THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2016)-20009

A by-law to amend By-law Number (1995)-14864, as amended, known as the Zoning By-law for the City of Guelph as it affects property known municipally as 139 Morris Street, legally described as Factory Lot Plan 322 and Lots 21 to 30, Plan 322, all designated as Part 1, Reference Plan 61R-2664 , City of Guelph (File# ZC1110).

WHEREAS Section 34(1) of The Planning Act, R.S.O. 1990, c.P.13 authorizes the Council of a Municipality to enact Zoning By-laws;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH ENACTS AS FOLLOWS:

1. By-law Number (1995)-14864, as amended, is hereby further amended by transferring property legally described as Factory Lot Plan 322 and Lots 21 to 30, Plan 322, all designated as Part 1, Reference Plan 61R-2664, municipally known as 139 Morris Street, City of Guelph, from the existing "Specialized Industrial", known as the B.4-21 Zone to the new: "Specialized Residential Townhouse with Holding Provisions" Zone, to be known as the R.3B-22(H) Zone and the "Specialized Residential Apartment with Holding Provisions" Zone, to be known as the R.4D-9(H) Zone.

2. Section 5.3.3.2 of By-law Number (1995)-14864, as amended, is hereby further amended by adding a new subsection 5.3.3.2.22:

5.3.3.2.22 **R.3B-22 (H)**
139 Morris Street
As shown on Defined Area Map Number 46 of Schedule "A" of this ***By-law.***

5.3.3.2.22.1 Permitted ***Uses***
In accordance with the ***Uses*** permitted by Section 5.3.1.2 of ***By-law*** Number (1995)-14864, as amended.

5.3.3.2.22.2 Regulations
In accordance with Section 5.3.2 of the ***By-law***, with the following exceptions and additions:

5.3.3.2.22.2.1 Maximum ***Building Height***
Despite Table 5.3.2, Row 9 and Sections 4.16 and 4.18, the maximum ***Building Height*** shall be two ***Storeys***.

5.3.3.2.22.2.2 ***Buffer Strip***
Despite Table 5.3.2, Row 14, a ***Buffer Strip*** is not required.

5.3.3.2.22.2.3 Maximum ***Building*** coverage (% of ***Lot Area***)
Despite Section 5.3.2.1, the maximum ***Building*** coverage (% of ***Lot Area***) shall be 50 percent.

5.3.3.2.22.3 Holding Provision

Purpose: To ensure that the residential development does not occur until the completion of certain conditions to the satisfaction of the ***City***.

Prior to the removal of the 'H', the Owner/Developer shall complete the following condition:

1. That the Owner/Developer shall demonstrate that the site-specific noise performance limits (as set by the Ministry of the Environment and Climate Change's (MOECC) noise criteria) related to the adjacent industrial use (Owens Corning) are met to the satisfaction of the City. The Owner/Developer can demonstrate that site-specific noise performance limits are met by installing the silencer (on the Owens Corning facility); or through an alternate mitigation strategy; or site-specific noise performance limits may be able to be achieved in 2016 based on progress following Owens Corning's Noise Abatement Plan.

3. Section 5.4.3.4 of By-law Number (1995)-14864, as amended, is hereby further amended by adding a new subsection 5.4.3.4.9:

5.4.3.4.9 **R.4D-9 (H)**
139 Morris Street
As shown on Defined Area Map Number 46 of Schedule "A" of this ***By-law.***

5.4.3.4.9.1 Permitted ***Uses***
In accordance with the ***Uses*** permitted by Section 5.4.1.4 of ***By-law*** Number (1995)-14864, as amended.

5.4.3.4.9.2 Regulations
In accordance with Section 5.4.2 of the ***By-law***, with the following exceptions and additions:

5.4.3.4.9.2.1 Maximum ***Building Height***
Despite Table 5.4.2, Row 10 and Sections 4.16, 4.18 and Defined Area Map No.68, the maximum ***Building Height*** shall be three (3) ***Storeys***.

5.4.3.4.9.2.2 Minimum Separation from Railway Right-of-Way
9.0 metres

5.4.3.4.9.2.3 Severability Provision
The provisions of this ***By-law*** shall continue to apply collectively to the whole of the subject lands in this ***Zone***, despite any future severance, phase of registration, partition or division for any purpose.

