

Council Chambers
October 1, 2012 7:00 p.m.

An Open Meeting of Guelph City Council

Present: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw (arrived at 7:05 p.m.), Piper, Van Hellemond and Wettstein

Staff Present: Dr. J. Laird, Executive Director of Planning, Building, Engineering and Environment; Mr. T. Salter, General Manager, Planning Services; Ms. S. Kirkwood, Manager, Development Planning; Ms. T. Agnello, Deputy City Clerk; and Ms. D. Black, Council Committee Co-ordinator

DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

There were no disclosures.

Consent Agenda

The following items were extracted from the October 1, 2012 Consent Agenda to be voted on separately:

- A-1 161, 205 and 253 Clair Road East (Dallan): Proposed Draft Plan of Subdivision and Zoning By-law Amendment
- A-2 927 and 1023 Victoria Road South: Proposed Draft Plan of Subdivision (Phase 3 of Kortright East Subdivision) and Zoning By-law Amendment
- A-3 1274, 1280 and 1288 Gordon Street: Proposed Zoning By-law Amendment

1. Moved by Councillor Burcher
Seconded by Councillor Hofland

THAT the balance of the October 1, 2012 Council Consent Agenda as identified below, be adopted:

a) Proposed Demolition of 75 Cityview Drive North – Ward 1

Dr. J. Laird
Mr. B. Poole

THAT Report 12-92 regarding the proposed demolition of a detached dwelling at 75 Cityview Drive North, legally described as Part Lot 31, Plan 53, Division C, As In R0767094; City of Guelph, from Planning, Building, Engineering and Environment dated October 1, 2012, be received;

AND THAT the detached dwelling at 75 Cityview Drive North be removed from the Municipal Register of Cultural Heritage Properties;

AND THAT the proposed demolition of the detached dwelling at 75 Cityview Drive North be approved;

AND THAT the applicant be requested to erect protective fencing at 1 metre from the dripline of existing trees on the property which are to be preserved prior to commencement of demolition and maintain the fencing during demolition activities;

AND THAT the applicant be requested to contact the General Manager of Solid Waste Resources, Planning, Building, Engineering and Environment regarding options for the salvage or recycling of all demolition materials.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, Van Hellemond, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

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.

Councillor Laidlaw arrived at the meeting.

Victoria Park Village – Proposed Redline Revision to an Approved Draft Plan of Subdivision and Associated Zoning By-law Amendment (Files: 23T-07506/ZC1206) – Ward 6

Mr. A. Hearne, Senior Development Planner, provided a synopsis of the staff report. He said the proposed revisions to the draft plan of subdivision are to permit an increase in the number of single-detached, cluster and on-street townhouse lots from 489 to 503. These revisions would result in a net increase of 14 units and decrease the density from 60.4 to 57.8 persons per hectare. He stated the zoning revisions will reduce minimum lot areas and

frontages, minimum yards and increased maximum building coverage.

When staff brings the application back to Council, they will provide details regarding the ability of the streets to meet the municipal standard of becoming future roads and explain the connections to existing trails.

Mr. Robert Walters, Planner for the applicant, advised the general design will remain. He outlined the zoning changes they are requesting and advised they plan to introduce a new building form to Guelph. He highlighted the design features of the back-to-back townhouses and showed examples. He said they are also proposing to revise their stormwater management plan and add a trail access. He advised they hope to register the first phase in early 2013.

2. Moved by Councillor Findlay
Seconded by Councillor Wettstein

Dr. J. Laird
Mr. T. Salter

THAT Report 12-86 regarding the application for redline revisions to an approved draft plan of subdivision and an associated zoning by-law amendment for lands legally described as Part of Northeast Half of Lot 5, Concession 8, (Geographic Township of Puslinch), municipally known as 1159 Victoria Road South, City of Guelph, from Planning, Building, Engineering and Environment dated October 1, 2012, be received.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

**161, 205 and 253 Clair Road East (Dallan):
Proposed Draft Plan of Subdivision and Zoning By-law Amendment (Files: 23T-08503/ZC0803) –
Ward 6**

Ms. Judy Martin, resident, stated the Sierra Club was pleased to see the increase of the buffer zone for the wetland after the Environmental Impact Study. She stated the Guelph Field Naturalists want to see long-term monitoring and asked what actions will be taken if any are required. She said that the GRCA originally recommended a 125 metre amphibian corridor and the city is providing a 50 metre corridor. She is concerned that the plan is not in

keeping with the Natural Heritage Strategy and the Hanlon creek watershed study and is concerned about the effects the roads will have on the environment.

Ms. Nancy Shoemaker, on behalf of the applicant, outlined how the application complies with several pieces of legislation and approvals that have been given as outlined within her report for this agenda. She noted that the opportunity to dispute the designation of the property has passed, and no appeals of the Natural Heritage Strategy apply to their application. She said that after providing information regarding buffer width, location and migration studies, the Environmental Advisory Committee and the Grand River Conservation Authority supported the application. She stated that the development plan takes advantage of existing hedgerows, and linkages and no grading will be necessary so the wetlands will not be disturbed.

3. Moved by Councillor Kovach
Seconded by Councillor Dennis

Ms. N. Shoemaker
Dr. J. Laird
Mr. D. McCaughan
Mr. A. Horsman
Mr. T. Salter

THAT Report 12-85 regarding a proposed Draft Plan of Subdivision and associated Zoning By-law Amendment for approval of the Dallan Subdivision applying to property municipally known as 161, 205 and 253 Clair Road East from Planning, Building, Engineering and Environment, dated October 1, 2012, be received;

AND THAT the application by Black, Shoemaker, Robinson and Donaldson Ltd, on behalf of Victoria Wood (Dallan) GP Inc. for approval of a proposed Draft Plan of Subdivision, applying to property municipally known as 161, 205 and 253 Clair Road East and legally described as Southwest Part Lot 11, Concession 8, Township of Puslinch, be approved, subject to conditions outlined in Attachment 2 of Planning, Building, Engineering and Environment Report 12-85, dated October 1, 2012, attached hereto as Schedule 1;

AND THAT the application by Black, Shoemaker, Robinson and Donaldson Ltd, on behalf of Victoria Wood (Dallan) GP Inc. for a Zoning By-law Amendment from the UR (Urban Reserve), H (Hazard) and A (Agriculture) Zones to the R.1C (Single-detached Residential), R.1C-? (Specialized Single-detached Residential), R.1D (Single-detached Residential), R.2 (Semi-detached Residential), R.3B-7 (Specialized On-street Townhouse), R.4A-? (Specialized General Apartment Residential), P.2 (Neighbourhood Park), P.1 (Conservation Lands) and WL (Wetland) Zones affecting the property municipally known as 161, 205 and 253 Clair Road East and legally described as Southwest

Part Lot 11, Concession 8, Township of Puslinch, be approved, in the form outlined in Attachment 2 of Planning, Building, Engineering and Environment Report 12-85, dated October 1, 2012, attached hereto as Schedule 1;

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 161, 205 and 253 Clair Road East, as set out in Report 12-85 from Planning, Building, Engineering and Environment, dated October 1, 2012.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, Van Hellemond, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: Councillor Laidlaw (1)

927 and 1023 Victoria Road South: Proposed Draft Plan of Subdivision (Phase 3 of Kortright East Subdivision) and Zoning By-law Amendment (Files: 23T-01508/ZC1007) – Ward 6

The applicant advised that this application has fewer conditions than most due to the timing of the application and the lower density of the zoning being proposed.

