONS FOR **EMERGENCY SHELTERS**

Every **Emergency Shelter** shall be developed in accordance with the regulations for the **Zone** in which the **Emergency Shelter** is located and the following:

4.28.1 Maximum Occupancy for **Emergency Shelters**

Emergency Shelters shall be limited to a maximum of 16 beds.

4.28.2 Off-Street Parking for **Emergency Shelters**

Every **Emergency Shelter** outside of the CBD.1 **Zone** shall have a minimum of 1 off-street parking space for every 4 beds.

4.28.3 Minimum Separation Distance

Minimum Separation Distance between **Buildings** being used as **Lodging House Type 1, Group Homes** and/or **Emergency Shelters** shall be 100 metres. Such a distance is to be measured from the closest points of the two properties at the property lines.

D. Regulations to be altered in Section 4.25 (Lodging Houses and Group Homes):

Table 4.25 Row 3: Minimum Separation Distance

Minimum Separation Distance between **Buildings** being used as **Lodging House Type 1, Group Homes** and/or **Emergency Shelters** shall be 100 metres. Such a distance is to be measured from the closest points of the two properties at the property lines.

<i>Zone</i>	<i>By-law Section</i>	<i>Reg. #</i>	<i>Existing Regulation</i>	<i>Proposed Regulation</i>	<i>Source</i>	<i>Working Group Comments</i>	<i>Result</i>
1	Interpretation Phased Condominiums		no regulation	Notwithstanding any other provisions in this By-law, the lands comprising a proposed standard draft plan of condominium that is to be created in phases as a phased condominium corporation in accordance with the Condominium Act, 1998, as amended, shall be deemed to be one lot for the purposes of applying zoning provisions such that the zoning regulations shall apply to the external limits of the draft plan of condominium, not to interior boundaries resulting from the registration of each phase.	Staff	Agree with need for this regulation. This will lessen the requirement for Committee of Adjustment applications for temporary lot lines and setbacks for larger phased developments. Most municipal zoning by-laws contain this regulation.	Implement regulation as Section 2.1.3 Phased Condominiums
2	Definitions Fence	60 (a)	no definition of fence. Need definition to differentiate between fence and shade structure	New Definition: "Fence"- means a protective, enclosing or visual barrier made of wood, metal or other substances that is constructed for any purpose, such as marking the boundary of a property, enclosing a property, providing privacy, preventing access by people or animals, or dividing a property into sections, and includes every door, gate or other enclosure that forms part of a fence, but does not include a trellis or arbour. When a trellis is located within 0.6 metres of a lot line it shall be regulated as a fence.	Staff	Staff support this new regulation that was required to define what a fence actually is in terms of the Zoning By-law. There was never a defining term and staff felt this definition encompasses what is a fence and what is not.	New definition proposed. Number will be 60 (b)

<i>Zone</i>	<i>By-law Section</i>	<i>Reg. #</i>	<i>Existing Regulation</i>	<i>Proposed Regulation</i>	<i>Source</i>	<i>Working Group Comments</i>	<i>Result</i>	
3	Definitions	Vehicle Establishment	169 (a)	General repair of vehicles is not permitted in B.3 and B.4 malls. Specialty Repair of vehicles is permitted. There have been numerous Committee of Adjustment approvals related to this use.	New Definition of Vehicle Repair Shop- means a place where the general repair or service of vehicles is conducted. Staff propose to permit this use in the B.3 and B.4 Industrial mall category.	Staff	Staff support this regulation and definition since there are been Committee of Adjustment approvals where there have been no concerns. Since Vehicle Specialty Repair is permitted, staff support this change as a general repair shop would be just as intense of use of the property.	New definition proposed. Number will be 169 (a). Add Vehicle Repair Shop to list of permitted uses for B.3 and B.4 Industrial malls.
4	Definitions	Food Preparation and Vending	72 (a)	No definition for hot dog carts and similar food vehicles in by-law. Definition to match licencing definition.	New Definition of Food Preparation and Vending: shall mean a vehicle in or from which food is prepared and/or provided and shall include a chip wagon, mobile barbeque facility, mobile food preparation vehicle, refreshment vehicle, refrigerated bicycle cart, and the like but does not include an itinerant catering truck	Staff	Staff support this new definition as previously this type of use was not defined in the by-law.	New definition 72 (a). Previous 72 (a) Fuel Supply Dept now becomes 72 (b)
5	Definitions	Half Storey	150 (a)	The Zoning By-law refers to half storey in specialized zones and in the zone regulations. The reference is being deleted in the R.1 zone regulations, however a definition is required to provide guidance in the specialized zoning regulations.	New Definition of Half Storey: A finished floor area within a roof space where the roof joists/rafters are directly supported by the floor system. When gables and/or dormers are incorporated, they shall not exceed 50% of the perimeter wall area of the storey directly below the half storey	Staff and GAWDA	Staff support new definition to provide clarity to the by-law	New definition 150 (b)

Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result	
6	Definitions	Multiple Attached Dwellings	58 (j)	New types of multiple dwelling units have been proposed. This definition was created for a specialized zone on Mountford Drive and staff wanted to include it in our standard definitions. It they can be used for Committee of Adjustment applications if necessary	Multiple Attached Dwelling shall mean a building consisting of 3 or more dwelling units which are horizontally and vertically attached, which are entered from an independent entrance directly from the outdoors or from an internal hall or corridor and which share common facilities such as common amenity area, parking and driveways.	Staff	This use has not been classified as to where it will be permitted outright. More study is required to see where appropriate. Staff wanted a definition to be used if required.	New definition 58 (j)
7	Definitions	Structure	153	"Structure" means anything constructed or built permanently or temporarily and which is fixed to or resting on or in the ground, but does not include a sign, advertising device, retaining wall, fence, curb, planter, statue, sculpture, play equipment, birdbath, pole, pillar, antenna, garbage container.	"Structure" means anything constructed or built permanently or temporarily and which is fixed to or resting on or in the ground, but does not include a sign, advertising device, retaining wall, fence, curb, planter, statue, sculpture, play equipment, birdbath, pole, pillar, antenna, garbage container and outdoor swimming pool/hot tub.	GAWDA and staff	New definition of Structure is required to include the exemption for outdoor pools and hot tubs. Accessory building regulations are being revised and the definition of structure needs to be amended to recognize these changes.	Amend the existing definition to proposed definition

<i>Zone</i>	<i>By-law Section</i>	<i>Reg. #</i>	<i>Existing Regulation</i>	<i>Proposed Regulation</i>	<i>Source</i>	<i>Working Group Comments</i>	<i>Result</i>	
8	General Provisions	4.5 Accessory Buildings	4.5.1	An Accessory building or Structure, or part thereof, may occupy a Yard other than a required Front or Exterior Side Yard on a Lot provided that:	An accessory building or structure may occupy a yard other than a front yard or required exterior side yard on a lot...	GAWDA and staff	The way the present regulation is written would permit accessory buildings to be located in the front yard of a lot with a main dwelling that is set back deep in the lot. The intent of the regulation is to not allow accessory buildings in front of the main structure and this change will strengthen the regulation.	Amend regulation as proposed to delete the word "required".
9	General Provisions	4.5 Accessory Buildings	4.5.13	Add new regulation to restrict the size of all accessory buildings and structures on a residential lot.	In a residential zone, the total area of all accessory Buildings or Structures shall not exceed 70 square metres.	Staff	There have been a number of extremely large accessory buildings issued by way of permit that were permitted by Zoning. Neighbourhoods cannot understand how such large structures are permitted as of right. The former zoning allowed a certain percentage size with no cap in size. This ensures that very large lots are not allowed accessory structures that are larger than main buildings on other residential lots.	Re-number previous regulation 4.5.1.3 to 4.5.1.4 and number this new regulation as 4.5.1.3

<i>Zone</i>	<i>By-law Section</i>	<i>Reg. #</i>	<i>Existing Regulation</i>	<i>Proposed Regulation</i>	<i>Source</i>	<i>Working Group Comments</i>	<i>Result</i>	
10	General Provisions	Lot Coverage for accessory buildings and pools	4.5.4	No accessory Building or Structures, including an outdoor swimming pool, shall only occupy more than 10% of the lot area	Delete regulation from By-law	GAWDA and staff	There is already a regulation under 4.5.1.1 which restricts to coverage of the yard at 30%. The thirty percent was being varied at the Committee of Adjustment with staff support. There is also a new provision that will restrict the overall size to 70 square metres.	Delete regulation from by-law.
11	General Provisions	Accessory Buildings and Structures	4.5.4.1	Notwithstanding Section 4.5.4, an outdoor swimming pool not exceeding 93 square metres in area shall be permitted in addition to any accessory Building or Structure provided the total area of the Lot covered by accessory Buildings or Structures including the outdoor swimming pool does not exceed 20% of the Lot Area.	Delete regulation from By-law	Staff	The new regulations suffice in the restriction of the area of swimming pools and accessory buildings.	Delete regulation from by-law
12	General Provisions	Swimming Pools	4.5.5.1	Swimming Pools No outdoor swimming pool shall be located in any part of a required front or exterior side yard	Swimming Pools and Hot Tubs No outdoor swimming pool or hot tub shall be located in any part of a front yard or required exterior side yard	Staff	Hot tubs have always been regulated under the Swimming Pool regulations, adding them under the title avoids confusion. The present regulation would allow a swimming pool to be located in a front yard behind the required front yard setback. Staff felt the amendment was necessary to prevent this situation.	Amend Section 4.5.5 to add Hot Tubs and delete "required" for front yard location.
13	General	Swimming	4.5.5.	No regulation allowing	Despite Section 4.5.5.1, an outdoor	GAWDA	GDA and Staff reason that if	Add new

Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result	
	Provisions	Pools	2	a swimming pool to be permitted in an exterior side yard in certain instances	swimming pool or hot tub shall be permitted in the exterior side yard when located behind the rear wall of the main building and in compliance with Section 4.6.2		a fence can be located in the exterior side yard in a complying location, a swimming pool can be located within the fencing and not impact sight lines.	regulation 4.5.5.2
14	General Provisions	Swimming Pools	4.5.5.3	New regulation regarding the distance from lot lines for all swimming pools	Every swimming pool or hot tub shall not be located within 1.5 metres from any lot line. Any decking associated with the pool that is above 0.15 metres above finished grade, shall not be located within 1.5 metres from a lot line	Staff	There have been concerns from Engineering staff regarding swimming pools and related decking/concrete that results in the swale being obstructed. The 1.5 metre setback allows for 0.8m of concrete around the pool while still protecting the drainage swale.	Add new regulation 4.5.5.3
15	General Provisions	Swimming Pools	4.5.5.4	New regulation regarding the decking around a pool and the percentage calculation for area	Despite Section 4.5.5.3, any decking located between the main building and the swimming pool shall not be subject to Section 4.5.1.1 and shall be located a minimum of 0.6 metres from all lot lines	Staff	This has been an internal staff policy that needed to be implemented into the Zoning By-law.	Add new regulation 4.5.5.4
16	General Provisions	General Sight Lines	4.6.2.2	Within any part of a sight line triangle at vehicular access area no Building, Structure, play equipment, statue or parked motor Vehicle shall be located	Within any part of a sight line triangle at vehicular access area no Building, Structure, play equipment, statue, swimming pool/hot tub shall be located	Staff and GAWDA	If allowing swimming pools and hot tubs to be located in exterior side yards in certain instances, then they needed to be added to the sight line triangle section to ensure conformity.	Add swimming pool/hot tub to Section 4.6.2.2
17	General Provisions	Permitted Yard Projections	Table 4.7, row 8	Balconies- permitted locations in front and side yard. At present a	Balconies- applicable to floors above main floor/entry level. Front of R.1 and R.2 Zones Maximum	Staff	Newer homes are featuring second floor balconies in the front of the dwelling as	Amend Table 4.7 as required

Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result	
			balcony is required to be setback greater than the building setback in a side yard. This leads to a balcony being allowed in a front yard, however if wrapped around in a side yard, it requires a greater setback.	Projection 2.4 metres and minimum setback of 2 metres. The same projection and setback with Side of R.1 and R.2 Zones and Rear of R.1 and R.2 Zones		an architectural feature. The present by-law requirements do not lend to a consistent setback for the balcony in the side yard when compared to the actual building. This setback provides consistency in regulation.		
18	General Provisions	Permitted Yard Projections	Table 4.7, Row 9	Central Residential Air Conditioners are required a minimum setback from 0.6 metres (2') from property line in all yards	<i>Council Resolution to have regulation remain in the by-law passed August 3, 2010.</i>			
19	General Provisions	Permitted Yard Projections	Table 4.7, Rows 1, 2, 3, 4 and 8	Deck projections into required yards now include ramps and stairs	Two notes to be added to Table: Note 1- Stairs associated with rows 1, 2, 3, 4 and 8 are permitted to project to the minimum setback from lot line. Note 2- a two (2) metre deep balcony at the front of a house does not require a 2.0 metre (6.6') setback from the side lot line when the balcony is within the proposed and/or existing building envelope	Staff	Revised regulation allows decking and other similar structure to have stairs project into required yards without the need for variances from the Committee of Adjustment	Add new notes to bottom of Table
20	General Provisions	Permitted Yard Projections	Table 4.7, Row 1	At present, interior side yards of townhouses and semi-detached require 0.6 metre setback from lot line for decks	5.2.2.4 Despite Table 4.7 Rows 1-3, for a lot with a dwelling requiring a 0.0 metre interior side yard, the setback to that interior side lot line from a porch or a deck, inclusive of stairs, shall be 0.0 metres.	Staff	On street townhouses and semi-detached structures have limited lot width. This regulation of an interior 2' setback (.6m) causes difficulty and there have	New regulation recommended to be 5.2.2.4

Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result	
						been numerous variances supported by staff at the Committee of Adjustment.		
21	General Provisions	Permitted Yard Projections	Table 4.7, Row 3	Regulation 4.7.4- an open roofed porch not exceeding 1 storey in height shall have a minimum setback from the side lot line equal to the minimum side yard requirements of the zone in which the dwelling and porch are located. Table 4.7 Row 3 allows it to project 1.2 metres into the side yard, conflicting regulations	Change regulation to read: Open, Roofed Porch and delete the reference to Section 4.7.4 (delete this regulation also). Modify table to Minimum Setback from Lot Line- 0.6 metres	Staff	This provides consistency in regulations. The new regulation will permit a roofed porch in a side yard to be 0.6 metres (2') from the side property line. This is consistent with other forms of structures in the side yard.	Revise regulation as noted.
22	General Provisions	Satellite Antennas within Residential Zones	4.11	Outdated set of provisions that regulated the large ground based satellite antennas. Need to update or to delete entirely from by-law.	delete regulation from By-law	Staff	The existing satellite dish regulations were in regards to the older very large dishes which are not being utilized any more. The new dishes are very small and not obtrusive and require placement where signals can be achieved. We have had no complaints on the new dishes.	Delete section 4.11 from by-law.
23	General Provisions	Outdoor Storage	4.12	Council direction regarding regulating the storage of porta-potty's within a certain distance from a residential property. New regulation required.	New Regulation: 4.12.2.5 The outdoor storage of portable toilets shall not be permitted in an Outdoor Storage Area within 250 metres of a residentially zoned property	Staff	A previous storage facility in the City resulted in numerous complaints in an older area with industrial zoning. This separation distance will ensure that this type of storage will not take place near residential properties in the older area of the City	Add new regulation 4.12.2.5
24	General	Parking	4.13.3	Permitted projections	New Regulation-4.13.3.2.5 For both	GAWDA	This has been an internal	Add new

<i>Zone</i>	<i>By-law Section</i>	<i>Reg. #</i>	<i>Existing Regulation</i>	<i>Proposed Regulation</i>	<i>Source</i>	<i>Working Group Comments</i>	<i>Result</i>	
	Provisions		.2.2	into required parking space within a garage- Zoning has a policy regarding permission for stairs within a garage to encroach into the required parking space. Need to formally implement this into the by-law.	interior and exterior parking spaces, the required parking space shall not be obstructed in any way except for a stair to the access door into the dwelling. The stair shall be wide enough to accommodate the width of the entrance and a maximum projection of 0.8 metres (2' 8") into the required parking space		staff policy that needed to be implemented into the Zoning by-law. Staff are fully supportive of this request to include in the by-law. Regulation implements policy.	regulation 4.13.3.2.5
25	General Provisions	Parking	4.13.2 .3	Site Plan Approval Guidelines requires a parking space size of 2.75m x 5.5 m for commercially zoned properties. Zoning By-law does not reflect this standard and there is a need to include this in the by-law for regulatory enforcement and consistency in site plans being submitted.	Amend Regulation 4.13.3.2.2 to read: 4.13.3.2.2 Despite Section 4.13.3.2.1, the minimum parking space dimensions for Single Detached, Semi-Detached, Duplex Dwellings or Home Occupations, Group Homes, Bed and Breakfast establishments, Accessory Apartments, Lodging House Type 1 and On-Street Townhouses are 3 metres by 6 metres within a Garage or Carport. The minimum exterior Parking Space dimensions are 2.5 metres by 5.5 metres. New 4.13.3.2.3 The minimum exterior Parking Space dimensions for all other uses is 2.75 metres by 5.5 metres	Staff	There has been some discrepancy between the Site Plan Approval Guidelines and the Zoning By-law in terms of exterior parking space sizing for commercial and industrial properties. This amendment corrects this and applies the standard that the City wants to implement in terms of high density residential, commercial and industrial exterior parking areas	Amend regulation as proposed
26	General Provisions	Parking	4.13.4	Required parking standards for industrial zones need to be updated to reflect the approved regulations	Implement B.5 parking standards for industrial properties into general parking standards. For 'manufacturing' and 'mall', the following parking requirements shall	Staff	By using the B.5 regulations for all industrial zones, this provides consistency for Site Plan Approval applications when determining parking	Amend existing parking regulations for manufacturing (1 space per 50

Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result
			for Hanlon Creek Business Park. Need to match other parking regulations.	apply: -1 parking space per 50 square metres up to 1,000 square metres of gross floor area. -1 parking space per 100 square metres between 1,000 square metres and 5,000 square metres of gross floor area, and -1 parking space per 150 square metres over 5,000 square metres of gross floor area		load requirements.	m ²) and industrial mall (1 space per 33m ²) to -1 parking space per 50 square metres up to 1,000 square metres of gross floor area. -1 parking space per 100 square metres between 1,000 square metres and 5,000 square metres of gross floor area, and -1 parking space per 150 square metres over 5,000 square metres of gross floor area

<i>Zone</i>	<i>By-law Section</i>	<i>Reg. #</i>	<i>Existing Regulation</i>	<i>Proposed Regulation</i>	<i>Source</i>	<i>Working Group Comments</i>	<i>Result</i>	
27	General Provisions	Parking in Residential Zones	4.13.7.5	No motor vehicle, excluding an automobile and a Recreational Vehicle shall be parked in a residential zone when such vehicle exceeds a gross vehicle empty weight of 2290 kilograms or if the vehicle or the vehicle and any attached equipment exceeds a height of 2.2 metres above the ground surface	4.13.7.5 In any Residential zone, the parking or storage of commercial vehicles is subject to the following regulations: i) No commercial vehicle shall be parked in a residential zone when such vehicle exceeds a registered gross weight of 3,000 kilograms; ii) No commercial vehicle shall be parked in a residential zone when such vehicle (including any attached equipment) exceeds a height of 2.6 metres above the ground surface; iii) No commercial vehicle shall be parked in a residential zone when such vehicle has an overall length greater than 6 metres. iv) Notwithstanding section 4.13.7.5 (i), 4.13.7.5 (ii), and 4.13.7.5 (iii), no tow truck, tilt/n/load, dump truck, tractor trailer, semitrailer, or any component thereof, shall be parked or stored in a residential zone.	Staff	Staff optioned for best practices to ascertain what other municipalities are enforcing. Staff realize that larger personal vehicles may be subject to complaint and enforcement and this is not the intent of the regulation. Staff wanted to relax regulation in order to allow larger personal vehicle to be parked in residential zones while still prohibiting the parking of larger commercial and industrial type vehicles.	amend regulation as proposed
28	General Provisions	Parking	4.13.2.1	In a R.1, R.2 or R.3B zone, every parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building.	In a R.1, R.2 and R.3B zone, every required parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building.	Staff	Staff note that this restriction may lead to unnecessary enforcement of this parking restriction. Mostly every property in the City has parking that is not setback 6 metres from the front property line.	add the word "required" to the regulation.
29	General Provisions	Fencing	4.20	Review and modification for fencing regulations in regards to corner lots	4.20.10.1 Not exceed 2.5 metres in height from the rear wall of the main Building to the rear property line, and not within 4 metres of a Street line.	Staff	Existing regulations for corner lots have been the subject of many variance requests to the Committee of Adjustment. Staff has	amend regulations as proposed

<i>Zone</i>	<i>By-law Section</i>	<i>Reg. #</i>	<i>Existing Regulation</i>	<i>Proposed Regulation</i>	<i>Source</i>	<i>Working Group Comments</i>	<i>Result</i>
				4.20.10.2 Not exceed 1.9 metres in height from the midpoint of the main Building to the rear property line and up to 0 metres from the Street line.		reviewed best practices with other municipalities and have formulated these modifications for corner lot fencing.	
				4.20.10.3 Not exceed 0.8 metres in height in the remaining Exterior Side Yard			
				4.20.11 located in the interior yard Side Yard shall not exceed 1.8 metres in height			
				4.20.12 located in the Rear Yard shall not exceed 2.5 metres in height			
				4.20.13 No fence shall be located or constructed so as to block access to a parking space as required by the Zoning By-law, unless such fence is constructed with a gate at least 2.5 metres (8.2 feet) wide giving access to such parking space.			
				4.20.14 Height shall be measured from the ground elevation at the supporting posts on the property on which the fence is located and in the case of a mutual fence, such fence height shall be measured from the highest ground elevation or either property at the supporting posts.			
				4.20.15 Despite Section 4.5.1, one entrance arbour structure is permitted in each yard with a maximum height of 3 metres and a maximum area of 5 square metres			