5.4.3.4.9.3 Holding Provision

Purpose: To ensure that the residential development does not occur until the completion of certain conditions to the satisfaction of the ***City***.

Prior to the removal of the 'H', the Owner/Developer shall complete the following conditions:

1. Improvements adjacent to the Guelph Junction Railway track that would allow a train to stop 3-4 cars before the crossing at a designated Stop sign, where the brakeman can get off the train and safely walk approximately 97.5 metres (320 feet) to the crossing to manually protect York Road prior to the train continuing down the grade shall be paid for by the Owner/Developer to the satisfaction of the Guelph Junction Railway. Such improvements include but are not limited to:

grading on both sides of the railway and the placement of granular for a walkway with an added Stop sign at the 97.5 metre (320 foot location).

2. That the Owner/Developer shall demonstrate that the site-specific noise performance limits (as set by the Ministry of the Environment and Climate Change's (MOECC) noise criteria) related to the adjacent industrial use (Owens Corning) are met to the satisfaction of the City. The Owner/Developer can demonstrate that site-specific noise performance limits are met by installing the silencer (on the Owens Corning facility); or through an alternate mitigation strategy; or site-specific noise performance limits may be able to be achieved in 2016 based on progress following Owens Corning's Noise Abatement Plan.

4. Schedule "A" of By-law Number (1995)-14864, as amended, is hereby further amended by deleting Defined Area Map 46 and substituting a new Defined Area Map 46 attached hereto as Schedule "A".

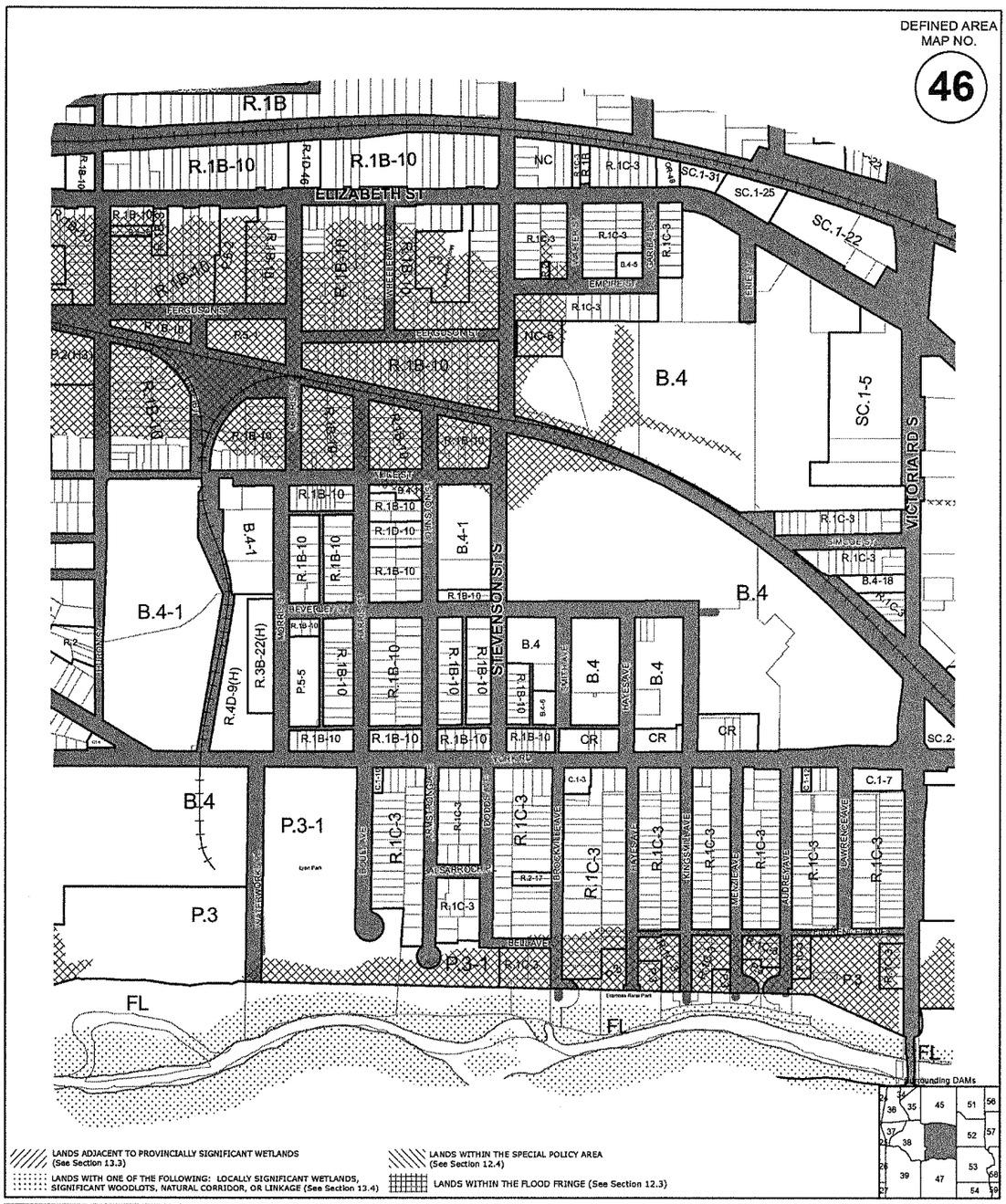
5. Where notice of this By-law is given in accordance with the Planning Act, and where no notice of objection has been filed within the time prescribed by the regulations, this by-law shall come into effect. Notwithstanding the above, where notice of objection has been filed within the time prescribed by the regulations, no part of this by-law shall come into effect until all of such appeals have been finally disposed of by the Ontario Municipal Board.