4. Moved by Councillor Dennis
Seconded by Councillor Furfaro

Ms. N. Shoemaker
Dr. J. Laird
Mr. D. McCaughan
Mr. A. Horsman
Mr. T. Salter

THAT Report 12-87 dated October 1, 2012 regarding a proposed Draft Plan of Subdivision and associated Zoning By-law Amendment for the properties known as 927 and 1023 Victoria Road South from Planning, Building, Engineering and Environment be received;

AND THAT the application by Black Shoemaker Robinson Donaldson Ltd. for approval of Phase 3 of a proposed Draft Plan of Subdivision, applying to property municipally known as 927 and 1023 Victoria Road South and legally described as Part of Lots 3 and 4, Concession 8, Geographic Township of Puslinch, to permit 215 residential dwelling units, be approved subject to conditions outlined in Schedule 2 of Planning, Building, Engineering and Environment Report 12-87 dated October 1, 2012, attached hereto as Schedule 2;

AND THAT the application by Black Shoemaker Robinson Donaldson Ltd. for a Zoning By-law Amendment to amend the zoning on the lands from the Township of Puslinch A (Agriculture) Zone and H (Hazard) Zone to a Specialized R.1B-? (Single-detached Residential) Zone, R.1C (Single-detached Residential) Zone, R.1D (Single-detached Residential) Zone, Specialized R.1D-? (Single-detached Residential) Zone, Specialized R.2-? and Specialized R.2-?? (Semi-detached Residential) Zones, Specialized R.3B-7 (On-Street Townhouse) Zone, P.1 (Conservation Land / Park) Zone, P.2 (Neighbourhood Park) Zone and WL (Wetland) Zone, for property municipally known as 927 and 1023 Victoria Road South and legally described as Part of Lots 3 and 4, Concession 8 (Township of Puslinch), be approved in accordance with the regulations and conditions set out in Schedule 2 of Planning, Building, Engineering and Environment Report 12-87 dated October 1, 2012, attached hereto as Schedule 2.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: Councillor Findlay (1)

1274, 1280 and 1288 Gordon Street: Proposed Zoning By-law Amendment (File: ZC1109) – Ward 6

5. Moved by Councillor Furfaro
Seconded by Councillor Burcher

Ms. N. Shoemaker
Dr. J. Laird
Mr. D. McCaughan
Mr. A. Horsman
Mr. T. Salter

THAT Report 12-88 dated October 1, 2012 regarding a proposed Zoning By-law Amendment for the lands municipally known as 1274, 1280 and 1288 Gordon Street from Planning, Building, Engineering and Environment be received;

AND THAT the application by Black, Shoemaker, Robinson and Donaldson on behalf of MRL Developments Inc., MTCM Developments Inc., and 2182805 Ontario Inc. for approval of a Zoning By-law Amendment to rezone the lands from the existing R.1B (Residential Single-Detached) Zone to an R.4A-? (Specialized General Apartment) Zone for the properties known municipally as 1274, 1280 and 1288 Gordon Street, legally described as Part Lot 6, Concession 8, formerly in the Township of Puslinch, now in the City of Guelph, be approved in accordance with the permitted uses, regulations and conditions outlined in Attachment 2 of the Planning, Building, Engineering and Environment Report 12-88 dated October 1, 2012, attached hereto as Schedule 3;

AND THAT the request to demolish the two single-detached dwelling units located at 1274 and 1288 Gordon Street to allow the redevelopment of the subject lands be approved.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

BY-LAWS

6. Moved by Councillor Guthrie
Seconded by Councillor Hofland
THAT By-law Number (2012)-19473 is hereby passed.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

ADJOURNMENT

7. Moved by Councillor Findlay
Seconded by Councillor Dennis
THAT the meeting of Guelph City Council of October 1, 2012 be adjourned.

Carried

The meeting adjourned at 8:05 p.m.

Minutes to be confirmed on October 22, 2012.

.....
Mayor

.....
Deputy Clerk

Draft Plan of Subdivision (23T-08503) Conditions and Zoning Regulations

Part A: Draft Plan of Subdivision Conditions

“That the application by Black, Shoemaker, Robinson & Donaldson Ltd. on behalf of Victoria Wood (Dallan) GP Inc. for a proposed Draft Plan of Subdivision and associated Zoning By-law Amendment (23T08503/ZC0803) applying to property municipally known as 161, 205 and 253 Clair Road East and legally described as Southwest Part Lot 8, Concession 11, former Township of Puslinch, **be approved**, subject to the following conditions:

CITY CONDITIONS

1. That this approval applies only to the revised draft plan of subdivision prepared by Black, Shoemaker, Robinson and Donaldson Ltd, dated April 8, 2011, to include the development of 409 residential units as shown in **Attachment 3**, subject to the following revisions:
 - a. Addition of a 0.3 metre reserve along the Clair Road frontage of Blocks 101 and 102.
 - b. Addition of a 0.3 metre reserve along the south side of Blocks 93, 94 and 95
 - c. That the radii of Street 2 be 12 metres wide to align with existing Beaver Meadow Drive to the north.

Conditions to be met prior to any grading or site alteration

2. The Developer shall complete a **tree inventory and conservation plan**, satisfactory to the City Engineer in accordance with City of Guelph Bylaw (1986)-12229 prior to any grading, tree removal or construction on the site.
3. The Developer shall obtain a **Site Alteration Permit** in accordance with City of Guelph By-law (2007)-18420 to the satisfaction of the City Engineer if grading/earthworks is to occur prior to entering into the subdivision agreement.
4. The Developer shall prepare and implement a **construction traffic access and control plan** for all phases of servicing and building construction to the satisfaction of the City Engineer. Any costs related to the implementation of such a plan shall be borne by the Developer.
5. The Developer agrees that no work, including, but not limited to **tree removal, grading or construction**, will occur on the lands until such time as the Developer has obtained written permission from the City Engineer or has entered into a Subdivision Agreement with the City.
6. The Developer shall enter into an **Engineering Services Agreement** with the City, satisfactory to the City Engineer.

7. The Developer shall prepare an overall **site drainage and grading plan**, satisfactory to the City Engineer, for the entire subdivision. Such a plan will be used as the basis for a detailed lot grading plan to be submitted prior to the issuance of any building permit within the subdivision.
8. The Developer 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.
9. The Developer shall retain a qualified **environmental inspector**, satisfactory to the General Manager of Planning Services 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. The inspector shall report on their findings to the City.
10. The Developer shall submit a detailed **Storm Water Management Report and Plans** to the satisfaction of the City Engineer which shows how storm water will be controlled and conveyed to the receiving water body. The report and plan shall address the issue of water quantity and quality in accordance with recognized best management practices, Provincial Guidelines, the City's "Design Principles for Storm Water Management Facilities" and the Storm Water Management Design Report for the applicable watershed. Maintenance and operational requirements for any control and/or conveyance facilities must be described. Low impact development should be considered for the apartment blocks.
11. The Developer shall ensure that any **domestic wells located within the lands be properly decommissioned** in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer. Any **boreholes** drilled for hydrogeological or geotechnical investigations must also be properly abandoned.
12. The Developer shall **stabilize all disturbed soil** within 90 days of being disturbed, control all noxious weeds and keep ground cover to a maximum height of 150 mm (6 inches) until the release of the development agreement on the block/lot so disturbed.
13. The Developer acknowledges that the City does not allow **retaining walls higher than 1.0 metre** abutting existing residential properties without the permission of the City Engineer.
14. The Developer shall prepare and implement an **Environmental Implementation Report (EIR)** based on terms of reference approved by the City and Grand River Conservation Authority (GRCA). Such a report will include:
 - a. A comprehensive monitoring plan, including a monitoring program to assess the performance of the storm water management facilities.

- b. The information and implementation process to get details to the homeowners concerning the storm sewer and storm water management process.
- c. The items identified in the Environmental Advisory Committee (EAC) resolutions dated June 9, 2010 and October 12, 2011, as well as the EAC supported Environmental Impact Study Addendum Report dated August 2009
- d. The GRCA letter dated July 27, 2010
- e. The Developer shall implement all recommendations of the EIR to the satisfaction of the City and the GRCA.

Conditions to be met prior to execution of subdivision agreement

- 15. That any dead ends and open sides of road allowances created by the draft plan be terminated in **0.3 metre reserves**, which shall be conveyed to the City at the expense of the Developer.
- 16. The Developer shall have **engineering drawings** and final reports prepared for the approval of the City Engineer.
- 17. With the exception of any share determined by the City to be the City's share in accordance with City by-laws and policies, the Developer is responsible for the total **cost of the design and construction of all municipal services** within and external to the subdivision that are required by the City to service the lands within the plan of subdivision including such works as sanitary facilities, storm facilities, water facilities, walkways and road works including sidewalks, boulevards and curbs, with the distance, size and alignment of such services to be determined by the City. This includes the Developer paying the cost of the design, construction and removal of any works of a temporary nature including temporary cul-de-sacs, sewers, stormwater management facilities, watermains and emergency accesses.