<i>Zone</i>	<i>By-law Section</i>	<i>Reg. #</i>	<i>Existing Regulation</i>	<i>Proposed Regulation</i>	<i>Source</i>	<i>Working Group Comments</i>	<i>Result</i>	
				provided the arbours are not located in the site line triangles and general site lines. This arbour structure may be located with a zero lot line setback.				
30	Residential Zones	Minimum Landscaped Open space	Table 5.1.2 Row 12	The front yard on any lot, excepting the Driveway shall be landscaped and no parking shall be permitted within this landscaped open space. The driveway shall not constitute more than 55% of the front yard in an R. 1D zone	The front yard on any lot, excepting the Driveway shall be landscaped and no parking shall be permitted within this landscaped open space. The driveway shall not constitute more than 56% of the front yard in an R.1D zone.	Staff	When the driveway width percentages were created, R.1D zones were restricted from creating accessory apartments due to the width of parking and the allowable percentages. Many variances have been approved to allow the small fraction of an increase in the percentage. Staff has supported these variances.	Amend Table 5.1.2 Row 12 accordingly.
31	Residential Zones	Minimum Landscaped Open space	Table 5.1.2 Row 12	Despite the definition of Landscaped Open Space, a minimum area of 0.6 metres between the driveway and the nearest lot line must be maintained as landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species	Amend Table 5.1.2 Row 12 and Table 5..2.2 Row 15 to read "Despite the definition of Landscaped Open Space, a minimum of 0.5 metres between the driveway and the nearest lot line must be maintained...."	Staff	Staff note that exterior parking spaces are permitted to be 2.5 metres and when adding the 0.6 metres, it requires a yard of 3.1 metres rather than the 3 metres that is stipulated elsewhere in parking regulations. Modify this to 0.5 metres brings consistency to regulations. There have been variance requests support by staff for this regulation.	Amend regulation as proposed

<i>Zone</i>	<i>By-law Section</i>	<i>Reg. #</i>	<i>Existing Regulation</i>	<i>Proposed Regulation</i>	<i>Source</i>	<i>Working Group Comments</i>	<i>Result</i>	
32	Residential Zones	Minimum Distance between buildings and private amenity areas	5.3.2.3	Overall review and update of the minimum distance between buildings in R.3A zoned cluster townhouses	Delete regulation 5.3.2.2.2- Despite the above, in any case where windows to a Habitable Room face on a required yard, such building shall not be located within 7.5 metres of that side or rear lot line. Delete regulation 5.3.2.3.2 The distance between the face of one building which contains windows to habitable rooms and the face of another building which does not contain windows to a habitable room shall in no case be less than 12 metres. Amend regulation 5.3.2.3.4 to read No part of a Private Amenity Area shall be located within 10.5 metres of a wall in another building containing windows of habitable room which face the private amenity area. Add new regulation for private amenity areas 5.3.2.5.1 i) to be a minimum distance of 3.0 metres from a side or rear lot line	Staff	The separation setbacks for cluster blocks and the private amenity areas in some instances require conflicting requirements. Through various Site Plan Approval applications, it had become apparent that these regulations were not working as required. A thorough staff review of the regulations in regards to best practices and regulation intent has led to the proposed modifications. Less Committee of Adjustment applications will be necessary as a result.	Amend by-law as proposed
33	Residential Zones	Minimum Side Yard	Table 5.1.2 Row 7	Table requires different setbacks for varying heights of buildings in residential zones. Request from GDA and staff to amend to simplify regulations.	Amend Table 5.1.2 Row 7 to have setbacks as follows: 1 to 2 storeys- R.1A 1.5m, R.1B 1.5m, R.1C 1.2m and R.1D 0.6m. For over two storeys, R.1A 2.4m, R.1B 2.4m, R.1C 1.2m and R.1D 0.6m	GAWDA and staff	Staff are supportive of the changes to allow more consistent setbacks. The standard two storey dwelling will not be required to step back the building design as previously required. If proposing three	Revise Table 5.1.2 Row 7 to reflect the changes.

Zone	By-law Section	Reg. #	Existing Regulation	Proposed Regulation	Source	Working Group Comments	Result	
						storeys, staff recommend a small degree of stepping back the structure as this greater height.		
34	Defined Area Maps	Map #'s 24, 34, 36 49, 55, 60		Eastview Community Park, Joseph Wolfond Park West, Guelph Lakes Sports Field, Paisley/Edinburgh Park, Priory Park, IODE Fountain Park, Goldie Mill Park, 80 Simmonds Drive Park	Planning staff have identified a number of City owned parks that have outdated zoning that does not reflect the actual use of the parks. The Defined Area maps are to be amended to reflect the proper zoning.	Staff	This should be part of the administrative amendment process to correct the zoning	Amend the Defined Area Maps
35	Defined Area Maps	All Defined Area Maps except #'s 63, 64, 65, 66, 67and 79		All Defined Area Maps are to be replaced with new mapping. This is necessary because of a new GIS system rendering Map Info obsolete.		Staff		Insert new Defined Area Maps
36	Illustrations	Page 3-32		Add new illustration for Side/Rear Lot line interpretation	This has been an interpretation by the Zoning Administrator for a side and rear lot line. Staff wanted to add the illustration into the by-law for guidance.	Staff		Add new illustration
37	Parking	Pages 4-17 and 4-18	4.13.5	Special Vehicle Parking is an outdated term used to describe accessible parking spaces	The Facility Accessibility Design Manual uses the terminology "Designated Accessible Parking Spaces"	Staff	Staff brought forward this change to update the Zoning By-law	Change Section 4.13.5 to remove the wording "Special Vehicle Parking" and replace where necessary with "Designated Accessible Parking Spaces"
38	Garbage, Refuse	Section 4.9	4.9 to 4.9.4	This section references composters. The	Remove all references to composters in Section 4.9	Staff	Staff brought forward this change to update the	delete all references to