PASSED this EIGHTH day of FEBRUARY, 2016.

CAM GUTHRIE – MAYOR

TINA AGNELLO – DEPUTY CLERK

Schedule "A"



100 50 0 100 M

Produced by the City of Guelph
Planning Services

CITY OF GUELPH BY-LAW (1995) - 14864
As last amended by By-law (2016) - 20009
SCHEDULE 'A'

CITY OF Guelph
Making a Difference

EXPLANATION OF PURPOSE AND EFFECT AND FOR BY-LAW NUMBER (2016) - 20009

1. By-law Number (2016)-20009 has the following purpose and effect:

This By-law authorizes a Zoning By-law Amendment affecting lands municipally known as 139 Morris Street. The purpose of the proposed Zoning By-law amendment is to rezone the subject property from the "Specialized Industrial" (B.4-21) Zone to the following:

- "Specialized Residential Townhouse with Holding Provisions" (R.3B-22(H)) Zone
- "Specialized Residential Apartment with Holding Provisions" (R.4D-9(H)) Zone

Holding Provision
Purpose: To ensure that the residential development does not occur until the completion of certain conditions to the satisfaction of the City.

Prior to the removal of the 'H', the Owner/Developer shall complete the following conditions:

1. Improvements adjacent to the Guelph Junction Railway track that would allow a train to stop 3-4 cars before the crossing at a designated Stop sign, where the brakeman can get off the train and safely walk approximately 97.5 metres (320 feet) to the crossing to manually protect York Road prior to the train continuing down the grade shall be paid for by the Owner/Developer to the satisfaction of the Guelph Junction Railway. Such improvements include but are not limited to: grading on both sides of the railway and the placement of granular for a walkway with an added Stop sign at the 97.5 metre (320 foot location).

2. That the Owner/Developer shall demonstrate that the site-specific noise performance limits (as set by the Ministry of the Environment and Climate Change's (MOECC) noise criteria) related to the adjacent industrial use (Owens Corning) are met to the satisfaction of the City. The Owner/Developer can demonstrate that site-specific noise performance limits are met by installing the silencer (on the Owens Corning facility); or through an alternate mitigation strategy; or site-specific noise performance limits may be able to be achieved in 2016 based on progress following Owens Corning's Noise Abatement Plan.

The proposed Zoning By-law Amendment was considered by Guelph City Council at a Public Meeting held on July 4, 2011 and at a Public Meeting held on March 17, 2014 and a Decision Report was presented to Council on February 8, 2016. The Zoning By-law Amendment will permit the development of 20 on-street townhouse units and 42 units in a 3-storey apartment building (City File: ZC1110).

Further information may be obtained by contacting Infrastructure, Development and Enterprise at 519-837-5616, extension 3313, City Hall, Guelph, Ontario.

Persons desiring to officially support or object to this zoning amendment must file their support or objection with the City Clerk, City Hall, Guelph, as outlined on the page entitled "Notice of Passing".

2. Key map showing the location of the lands to which By-law (2016)-20009 applies:

KEY MAP