The Developer shall be responsible for:

- a) a share of the cost of the existing 400mm diameter Clair Road watermain to the satisfaction of the City Engineer;
- b) a share of the actual cost of the reconstruction of Clair Road to the satisfaction of the City Engineer;
- c) a share of the costs of turn lanes and traffic signals at the intersection of Street 2/Clair/Beaver Meadow to the satisfaction of the City Engineer;

18. The Developer agrees that no development will be permitted on the lands unless the grading plan prepared for the subdivision and approved by the City Engineer indicates that the maximum proposed elevation on the lots and blocks to be developed is less than an elevation of 344 metres or until the City Engineer confirms that adequate **water pressure** is available to service the lands. All costs associated with location, design, construction, operation and maintenance of a water booster pump system will be the responsibility of the developer.
19. The Developer agrees that no development will be permitted on the lands unless there is adequate **sanitary sewer capacity** in the downstream sanitary system. All costs associated with any required upgrades or twinning of existing downstream sewers in order to accommodate the flow from these lands will be the responsibility of the developer.
20. The Developer shall submit a **Geotechnical Report** to the satisfaction of the City Engineer which describes the potential impacts of groundwater and provides recommendations for pavement design and pipe bedding.
21. The Developer shall submit a **Traffic Impact Study** to the satisfaction of the City Engineer addressing vehicular and pedestrian site access, the potential impact of the development on the existing road network, sight lines, traffic signage and traffic calming measures.
22. The Developer shall pay the cost of supplying and erecting **street name and traffic control signs** in the subdivision, to the satisfaction of the City.
23. The Developer shall prepare a **street tree planting plan** and implement such plan to the satisfaction of the City.
24. The Developer shall pay to the City the cost of installing **bus stop pads** at locations to be determined by Guelph Transit.
25. The Developer shall provide an **On-Street Parking Plan** for the subdivision to the satisfaction of the City Engineer.
26. The Developer shall pay the cost of the installation of one Second Order **Geodetic Benchmark** within the proposed subdivision to the satisfaction of City Engineer.
27. The Developer shall **phase the subdivision** to the satisfaction of the City of Guelph. Such phasing shall conform to the current Development Priorities Plan.
28. The Developer shall dedicate **Block 103 as parkland** in accordance with the provisions of City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, By-law (2007)-18225 or any successor thereof.

29. The Developer shall be responsible for the cost of design and development of the **“Basic Park Development”** as per the City of Guelph current “Specifications for Parkland Development”, which includes clearing, grubbing, topsoiling, grading and sodding for any phase containing a Park block to the satisfaction of the Executive Director of Operations and Transit. The Developer shall provide the City with **cash or letter of credit** to cover the City approved estimate for the cost of development of the Basic Park Development for the Park Block to the satisfaction of the Executive Director of Operations and Transit.
30. The Developer shall be responsible for the cost of design and development of the **demarcation** of all lands conveyed to the City in accordance with the City of Guelph Property Demarcation Policy. This shall include the submission of drawings and the administration of the construction contract up to the end of a 2 year warrantee period completed by an Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the Executive Director of Operations and Transit. The Developer shall provide the City with **cash or letter of credit** to cover the City approved estimate for the cost of development of the demarcation for the City lands to the satisfaction of the Executive Director of Operations and Transit.
31. The Developer shall be responsible for the cost of design and implementation of the **Open Space Works and Restoration** in accordance with the “Environmental Implementation Report” to the satisfaction of the Executive Director of Operations and Transit. The Developer shall provide the City with **cash or letter of credit** to cover the City approved estimate for the cost of the Open Space works and restoration for the City lands to the satisfaction of the Executive Director of Operations and Transit.
32. The Developer shall design and develop the **Storm Water Management Facility Landscaping** in accordance with the City’s current “Design Principles for Storm Water Management Facilities” to the satisfaction of the Executive Director of Operations and Transit and the City Engineer. This shall include the submission of drawings and the administration of the construction contract up to the end of the warrantee period completed by a Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the General Manager of Planning Services.
33. The Developer shall be responsible for the cost of design of the **Pedestrian Trail System** for the Storm Water Management & Open Space Blocks. This shall include submitting drawings for approval, identifying the trail system, interpretative signage and trail design details, to the satisfaction of the Executive Director of Operations and Transit and the City Engineer. This shall include the submission of drawings completed by an Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the General Manager of Planning Services.

34. The Developer shall provide Planning, Building, Engineering and Environment with a **digital file** in either AutoCAD - DWG format or DXF format containing the following final approved information: parcel fabric, street network, grades/contours and landscaping of the park, open space and storm water management blocks.

Conditions to be met prior to registration of the plan

35. The Developer shall obtain approval of the City with respect to the availability of **adequate water supply and sewage treatment capacity**, prior to the registration of the plan, or any part thereof.

36. The Developer acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. The Developer shall retain a qualified consultant to prepare a **Phase 1 Environmental Site Assessment** (and any other subsequent phases required), to assess any real property to be conveyed to the City to ensure that such property is free of contamination. If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Developer's expense. Prior to the registration of the plan, the consultant shall certify that all properties to be conveyed to the City are free of contamination. (Legal)

37. If contamination is found, prior to the City accepting any real property interests, the Developer shall:

a) submit all environmental assessment reports prepared in accordance with the **Record of Site Condition** (O. Reg. 153/04) describing the current conditions of the land to be conveyed to the City and the proposed remedial action plan to the satisfaction of the Manager of Reality Services;

b) complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be conveyed to the City meet the Site Condition Standards of the intended land use; and

c) file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be conveyed to the City (Legal)

38. The Developer 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.

39. The Developer shall enter into a **Subdivision Agreement**, 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.
40. That the **road allowances** included in the draft plan be shown and dedicated at the expense of the Developer as public highways and that prior to the registration of any phase of the subdivision, the City shall receive a letter from the O.L.S. preparing the plan that certifies that the layout of the roads in the plan conforms to the City's "Geometric Design Criteria – July 23, 1993".
41. That all **easements, blocks and rights-of-way** required within or adjacent to the proposed subdivision be conveyed clear of encumbrance to the satisfaction of the City of Guelph, Guelph Hydro Electric Systems Inc. and other Guelph utilities. Every Transfer Easement shall be accompanied by a Postponement, satisfactory to the City Solicitor, for any mortgage, charge or lease and such Postponement shall be registered on title by the City at the expense of the Developer.
42. The Developer shall pay any **outstanding debts** owed to the City.
43. The Developer shall pay **development charges** to the City in accordance with 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 thereto.
44. The Developer shall erect and maintain **signs** at specified entrances to the subdivision showing the proposed land uses and zoning of all lots and blocks within the proposed subdivision and predominantly place on such signs the wording "For the zoning of all lands abutting the subdivision, inquiries should be directed to Planning Services, City Hall." The sign is to be resistant to weather and vandalism.
45. The Developer shall place the following **notifications** in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the City's subdivision agreement to be registered on title :
- "Purchasers and/or tenants of all lots are advised that sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a certified design by a Professional Engineer. Furthermore, all sump pumps must be discharged to the rear yard."

“Purchasers and/or tenants of all lots or units are advised that if any fee has been paid by the purchaser to the Developers for the planting of trees on City boulevards in front of residential units does not obligate the City nor guarantee that a tree will be planted on the boulevard in front or on the side of a particular residential dwelling.”

“Purchasers and/or tenants of all lots or units are advised that a transit route may be installed on Clair Road and Streets 1 and 2 at the discretion of the City. The location of such route and bus stops will be determined based on the policies and requirements of the City. Such bus stops may be located anywhere along the route, including lot frontages.”

“Purchasers and/or tenants of all lots or units are advised that Clair Road may be used as a truck route”

“Purchasers and/or tenants of all lots or units located in the subdivision plan, are advised prior to the completion of home sales, of the time frame during which construction activities may occur, and the potential for residents to be inconvenienced by construction activities such as noise, dust, dirt, debris, drainage and construction traffic”.