<i>Zone</i>	<i>By-law Section</i>	<i>Reg. #</i>	<i>Existing Regulation</i>	<i>Proposed Regulation</i>	<i>Source</i>	<i>Working Group Comments</i>	<i>Result</i>
	Storage		Property Standards By-law contains regulations regarding composters and the Zoning By-law has conflicting regulations			Zoning By-law	composters in Section 4.9
39	Zoning By-law	Various sections	Various by-law sections with incorrect addresses, spelling and grammatical errors, omissions and other general corrections	Staff have identified a number of errors and omissions in the Zoning By-law that will be corrected in the Administrative amendment	Staff		

The property affected by this Zoning By-law Amendment is municipally known as 1291 Gordon Street and legally described as Part of Lot 6, Concession 7 Puslinch, and being Part 1 of Reference Plan 61R-8098. The following zoning is proposed:

Specialized R.4A-?? (H) Apartment Residential

Regulations

For the Specialized R.4A-?? (H) Zone:

In accordance with Section 5.4.2 of Zoning By-law (1995) – 14864, as amended, with the following exceptions:

Maximum Front Yard Setback

Despite Table 5.4.2 Row 6,
The maximum front yard setback shall be 6.0 metres

Minimum Front Yard Setback

Despite Table 5.4.2 Row 6,
The minimum front yard setback shall be 3.0 metres

Minimum Side Yard

Despite Table 5.4.2 Row 8,
The minimum southerly side yard shall be 7.0 metres.

Minimum Rear Yard

Despite Table 5.4.2 Row 9,
The minimum rear yard shall be 7.0 metres.

Maximum Building Height

Despite Table 5.4.2 Row 10
The maximum building height shall be 7 storeys with 6 storeys visible from Gordon Street.

Floor Space Index

Despite Table 5.4.2 Row 18,
The Floor Space Index shall be 1.7.

Holding Provision

Purpose:

To ensure that the development of the lands does not proceed until the owner has completed certain conditions to the satisfaction of the City of Guelph.

Holding Provision Conditions:

Prior to the removal of the holding symbol "H", the owner shall complete the following conditions to the satisfaction of the City:

1. An Environmental Implementation Report (EIR) shall be completed and approved by the Director of Community Design and Development Services.
2. A Site Plan Control Agreement shall be registered on title, containing the conditions listed in **Schedule 2** of Community Design and Development Services Report 10-70, dated July 5, 2010, to the satisfaction of the Director of Community Design and Development Services.

Conditions

The following conditions will be imposed as conditions of site plan approval:

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 buildings, landscaping, parking, circulation, access, lighting, grading and drainage and servicing on the said lands to the satisfaction of the Director of Community Design and Development Services and the City Engineer, prior to the issuance of a building permit, and furthermore the owner agrees to develop the said lands in accordance with the approved plan. The owner's submission for site plan approval shall include the following conditions and requirements:
 - a. The owner shall develop the site generally in accordance with the owner's Proposed Site Plan attached as **Schedule 6** to the Community Design and Development Services Report 10-70 dated July 5, 2010, to the satisfaction of the Director of Community Design and Development Services.
 - b. The owner shall include as part of the site plan approval submission, a detailed outdoor lighting plan that minimizes lighting impact on adjacent properties and natural heritage features, to the satisfaction of the Director of Community Design and Development Services, prior to site plan approval.
2. That the owner pays to the City, as determined applicable by the City's Director of Finance, development charges and education development charges, in accordance with City of Guelph Development Charges By-law (2009)-18729, as

amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to issuance of a building permit, at the rate in effect at the time of issuance of the building permit.

