VBA
2C882

CERTIFICATE UNDER SECTION 34(22)

OF

THE PLANNING ACT, R.S.O. 1990, c.P.13

I, Lois Anne Giles, hereby certify that the notice of By-law (1994)-14366 of the Corporation of the City of Guelph, passed by the Council of the Corporation on the 31st of May, 1993 was given in the manner and form to the persons described by regulation made by the lieutenant Governor in Council under Subsection 18 of Section 34 of The Planning Act. I also certify that the 20 day objection period expired and objections were filed with this office.

These objections were heard by the Ontario Municipal Board, and the Board ordered the by-law to be amended as shown in Schedule "A" and "B" attached hereto.

Dated this 30th day of June, 1994.

RECEIVED
JUL - 4 1994
BUILDING DIVISION
DEPARTMENT OF PLANNING
& DEVELOPMENT

.....
Clerk

Certified copy to:
University of Guelph
Guelph planning Director
Chief Building Official
Zoning Administrator
Assessment Commissioner
Karen Kellman
June Lyle
Building Department Data File
Jim Forbes

I hereby certify the above copy to be a true copy of

Certificate Under the Planning Act

of the City of Guelph.
IN TESTIMONY WHEREOF are hereunto set the seal of The Corporation of the City of Guelph and the hand of the City Clerk of the said Corporation this 30th day of June, 19 94

.....
City Clerk

RECEIVED
JAN 17 1994
CITY OF GUELPH
LEGAL DEPARTMENT

file: Village by the Arboretum

R 930261

DB # 99 FOLIO # 262
ORDER ISSUE DATE
JAN 14 1994
OB # 1994-1 FOLIO # 69

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

Helen Smith, Jan Smith, Bruce Holden, Frances Holden, Rasheed Diwan and others have appealed to the Ontario Municipal Board under subsection 34(19) of the Planning Act, R.S.O. 1990, c. P.13, against Zoning By-law (1993)-14366 of the City of Guelph

C O U N S E L :

Lynda Tanaka	- for	University of Guelph, Reid's Heritage Homes Ltd.
Lois Payne	- for	City of Guelph

DISPOSITION as noted on Hearing Sheet dated December 15, 1993
AND ORDER OF THE BOARD

All appellants having withdrawn their appeals in writing and no one appearing after service has been made in accordance with the Board's direction, and upon consent of both counsel, By-law (1971)-7666 is amended by By-law (1993)-14366 except with the original page 1 being replaced by a new page 1 filed as Exhibit 2 and attached as Schedule "A".

The Board so orders.

T. YAO
MEMBER

Schedule "A"

SCHEDULE "A"

R 930261

Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (1993)-14366

A by-law to amend By-law Number (1971)-7666, as amended, known as The Zoning By-law for the City of Guelph, as it affects lands described as Part of Lots 1 and 2, Concession 8, more particularly described as Parts 1, 2 and 3 according to Reference Plan 61R-5727 in the City of Guelph (University of Guelph - *Village by the Arboretum* Retirement Community).

The Council for the Corporation of the City of Guelph, in accordance with the provisions of Section 34 of The Planning Act, R.S.O. 1990, c.P.13, hereby enacts as follows:

1. By-law Number (1971)-7666, as amended, is hereby further amended by adding the following new Sections 7.9 and 7.10:

"SECTION 7.9 - RETIREMENT RESIDENTIAL ZONE 1 - (RR.1)

7.9.1 Definitions

Notwithstanding the provisions of Section 2 of this by-law, within any RR.1 Zone the following definitions shall apply:

7.9.1.1 "Block" means an area of land within a lot and described as a part in accordance with a deposited reference plan and having access to a public street or highway by means of a private street.

7.9.1.2 "Private street" means a primary means of access to a block by way of a private right of way or right of access contained either in an easement or lease.

7.9.2 Permitted Uses

Within a Retirement Residential Zone 1 - (RR.1), no land shall be used and no building shall be erected or used except for one or more of the following permitted uses:

- A detached dwelling.
- A semi-detached or duplex dwelling.
- A row dwelling.
- A building, structure, or use accessory to the foregoing permitted uses.
- Only Detached Dwellings are permitted within 30 metres of any R.1A or R.1B Zone.

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (1993)-14366

A by-law to amend By-law Number (1971)-7666, as amended, known as The Zoning By-law for the City of Guelph, as it affects lands described as Part of Lots 1 and 2, Concession 8, more particularly described as Parts 1, 2 and 3 according to Reference Plan 61R-5727 in the City of Guelph (University of Guelph - *Village by the Arboretum* Retirement Community).

The Council for the Corporation of the City of Guelph, in accordance with the provisions of Section 34 of The Planning Act, R.S.O. 1990, c.P.13, hereby enacts as follows:

1. By-law Number (1971)-7666, as amended, is hereby further amended by adding the following new Sections 7.9 and 7.10:

"**SECTION 7.9 - RETIREMENT RESIDENTIAL ZONE 1 - (RR.1)**

7.9.1 **Definitions**

Notwithstanding the provisions of Section 2 of this by-law, within any RR.1 Zone the following definitions shall apply:

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7.9.1.2 **"Private street"** means a primary means of access to a block by way of a private right of way or right of access contained either in an easement or lease.