“Purchasers and/or tenants of all lots or units are advised that the boundaries of the park block and stormwater management blocks will be demarcated in accordance with the City of Guelph Property Demarcation Policy.”

“Purchasers and/or tenants of all lots or units are advised that the stormwater management ponds have been vegetated to create a natural wetland setting. The City will not carry out routine maintenance such as grass cutting.”

“Purchasers and/or tenants of all lots or units advised that the Stormwater Management Block has been vegetated to create a natural setting. Be advised that the City will not carry out routine maintenance such as grass cutting. Some maintenance may occur in the areas that are developed by the City for public walkways, bikeways and trails.”

“Purchasers and/or tenants of all lots or units are advised that the Open Space Block has been retained in its natural condition. Be advised that the City will not carry out routine maintenance such as grass cutting. Periodic maintenance may occur from time to time to support the open space function and public trail system.”

“Purchasers and/or tenants of all lots or units are advised that the Park Block has been designed for active public use and may include sportsfields, playgrounds, trails and other park amenities. Be advised that the City may carry out regular maintenance such as grass cutting. Periodic maintenance may also occur from time to time to support the park functions.”

“Purchasers and/or tenants of all lots or units are advised that the boundaries of the open space, stormwater management and park blocks will be demarcated in accordance with the City of Guelph Property Demarcation Policy. This demarcation will consist of black vinyl chain link fence adjacent to lot numbers **1 to 19, 24 to 42, 76 to 92** and block numbers **100** and **101.**” The Developer shall also send written notification of proposed demarcation to any existing homeowners in lots adjacent to open space, stormwater management and park blocks.

46. The Developer shall ensure that all **telephone service and cable TV service** in the plan shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground utility services for the Lands.
47. The Developer shall ensure that **street lighting** and underground wiring shall be provided throughout the subdivision at the Developer's expense and in accordance with the policies of the City of Guelph and Guelph Hydro Electric Systems Inc.
48. That site plans for all corner building lots, as determined by the City Engineer, shall be submitted to the City Engineer for approval of **driveway location.**
49. The Developer agrees to eliminate the use of any covenants that would restrict the use of **clotheslines** and that prior to the registration of all or any portion of the plan, the Developer's lawyer shall certify to the General Manager of Planning Services that there are no restrictive covenants which restrict the use of clotheslines.
50. The Developer shall pay to the City the total cost of reproduction and distribution of the **Guelph Residents Environmental Handbook** to all future residents within the Plan with such payment based on a cost of one handbook per residential dwelling unit as determined by the City.
51. The Developer shall **dedicate Block 103 for park purposes** in accordance with the provisions of City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, By-Law (2007- 18225), or any successor thereof.

Conditions to be met prior to the issuance of a building permit

52. All **Stage 1 Services** are to be constructed to the satisfaction of the City Engineer.
53. The Developer shall provide the City with written confirmation from the Engineering Department of **Guelph Hydro** that the subdivision hydro servicing has been completed to the satisfaction of Guelph Hydro.

54. The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official certifying that all **fill** placed below proposed building locations has adequate structural capacity to support the proposed building. All fill placed within the allowable zoning bylaw envelope for building construction shall be certified to a maximum distance of 30 metres from the street line. This report shall include the following information; lot number, depth of fill, top elevation of fill and the area approved for building construction from the street line.
55. The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official providing an opinion on the presence of **soil gases (Radon and Methane)** in the plan in accordance with applicable provisions contained in the Ontario Building Code.
56. The Owner acknowledges and agrees that the dwelling units on the subject site will be constructed to the ENERGY STAR standard that promotes **energy efficiency** standards in order to comply with the Community Energy Initiative, to the satisfaction of the General Manager of Planning Services.

Conditions to be met prior to site plan approval

57. The owner shall, to support the **Community Energy Initiative** to the satisfaction of the General Manager of Planning Services, prior to the issuance of site plan approval, provide the City with evidence that dwelling units will be constructed to the standard set out in **Attachment 10** of Planning, Building, Engineering and Environment Report 12-85, dated October 1, 2012.

AGENCY CONDITIONS

58. Prior to any grading or construction on the site and prior to the registration of the plan, the owners or their agents shall submit the following plans and reports to the satisfaction and approval of the **Grand River Conservation Authority**:
- a) A final storm water management report in accordance with the Preliminary Site Servicing and Stormwater Management Design Report.
 - b) An erosion and siltation control plan in accordance with the Grand River Conservation Authority's Guidelines for sediment and erosion control, indicating the means whereby erosion will be minimized and silt maintained on-site throughout all phases of grading and construction.
 - c) Detailed lot grading and drainage plans
 - d) The approval and issuance of a Permit from the GRCA for any development within the regulated areas on the subject lands pursuant to Ontario Regulation 150/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation).

59. That the **subdivision agreement** between the owners and the municipality contain provisions for:
- a) The completion and maintenance of the works in accordance with the approved plans and reports contained in condition 58.
 - b) The maintenance of all storm water management systems in accordance with the approved plans throughout all phases of grading and construction.
60. The Owner shall make satisfactory arrangements for the electrical servicing of the subject lands to the satisfaction of the Technical Services Department of **Guelph Hydro Electric Systems Inc.**, prior to the registration of the plan.
61. The Developer agrees to provide the **Upper Grand District School Board** with a digital file of the plan of subdivision in either ARC/INFO export or DXF format containing the following information: parcel fabric and street network.
62. That **traffic signals** be installed at the intersection of Clair Road and Beaver Meadow Drive to provide safe pedestrian access for students crossing to the new school.
63. The Developer agrees in the subdivision agreement 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, until such time as a permanent school is assigned:
- “Whereas the Upper Grand District School Board has designated this subdivision as a Development Area for the purposes of school accommodation, and despite the best efforts of the Upper Grand District School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary facilities and/or bussed to a school outside the area, and further, that students may in future have to be transferred to another school.”
64. The Developer and the **Upper Grand District School Board** shall reach an agreement regarding the supply and erection of a sign (at the developer's expense and according to Upper Grand District School Board specifications) affixed to the permanent development sign advising prospective residents that students may be directed to schools outside the neighbourhood.

65. The Developer and the **Wellington Catholic School Board** shall reach an agreement regarding the supply and erection of signage, at the developer's expense, affixed to the subdivision sign advising potential Separate School supporters of the location of schools serving the area and the current practice of busing students outside the immediate area should schools in the area be at capacity.
66. The Developer shall ensure that all **telephone service and cable TV service** in the plan shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground utility services for the Lands.
67. The Developer shall satisfy all requirements and conditions of **Canada Post** including advisories and suitable mailbox locations. The developer shall ensure that the eventual lot/home owner is advised in writing by the developer/subdivider/builder that Canada Post has selected the municipal easement to their lot for a Community Mail Box installation and the developer shall be responsible for the installation of concrete pads in accordance with the requirements of Canada Post, in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
68. That prior to the registration of all or any portion of the plan, **Guelph Hydro Electric Systems Inc**, shall advise the City in writing how conditions 53 and 60 have been satisfied.
69. That prior to the registration of all, or any portion of, the plan, the **Grand River Conservation Authority** shall advise the City in writing, how Conditions 10, 14 and 58 have been satisfied.
70. That prior to the registration of all or any portion of the plan, **Upper Grand District School Board** shall advise the City in writing how conditions 61-64 have been satisfied.
71. That prior to the registration of all or any portion of the plan, the **Wellington Catholic District School Board** shall advise the City in writing how condition 65 has been satisfied.
72. That prior to the registration of all or any portion of the plan, the **telephone service and cable TV service** (if provided) shall advise the City in writing how conditions 46 and 66 have been satisfied.
73. That prior to the registration of all or any portion of the plan, **Canada Post** shall advise the City in writing how condition 67 has been satisfied.

Note to Draft Plan Approval:

1. That this **Draft Plan Approval shall lapse** at the expiration of 3 years from the date of issuance of Draft Plan approval.