3. The owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof, prior to site plan approval.
4. The owner shall pay to the City, the City's total cost of reproduction and distribution of the Guelph Residents' Environmental Handbook, to all future homeowners or households within the project, with such payment based on a cost of one handbook per residential dwelling unit, as determined by the City, prior to the site plan approval.
5. Prior to any development of the lands and prior to any construction or grading on the lands, the owner shall submit a detailed Storm water Management Report and plans to the satisfaction of the City Engineer which demonstrates how storm water will be controlled and conveyed.
6. That the owner grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall have the Professional Engineer 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.
7. Prior to any development of the lands and prior to any construction or grading on the lands, the owner shall construct, install and maintain erosion and sediment control facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall provide a qualified environmental inspector, satisfactory to the 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 his or her findings to the City on a monthly or more frequent basis.
8. Prior to site plan approval, the owner shall pay to the City, their share of cost of the existing watermain on Gordon Street and Arkell Road across the frontage of the property at a rate per metre of frontage determined by the City Engineer.

9. Prior to site plan approval, the owner shall pay to the City, their share of the actual cost of constructing municipal services on Gordon Street across the frontage of the land including roadworks, sanitary sewer, storm sewer, curb and gutter, catchbasins, sidewalks, streetlighting as determined by the City Engineer.
10. Prior to site plan approval, the owner shall pay to the City the actual cost of existing service laterals as determined by the City Engineer.
11. The owner shall pay to the City the actual cost of constructing and installing any new service laterals required and furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.
12. The owner shall pay to the City the actual cost of the construction of the new access and the required curb cut, prior to site plan approval and prior to any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the new access/private road and the required curb cut.
13. That the owner constructs the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary sewer.
14. That the owner relocate and reconstruct the existing City operated and maintained Stormwater management facility located within the GRCA's property to current Ministry of the Environment standards at their own expense.
15. That prior to Site Plan approval, that the owner makes satisfactory arrangements with The City of Guelph for provisions for any easements and/or rights-of-way for the Stormwater Management facility.
16. That an Environmental Implementation Report (EIR) shall be completed and approved by the City of Guelph. The EIR shall include the following:
 - a. The assessment of habitat for species of conservation concern, prior to commencing works on the property and appropriate timing for vegetation removals or associated activities should take place outside of breeding seasons.
 - b. That the use of local genetic stock for compensation plantings be specified on all appropriate plans.
 - c. Details on the impact, appropriateness and alternatives to the dewatering activities proposed for the parking garage, including the functionality of the structure considering the high water table.

- d. Details for the implementation of infiltration galleries proposed underneath the underground parking garage are provided.
 - e. Address alternatives to fencing options in and around the wildlife corridor and identifies the best option of the alternatives.
 - f. A detailed Tree Inventory and Compensation plan
 - g. Details surrounding any induced Impacts associated with trail implementation and the proposed tree inventory make recommendations to hazard tree removal and management, if any.
 - h. Details to address the impact of the changed flow of surface and groundwater to the wetland.
 - i. Monitoring of water quality needs to be included in the site plan agreement.
 - j. Details surrounding the function, access and materials used for the proposed common amenity space.
 - k. Details for the stormwater management facilities, including the intended design, capacity and function to the satisfaction of the City.
 - l. Details outlining the impacts and design of the proposed structure and its implications to the groundwater and surface water on site including the quality of water being released into the natural areas adjacent to the property.
 - m. Detailed information requested by the Grand River Conservation Area, in a letter dated May 27, 2010 and found in **Schedule 10** of Community Design and Development Services Report 10-70 dated July 5, 2010.
17. That prior to site plan approval the owner must complete the land transfer between the Grand River Conservation Area and the owner.
18. That prior to site plan approval, the owner shall deed to the City of Guelph the P.1 (Conservation lands) lands proposed for future trail use and for Stormwater Management for City-owned lands.
19. That prior to site plan, the owner shall deed to the Grand River Conservation Area, lands zoned WL (Wetland) and P.1 (Conservation Lands).
20. The owner shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal, adverse impacts to any

significant archaeological resources found. No demolition, grading or any soil disturbances shall take place on the subject property, prior to the issuance of a letter from the Ministry of Citizenship, Culture and Recreation to the City indicating that all archaeological assessment and/or mitigation activities undertaken have met licensing and resource conservation requirements.

21. That the owner makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
22. That all electrical services to the lands are underground and the owner shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.
23. That all telephone and Cable TV service to the lands be underground and the owner shall enter into a servicing agreement with Bell Canada providing for the installation of underground telephone service prior to development of the lands.
24. That prior to site plan approval the owner agrees to implement the energy and water efficiency measures described in the letter, dated June 8, 2010, as in **Schedule 10** of the Community Design and Development Services Report 10-70 dated July 5, 2010, in order to comply with the Community Energy Initiative, to the satisfaction of the Director of Community Design and Development Services.
25. That prior to site plan approval, the owner shall enter into an agreement with the City, registered on title, satisfactory to the City Solicitor, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.