AND

PART B: Zoning Regulations

“That the Zoning By-law Amendment application be approved and that City staff be instructed to prepare the necessary amendment to Zoning By-law Number (1995)-14864, as amended, to change the subject lands from the current UR (Urban Reserve) Zone and A (Agriculture) and H (Hazard) Zones from the Township of Puslinch to the following zoning categories:

Zone	Land Use	Lot/Block #
R.1C	Single Detached Residential (12m frontage)	76-84
R.1C-?	Specialized Single Detached Residential (Specialized to allow coach houses over detached garages)	43-57
R.1D	Single Detached Residential (9m frontage)	1-21, 36-42, 58-75, 84-92
R.2	Semi-detached Residential	22-34
R.3A	Cluster Townhouse	100
R.3B-7	On-Street Townhouse (Specialized regulations for exterior side yards and lot coverage, proposed with rear land access)	93-99
R.4A-?	Apartment Specialized Regulation added for Minimum Density (Minimum density of 90 units per hectare)	101 & 102
P.2	Neighbourhood Park	103
P.1	Stormwater Management	104 & 105
P.1	Conservation Lands	106 & 107
WL	Wetlands	106

Specialized Regulations

R.1C-?? Zone

As shown on Defined Area Map Number 73 of Schedule “A” of this *By-law*.

Permitted Uses

In addition to the permitted *Uses* outlined in Section 5.1.1 of this *By-law*, the following permitted *Use* shall be allowed:

- a *Garden Suite* occupying the second *Storey* of a *Detached Garage*.

Regulations

1. Off-Street Parking Location

- a) Despite Section 4.13.2.1 and Section 4.5.1, an off-Street Parking Space located in a *Detached Garage* can be located 5.5 metres from the *Street Line*, when the driveway is located between the *Street Line* and the *Detached Garage*.
- b) Despite Section 4.13.2.1 and Section 4.5.1, an off-Street Parking Space located in a *Detached Garage* can be located 3.0 metres from the *Street Line*, when no portion of the driveway is between the *Street Line* and the *Detached Garage*.

2. Accessory Buildings or Structures

- a) Despite Section 4.5.1, a *Detached Garage* located behind the detached dwelling shall have a minimum *Front Yard* setback of 3.0 metres.
- b) Despite Section 4.5.1.1, a maximum area of 42% of the *Front Yard* where a *Detached Garage* is located between the *Street Line* and the nearest foundation wall of the Main Residential *Building* facing the public *Street Line* can be occupied by *Buildings* and *Structures*.

For all *Uses* outlined in Section 5.1.1 of this *By-law*, the regulations in Section 5.1.2 shall apply, with the following exception:

Minimum Front Yard

Despite Table 5.1.2, Row 6, the Main Residential *Building* shall be 4.5 metres from the *Street Line* with no vehicular access to that *Street*.

For a *Garden Suite* occupying the second *Storey* of a *Detached Garage*, the regulations in Section 5.1.2 shall apply with the following exceptions and additions:

1. Despite Section 4.5.2.1, a *Detached Garage* with a *Garden Suite* shall have a maximum *Building Height* of two *Storeys* and a maximum of 7.6 metres.
2. Despite Section 4.5.3, a *Garden Suite* may occupy the second *Storey* of a *Detached Garage Building* and be used for human habitation, provided that there is not an *Accessory Apartment* in the Main Residential *Building*.
3. On a property with a *Garden Suite* in a *Detached Garage*, an *Accessory Apartment* will not be permitted in the Main Residential *Building*.

R.4A-?? Zone

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

1. Maximum Density

Notwithstanding the provisions of Table 5.4.2, Row 5, the minimum Density shall be 90 units per hectare and the Maximum Density shall be 100 units per hectare.

Part A: Draft Plan of Subdivision Conditions

That the application by Black, Shoemaker, Robinson & Donaldson Ltd, on behalf of Wolf von Teichman and Northmanor Estates Inc. for approval of a draft plan of subdivision to permit Phase 3 of the Kortright East Subdivision comprising a total of 215 dwelling units on lands legally described as described as Part of Lots 3 and 4, Concession 8, Geographic Township of Puslinch, and municipally known as 927 and 1023 Victoria Road South, City of Guelph, **be approved**, with a three year lapsing provision, subject to the following conditions:

CITY CONDITIONS

1. That this approval applies only to a **draft plan of subdivision** prepared by Black, Shoemaker, Robinson & Donaldson Ltd (Project No. 07-7364-5), on behalf of Wolf von Teichman and Northmanor Estates Inc. dated March 16, 2012, identifying 215 dwelling units, including the following minor adjustment: That the road allowance for Streets 3 and 4 adjacent to Lots 26 and 31 be extended to permit full servicing of the lots to the satisfaction of the City Engineer and that both road allowances terminate with a 0.3 metre reserve.

Conditions to be met prior to any grading or site alteration

2. The Developer shall follow the approved **tree inventory and conservation plan**, satisfactory to the City Engineer, in accordance with City of Guelph Bylaw (1986)-12229, prior to any grading, tree removal or construction on the site.
3. The Developer shall obtain a **Site Alteration Permit** in accordance with City of Guelph By-law (2007)-18420 to the satisfaction of the City Engineer if grading/earthworks is to occur prior to entering into the subdivision agreement.
4. That the Developer shall prepare a **construction traffic access and control plan** for all phases of servicing and building construction based on the use of Victoria Road as the sole means of access to the satisfaction of the City. Any costs related to the implementation of such a plan shall be borne by the Developer. Any damage or maintenance required to surrounding streets as a result of such traffic shall be at the Developers cost.
5. The Developer agrees that no work, including, but not limited to tree removal, grading or construction, will occur on the lands until such time as the Developer has obtained **written permission** from the City Engineer or has entered into a Subdivision Agreement with the City.
6. The Developer shall enter into an **Engineering Services Agreement** with the City, satisfactory to the City Engineer.
7. The Developer shall prepare an overall **site drainage and grading plan**, satisfactory to the City Engineer, for the entire subdivision. The plan will place emphasis on the minimal disruption of the lands natural topography and shall minimize cut and fill and area grading to that which is required to service the

subdivision to the required standards. The plan will be used as the basis for a detailed lot grading plan to be submitted prior to the issuance of any building permit within the subdivision.

8. The Developer has prepared an **Environmental Implementation Report (EIR)** based on terms of reference approved by the City and Grand River Conservation Authority (GRCA). The report includes a monitoring program to assess the performance of the storm water management facilities and a public education program for residents. The Developer shall implement all recommendations of the EIR to the satisfaction of the City and GRCA.
9. The Developer 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.
10. The Developer shall retain a qualified environmental inspector, satisfactory to the General Manager of Planning Services 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, and compliance with the Environmental Impact Study and the Environment Implementation Report on a weekly or more frequent basis if required. The Environmental Inspector shall report on their findings to the City on a monthly or more frequent basis.
11. The Developer shall submit a detailed **Storm Water Management Report** and Plans to the satisfaction of the City Engineer which shows how storm water will be controlled and conveyed to the receiving water body. The report and plan shall address the issue of water quantity and quality in accordance with recognized best management practices, Provincial Guidelines, the City's "Design Principles for Storm Water Management Facilities" and the Storm Water Management Design Report for the Torrance Creek Subwatershed. Maintenance and operational requirements for any control and/or conveyance facilities must be described.
12. The developer shall ensure that any **domestic wells** located within the lands be properly decommissioned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer. Any boreholes drilled for hydrogeological or geotechnical investigations must also be properly abandoned.
13. The Developer shall **stabilize all disturbed soil** within 90 days of being disturbed, control all noxious weeds and keep ground cover to a maximum height of 150 mm (6 inches) until the release of the development agreement on the block/lot so disturbed.
14. The Developer acknowledges that the City does not allow **retaining walls** higher than 1.0metre abutting existing residential properties without the permission of the City Engineer.

15. Prior to any development or grading of the site, the Developer shall submit to the City, a report indicating how regular **dust suppression** will be accomplished during the servicing and house construction phases of the subdivision.
16. The developer has completed an **archaeological assessment** of the subject property and mitigated, 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.

Conditions to be met prior to execution of subdivision agreement

17. That any dead ends and open sides of road allowances created by the draft plan be terminated in **0.3 metre reserves**, which shall be conveyed to the City at the expense of the Developer.
18. The Developer shall have engineering drawings and **final reports** prepared for the approval of the City Engineer.
19. With the exception of any share determined by the City to be the City's share in accordance with its by-laws and policies, the Developer is responsible for the **total cost of the design and construction of all municipal services** within and external to the subdivision that are required by the City to service the lands within the plan of subdivision including such works as sanitary facilities, storm facilities, water facilities, walkways and road works including sidewalks, boulevards and curbs, with the distance, size and alignment of such services to be determined by the City. This includes the Developer paying the cost of the design, construction and removal of any works of a temporary nature including temporary cul-de-sacs, sewers, stormwater management facilities, watermains and emergency accesses.
20. The Developer shall submit a **Geotechnical Report** to the satisfaction of the City Engineer which describes the potential impacts of groundwater and provides recommendations for pavement design and pipe bedding.
21. The Developer shall pay the cost of supplying and erecting **street name and traffic control signs** in the subdivision, to the satisfaction of the City.
22. The Developer is responsible for the total cost of preparing a **tree planting plan** for the roadways shown on the plan of subdivision and implementing such plan to the satisfaction of the City.
23. The Developer shall pay to the City the cost of installing **bus stop pads** at locations to be determined by Guelph Transit.

24. The Developer shall provide an **On-Street Parking Plan** for the subdivision to the satisfaction of the City Engineer.
25. The site plans for all **corner building lots**, as determined by the City, shall be submitted to the City Engineer for approval of driveway location.
26. The Developer shall pay the cost of the installation of one Second Order Geodetic **Benchmark** within the proposed subdivision to the satisfaction of City Engineer.

Conditions to be met prior to registration of the plan

27. The Developer shall obtain approval of the City with respect to the availability of **adequate water supply and sewage treatment capacity**, prior to the registration of the plan, or any part thereof.
28. The Developer acknowledges and agrees that the suitability of the land for the proposed uses is the responsibility of the landowner. The Developer shall retain a Qualified Person (QP) as defined in Ontario Regulation 153/04 to prepare and submit a **Phase 1 Environmental Site Assessment** and any other subsequent phases required, to assess any real property to ensure that such property is free of contamination. If contamination is found, the consultant will determine its nature and the requirements for its removal and disposal at the Developer's expense. Prior to the site plan approval, a Qualified Person shall certify that all properties to be developed are free of contamination.
29. If contamination is found, the Developer shall:
 - a) submit all environmental assessment reports prepared in accordance with the **Record of Site Condition** (O. Reg. 153/04) describing the current conditions of the land to be developed and the proposed remedial action plan to the satisfaction of the City;
 - b) complete any necessary remediation work in accordance with the accepted remedial action plan and submit certification from a Qualified Person that the lands to be developed meet the Site Condition Standards of the intended land use;
 - c) and file a Record of Site Condition (RSC) on the Provincial Environmental Registry for lands to be developed.
30. The Developer shall enter into a **Subdivision Agreement**, 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.
31. That the **road allowances** included in the draft plan be shown and dedicated at the expense of the Developer as public highways and that prior to the registration of any phase of the subdivision, the City shall receive a letter from the O.L.S. preparing the plan that certifies that the layout of the roads in the

plan conforms to the City's "Geometric Design Criteria – July 23, 1993", with the exception of any road widths.

32. That all **easements, blocks and rights-of-way** required within or adjacent to the proposed subdivision be conveyed clear of encumbrance to the satisfaction of the City of Guelph, Guelph Hydro Electric Systems Inc. and other Guelph utilities. Every Transfer Easement shall be accompanied by a Postponement, satisfactory to the City Solicitor, for any mortgage, charge or lease and such Postponement shall be registered on title by the City at the expense of the Developer.
33. The Developer shall pay any **outstanding debts** owed to the City.
34. The Developer shall pay **development charges** to the City in accordance with 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 thereto.
35. The Developer shall **erect and maintain signs** at specified entrances to the subdivision showing the proposed land uses and zoning of all lots and blocks within the proposed subdivision and predominantly place on such signs the wording "For the zoning of all lands abutting the subdivision, inquiries should be directed to Planning Services, City Hall." The sign is to be resistant to weather and vandalism.
36. The Developer shall place the following **notifications** in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the City's subdivision agreement to be registered on title :
 - a) "Purchasers and/or tenants of all lots are advised that sump pumps will be required for every lot unless a gravity outlet for the foundation drain can be provided on the lot in accordance with a certified design by a Professional Engineer. Furthermore, all sump pumps must be discharged to the rear yard."
 - b) "Purchasers and/or tenants of all lots or units are advised that if any fee has been paid by the purchaser to the Developers for the planting of trees on City boulevards in front of residential units does not obligate the City or guarantee that a tree will be planted on the boulevard in front or on the side of a particular residential dwelling."
 - c) "Purchasers and/or tenants of all lots or units are advised that a transit route may be installed on any street at the discretion of the City. The location of such route and bus stops will be determined based on the policies and requirements of the City. Such bus stops may be located anywhere along the route, including lot frontages."

- d) "Purchasers and/or tenants of all lots or units located in the subdivision plan, are advised prior to the completion of home sales, that ongoing construction activities may occur, and there will be potential for residents to be inconvenienced by construction activities such as noise, dust, dirt, debris, drainage and construction traffic".
 - e) "Purchasers and/or tenants of all lots or units are advised that the boundaries of the Open Space and Stormwater Management Blocks will be demarcated in accordance with the City of Guelph Property Demarcation Policy."
 - f) "Purchasers and/or tenants of all lots or units are advised that the stormwater management pond has been vegetated to create a natural wetland setting. The City will not carry out routine maintenance such as grass cutting."
 - g) "Purchasers and/or tenants of all lots or units are advised that Streets 3, 4 and Macaslisters Blvd. will be extended at some future date when the adjacent lands are developed"
37. The Developer shall ensure that all **telephone service and cable TV service** in the plan shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground utility services for the Lands.
38. The Developer shall ensure that **street lighting and underground wiring** shall be provided throughout the subdivision at the Developer's expense and in accordance with the policies of the City of Guelph and Guelph Hydro Electric Systems Inc.
39. That site plans for all corner building lots, as determined by the City Engineer, shall be submitted to the City Engineer for approval of **driveway location**.
40. The Developer shall pay to the City the total cost of reproduction and distribution of the **Guelph Residents Environmental Handbook** to all future residents within the Plan with such payment based on a cost of one handbook per residential dwelling unit as determined by the City.
41. The Developer shall demarcate the boundary of the Stormwater Management Pond with a 1.8metre high black vinyl **chain link fence** to the satisfaction of the City.
42. The Developer shall convey **Lots 26 and 31** at the expense of the Developer to the City and held until the adjacent future street can be constructed and extended beyond the current terminus, unless the future streets can be extended to adequately service the lots to the satisfaction of the City Engineer. Ultimately, the Developer is responsible for maintaining these two lots including, but not limited to, weed and pest control.
43. The Developer shall meet all conditions and recommendations of the **Traffic Impact/Management Report** and shall implement all conditions and recommendations to the satisfaction of the City, prior to the registration of each phase of the subdivision. Further, the Developer has submitted a Traffic Calming Management Plan to the City for approval and shall incorporate the

recommendations into the final subdivision design and shall implement all conditions and recommendations to the satisfaction of the City. Further, the Developer shall implement the recommended traffic calming measures described in the Kortright East Extension – Traffic Calming Recommendations report prepared by Paradigm Transportation Solutions Limited dated January 3, 2005.

44. That the developer **deeds to the City** any lands in the plan that are required by the City for Storm Water Management Facilities, parks, wetlands and buffers and open space. Furthermore, the developer shall demarcate the boundaries of any lands conveyed to the City in accordance with the policies of the City.
45. That the developer shall pay to the City the cost of any **existing services** within or abutting the proposed subdivision, as determined by the General Manager, Planning Services.
46. That the developer makes arrangements, satisfactory to the General Manager, Planning Services, concerning the **scheduling** of the development and the developers payment of cost for services for the subdivision.
47. That the developer **phases** the subdivision to the satisfaction of the City.
48. That the developer shall at its expense implement and address all recommendations contained in the **Environmental Impact Study** that has been approved by the City, for the subdivision, and the developer shall address each recommendation to the satisfaction of the Grand River Conservation Authority and the City.
49. That the developer shall dedicate **Block 158 for parks purposes** in accordance with the provisions of City of Guelph By-law (1989)-13410, as amended by By-law (1990)-13545, or any successor thereof.
50. The Developer shall be responsible for the cost of design and development of the **“Basic Park Development”** as per the City of Guelph current “Specifications for Parkland Development”, which includes clearing, grubbing, topsoiling, grading and sodding for any phase containing a Park block to the satisfaction of the Executive Director of Community & Social Services. The Developer shall provide the City with cash or letter of credit to cover the City approved estimate for the cost of development of the Basic Park Development for the Park Block to the satisfaction of the Executive Director of Community & Social Services. (CSS)
51. The Developer shall be responsible for the cost of design and development of the **demarcation** of all lands conveyed to the City in accordance with the City of Guelph Property Demarcation Policy. This shall include the submission of drawings and the administration of the construction contract up to the end of the warrantee period completed by an Ontario Association of Landscape Architect (OALA) member for approval to the satisfaction of the Executive Director of Community & Social Services. The Developer shall provide the City

with cash or letter of credit to cover the City approved estimate for the cost of development of the demarcation for the City lands to the satisfaction of the Executive Director of Community & Social Services. (CSS)

52. The Developer shall be responsible for the cost of design and implementation of the **Open Space Works and Restoration** in accordance with the "Environmental Implementation Report" to the satisfaction of the Executive Director of Community & Social Services. This shall include the submission of drawings and the administration of the construction contract up to the end of the warrantee period completed by an Ontario Association of Landscape Architects (OALA) member for approval to the satisfaction of the Executive Director of Community & Social Services. The Developer shall provide the City with cash or letter of credit to cover the City approved estimate for the cost of the Open Space works and restoration for the City lands to the satisfaction of the Executive Director of Community & Social Services. (CSS)
53. The Developer shall design and develop the **Storm Water Management Facility Landscaping** in accordance with the City's current "Design Principles for Storm Water Management Facilities" to the satisfaction of the Executive Director of Community & Social Services and the City Engineer. This shall include the submission of drawings and the administration of the construction contract up to the end of the warrantee period completed by an Ontario Association of Landscape Architects (OALA) member for approval to the satisfaction of the Executive Director of Community & Social Services. (CSS and Engineering)
54. The Developer shall be responsible for the cost of design of the **Pedestrian Trail System** for the Storm Water Management & Open Space Blocks. This shall include submitting drawings for approval, identifying the trail system, interpretative signage and trail design details, to the satisfaction of the Executive Director of Community & Social Services and the City Engineer. This shall include the submission of drawings completed by an Ontario Association of Landscape Architects (OALA) member for approval to the satisfaction of the Executive Director of Community & Social Services. (CSS and Engineering)
55. The Developer shall provide Community & Social Services with a **digital file** in either AutoCAD - DWG format or DXF format containing the following final approved information: parcel fabric, street network, grades/contours and landscaping of the park, open space and storm water management blocks. (CSS)
56. The Developer shall place the following **notifications** in all offers of purchase and sale for all lots and/or dwelling units and agrees that these same notifications shall be placed in the City's subdivision agreement to be registered on title:
 - a) "Purchasers and/or tenants of all lots or units are advised that public trails will be installed abutting or in close proximity to Lots 1-17, 51-56 and 62-72, and that public access to these trails will occur adjacent to Lots 1 and 17.

- b) "Purchasers and/or tenants of all lots are advised that the Stormwater Management Block has been vegetated to create a natural setting. Be advised that the City will not carry out routine maintenance such as grass cutting. Some maintenance may occur in the areas that are developed by the City for public walkways, bikeways and trails."
 - c) "Purchasers and/or tenants of all lots are advised that the Open Space Block has been retained in its natural condition. Be advised that the City will not carry out regular maintenance such as grass cutting. Periodic maintenance may occur from time to time to support the open space function and public trail system."
 - d) "Purchasers and/or tenants of all lots are advised that the Park Block has been designed for active public use and may include sportsfields, playgrounds, trails and other park amenities. Be advised that the City may carry out regular maintenance such as grass cutting. Periodic maintenance may also occur from time to time to support the park functions."
 - e) "Purchasers and/or tenants of all lots or units are advised that the boundaries of the open space, stormwater management and park blocks will be demarcated in accordance with the City of Guelph Property Demarcation Policy. This demarcation will consist of black vinyl chain link fence adjacent to all lots abutting these lands."
 - f) "Purchasers and/or tenants of all lots or units abutting City owned lands to be demarcated with fencing are advised that no private gates will be allowed."
57. The Developer shall identify the proposed park, open space, trails and demarcation types on all **temporary entrance signs** for the development to the satisfaction of the Executive Director of Community & Social Services. (CSS)
58. The Developer shall provide **two temporary signs on the park block frontages** clearly stating: that the maintenance of the park block is the responsibility of the Developer until such time as the City accepts the park; that all questions relating to the maintenance of the park block shall be directed to the Developer; and the Developer contact details. The signage shall be erected when rough grading on and adjacent to the building lots has begun and must be maintained by the Developer until acceptance of the Blocks by the City. (CSS)
59. The Developer shall ensure that the proposed park block, open space blocks, trails and demarcation **fencing** are identified on any marketing or promotional materials. (CSS)

Conditions to be met prior to the issuance of a building permit

60. All **Stage 1 Services** are to be constructed to the satisfaction of the City Engineer.

61. The Developer shall provide the City with written confirmation from the Engineering Department of **Guelph Hydro** that the subdivision hydro servicing has been completed to the satisfaction of Guelph Hydro.
62. The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official certifying that all **fill** placed below proposed building locations has adequate structural capacity to support the proposed building. All fill placed within the allowable zoning bylaw envelope for building construction shall be certified to a maximum distance of 30 metres from the street line. This report shall include the following information; lot number, depth of fill, top elevation of fill and the area approved for building construction from the street line.
63. The Developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official providing an opinion on the presence of **soil gases** (Radon and Methane) in the plan in accordance with applicable provisions contained in the Ontario Building Code.

AGENCY CONDITIONS

64. That the developer agrees to provide the **Upper Grand District School Board** with a **digital file** of the plan of subdivision in either ARC/INFO export of DXF format containing the following information: parcel fabric and street network.
65. That the developer agrees in the subdivision agreement 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, until such time as a permanent school is assigned:

"Whereas the Upper Grand District School Board has designated this subdivision as a Development Area for the purposes of school accommodation, and despite the best efforts of the Upper Grand District School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary facilities and/or bussed to a school outside the area, and further, that students may in future have to be transferred to another school."

66. That the developer and the **Upper Grand District School Board** shall reach an agreement regarding the **supply and erection of a sign** (at the developer's expense and according to Upper Grand District School Board specifications) affixed to the permanent development sign advising perspective residents that students may be directed to schools outside the neighbourhood.
67. That the developer and the **Wellington Catholic District School Board** reach an agreement regarding the **supply and erection of signage**, at the developer's expense, affixed to the subdivision sign advising potential Separate School supporters of the location of schools serving the area and the current practice of bussing students outside the immediate area should school in the area be at capacity.

68. That prior to any grading or construction on the site and prior to the registration of the plan, the owners or their agents shall submit the following plans and reports to the satisfaction and approval of the **Grand River Conservation Authority**:

- a) A detailed storm water management report and plans in accordance with the 1994 Ministry of Environment and Energy Report entitled, Stormwater Management Practices Planning and Design Manual.
- b) A Storm Servicing Plan showing the layout of the storm sewer system
- c) A Lot Grading and Drainage Control Plan showing the limits of all grading, including existing and proposed grades
- d) An erosion and sediment control plan and plan in accordance with the Grand River Conservation Authority's Guidelines on Erosion and Sediment Control for construction sites, including the means whereby erosion will be minimized and sediment maintained on site throughout all phases of grading and construction, including a monitoring and maintenance plan and provisions for timely revegetation of the site.

69. That the **subdivision agreement** between the owners and the municipality contain provisions for:

- a) The completion and maintenance of the works in accordance with the approved plans and reports contained in condition 68.
- b) The maintenance of all storm water management systems in accordance with the approved plans throughout all phases of grading and construction.(GRCA)

70. The owner shall complete to the satisfaction of the Director of Engineering of the City of Guelph and **Canada Post**:

include on all offers of purchase and sale, a statement that advises prospective purchaser:

- a) that the home/business mail delivery will be from a designated Centralized Mail Box.
- b) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

71. The owner further agrees to:

- a) work with **Canada Post** to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.

- b) Install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of Community Mail Boxes
 - c) Identify the pads above on the engineering service drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - d) Determine the location of all centralized mail receiving facilities in cooperation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.
72. Prior to the registration of the plan, the developer shall arrange for all departments and agencies to submit **clearance letters** to the City, confirming each department and agency is satisfied and the plan can proceed to registration.

Note to Draft Plan Approval:

That this Draft Plan Approval shall lapse at the expiration of **3 years** from the date of issuance of Draft Plan Approval."

AND

Part B: Recommended Zoning

"THAT the Zoning Bylaw Amendment application be approved and that City Staff be instructed to prepare the necessary amendment to the Zoning Bylaw Number (1995)-14864, as amended to change the subject lands from the Township of Puslinch A (Agriculture) Zone and the H (Hazard) Zone to the following zoning categories:

Zone	Specialized Regulations	Lot/Block
Specialized R.1B-? (Specialized Single Detached Residential)	<ul style="list-style-type: none"> • minimum lot area of 390m² where 460m² is required • minimum side yard of 1.2m where 1.5m is required 	Lots 1-8, 57-85
R.1C (Single Detached Residential)		Lots 86-94
R.1D (Single Detached Residential)		Lots 95-134, 144-150
Specialized R.1D-? (Specialized Single Detached Residential)	<ul style="list-style-type: none"> • minimum front yard setback of 4.5m where 6m is required • minimum front yard setback of 6m to the front wall of garage 	Lots 9-17, 29-34, 44-48, 51-56
Specialized R.2-? (Specialized Semi-detached Residential)	<ul style="list-style-type: none"> • minimum lot area of 448m² where 460m² is required and minimum lot area per unit of 224m² when 230m² is required • minimum lot frontage of 13.7m and minimum lot frontage per unit of 6.8m when 15m is required in total, and 7.5m is required per unit. • minimum front yard setback of 4.5m where a minimum of 6m is required • increased maximum building coverage to 50% where 40% is permitted, • increased driveway width to 50% of the front yard where whereas the maximum is 40% 	Lots 18-28, 35-43, 49-50
Specialized R.2-?? (Specialized Semi-detached Residential)	<ul style="list-style-type: none"> • increased driveway width to 50% of the front yard where whereas the maximum is 40% 	Lots 135-143
Specialized R.3B-7 (Specialized Residential Townhouse)	<ul style="list-style-type: none"> • increased maximum building coverage of 50% 	Blocks 151-157
P.1 (Conservation Land)		Blocks 159-166
P.2 (Neighbourhood Park)		Block 158
WL (Wetland)		Part Block 164

Recommended Zoning and Conditions

The property affected by this Zoning By-law Amendment is municipally known as 1274, 1280 and 1288 Gordon Street, legally described as Part Lot 6, Concession 8, formerly in the Township of Puslinch, now in the City of Guelph.

The following Zoning is proposed:

Specialized R.4A-? Zone

Permitted Uses

- Apartment Building
- Accessory Uses in accordance with Section 4.23
- Home Occupation in accordance with Section 4.19

Regulations

In accordance with Section 4 (General Provisions) and Section 5.4.2 of Zoning By-law (1995)-14864, as amended with the following exceptions:

Minimum Side Yard

The minimum Side Yard on the north side shall be 7.5 metres

The minimum Side Yard on the south side shall be 13 metres

Floor Space Index

The maximum Floor Space Index (F.S.I.) shall be 1.22.

P.1 (Park/Conservation Land) Zone

The lands associated with the cedar bush woodlot and the related 10 metre buffer is proposed to be rezoned to the P.1 Zone.

Conditions

The following conditions are provided as information to Council and will be imposed through 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, tree preservation, grading and drainage and servicing on the said lands to the satisfaction of the General Manager of Planning Services and the City Engineer, prior to Site Plan approval, and furthermore the owner agrees to develop the said lands in accordance with the approved plan.
2. The owner shall develop the site generally in accordance with the **development concept plan** attached as Attachment 6 to the October 1, 2012 Planning, Building, Engineering and Environment Report Number 12-88, and the owner shall complete the following requirements to the satisfaction of the General Manager of Planning Services and the City Engineer prior to site plan approval:

- a) The owner shall complete all requirements of the GRCA and the owner's approved Environmental Impact Assessment and shall address all recommendations in the September 14, 2011 resolution of EAC, to the satisfaction of the General Manager of Planning Services and the City Engineer.
3. Prior to site plan approval, the owner will provide the City with a written letter of confirmation that the site will be developed and the buildings will be constructed to include the owner's commitments outlined in Attachment 7 of the Planning, Building, Engineering and Environment Report 12-88 dated October 1, 2012, to support the **Community Energy Initiative** to the satisfaction of the General Manager of Planning Services.
4. The owner shall prepare and submit to the City for approval, an **addendum to the Environmental Impact Study** that addresses the comments of the GRCA, EAC, Environmental Planner and Parks Planner, to the satisfaction of Planning, Building, Engineering and Environment, 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 developer 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 developer 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.
6. The developer/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 developer/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. The developer/owner has a Professional Engineer identify any **private water wells** on the adjacent properties and ensures that the development of the subject lands do not adversely impact those wells.
8. The developer/owner shall pay to the City the actual cost of the **existing service laterals**, as determined by the City Engineer, prior to site plan approval.

9. The developer/owner shall pay to the City, **their share of the actual cost of constructing municipal services** on Gordon Street across the frontage of the lands, including road works, sanitary sewer, storm sewer, watermain, curb and gutter, catch basins, sidewalks and street lighting as determined by the City Engineer, prior to site plan approval.
10. The developer/owner shall pay to the City, their **share of the actual cost of constructing and maintaining the existing Municipal Stormwater Management facility** as determined by the City Engineer, prior to site plan approval.
11. The developer/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 developer/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.
13. The developer/owner shall pay to the City the **actual cost of the removal and restoration of the boulevard** where the existing accesses are located, 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.
14. The developer/owner shall pay to the City, their **proportionate share of the actual cost of constructing a centre turn lane on Gordon Street** across the frontage of the lands, and furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the centre turn lane as determined by the City Engineer.
15. The developer/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.
16. The developer/owner shall provide a **single full movement access** to Gordon Street and in the event that a secondary access be opened to a future road (Landsdown extension), then the single access to Gordon be retrofitted to a right in/right out movement only.
17. That the developer/owner shall pay **development charges** to the City in accordance with By-law Number (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 thereto.

18. That any **domestic wells and boreholes** drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines to the satisfaction of the City Engineer.
19. Prior to site plan approval, the owner shall pay to the City **cash-in-lieu of park land dedication** in accordance By-law (1989)-13410, as amended by By-law (1990)-13545, or any successor thereof.
20. That all **telephone and Cable TV service** to the lands be underground and the developer/owner shall enter into a servicing agreement with the appropriate service providers to provide for the installation of underground telephone service, prior to any construction or grading on the lands.
21. That the developer/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 any construction or grading on the lands.
22. That all electrical services to the lands are underground and the developer/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 any construction or grading on the lands.
23. The owner shall satisfy all requirements and conditions of **Canada Post** including advisories and suitable mailbox locations.
24. Prior to the issuance of any building permit for the lands, 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.
25. That prior to site plan approval, the developer/owner shall enter into a **site plan control agreement** with the City, registered on title, satisfactory to the City Solicitor and the City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.