7.9.2 **Permitted Uses**

Within a Retirement Residential Zone 1 - (RR.1), no land shall be used and no building shall be erected or used except for one or more of the following permitted uses:

- A detached dwelling.
- A semi-detached or duplex dwelling.
- A row dwelling.
- A building, structure, or use accessory to the foregoing permitted uses.

Schedule "B"

7.9.3 **Regulations**

Within a Retirement Residential Zone 1 - (RR.1), no land shall be used and no building shall be erected or used except in conformity with the applicable regulations contained in Section 6 (General Provisions Applying to All Zones) and in Section 7.1 (General Regulations Applying to All Residential Zones) and in conformity with the following additional regulations for the specific uses listed in Section 7.9.2:

7.9.3.1 Detached Dwelling, Semi-Detached Dwelling, Duplex Dwelling, Row Dwelling

7.9.3.1.1 Minimum Block Width

18 metres

7.9.3.1.2 Maximum Dwelling Units

668 dwelling units

7.9.3.1.3 Minimum Ground Floor Area (per dwelling unit)

Detached Dwelling located closer than 30 metres to an R.1A or R.1B Zone	- 111.5 square metres
Detached Dwelling not located closer than 30 metres to any R.1A or R.1B Zone	- 80.0 square metres
Semi-Detached, Duplex, Row Dwelling	- 69.5 square metres

7.9.3.1.4 Minimum Set-Back

(a) From a Public Street

- 7.5 metres

(b) From a Private Street

- 7.5 metres from the nearest curb or sidewalk. Notwithstanding the foregoing, the set-back may be reduced to 4.5 metres from the nearest curb or sidewalk, where the legal off-street parking space is located a minimum distance of 7.5 metres from the nearest curb or sidewalk.

7.9.3.1.5 Maximum Building Height

Seven point five (7.5) metres or two (2) storeys

7.9.3.1.6 Maximum Block Coverage

No more than thirty five per cent (35%) of the lot or block area shall be covered by buildings or structures.

7.9.3.1.7 Minimum Private Outdoor Living Area

A private outdoor living area shall be provided for each dwelling and each such private outdoor living area shall:

7.9.3.1.7.1 Be a yard for the private use of occupants of the dwelling unit for which such private outdoor living area is required.

7.9.3.1.7.2 Be adjacent to the wall of the dwelling unit and have access to a habitable room or to a hall.

7.9.3.1.7.3 Have a minimum depth (from the wall of the dwelling unit) of 3 metres.

7.9.3.1.7.4 Have a minimum area of 28 square metres.

7.9.3.1.7.5 Not form part of the separation distance required by Section 7.9.3.1.9.1.

7.9.3.1.8 Minimum Off-Street Parking For Each Dwelling Unit

7.9.3.1.8.1 Detached, semi-detached, duplex dwelling - 1 space

Row dwelling - 1.5 spaces

7.9.3.1.8.2 Except for a driveway leading to a private individual parking space, no part of a driveway parking area shall be located within 3 metres of any building entrance or any window of a habitable room.

7.9.3.1.8.3 No outdoor parking shall be located within 3 metres of any lot line or within 7.5 metres of any R.1A or R.1B Zone.

7.9.3.1.8.4 In any Row Dwelling development containing more than eight (8) dwellings, if access to required off-street parking space is by one driveway only, such driveway shall have a minimum width of 6 metres throughout its length.

7.9.3.1.8.5 Except for a driveway leading to a private individual parking space, no part of any driveway or parking area shall be located within 3 metres of any building entrance or any window of a habitable room.

7.9.3.1.9 Separation Distances

Notwithstanding the provisions of Section 7.1.1, two or more buildings may be located on one block and, in addition to all of the provisions of this Section (7.9), the following additional regulations shall apply:

7.9.3.1.9.1 Separation Distance Requirements for Detached, Semi-Detached or Duplex Dwellings

(a) No building shall be located closer to any R.1A or R.1B Zone than a distance of 7.5 metres.

(b) The distance between any two buildings on the same block shall in no case be less than:

i) 2.4 metres, where a one or one-and-a-half storey dwelling unit abuts a one or one-and-a-half storey dwelling unit;

ii) 2.7 metres, where a one or one-and-a-half storey dwelling unit abuts a two storey dwelling unit; or

iii) 3.0 metres, where a two storey dwelling unit abuts a two storey dwelling unit.

(c) Notwithstanding the foregoing, no part of a private outdoor living area shall be located within 6 metres of a rear wall of another building.

(d) Notwithstanding the foregoing, the minimum distance between private outdoor living areas shall be 9 metres, where one private outdoor living area faces another private outdoor living area, or 3 metres where the private outdoor living areas are side by side and aligned parallel to each other.

7.9.3.1.9.2 Separation Distance Requirements for Row Dwellings

(a) The distance between any two buildings on the same block shall in no case be less than 6 metres.

(b) Notwithstanding the foregoing, no part of any private outdoor living area shall be located within 6 metres of a wall in another building.

(c) Notwithstanding the foregoing, the minimum distance between the private outdoor living areas of two separate buildings shall be 9 metres, where one private outdoor living area faces another private outdoor living area, or 3 metres where the private outdoor living areas are side by side and aligned parallel to each other.

7.9.3.1.10 Frontage on a Street

Notwithstanding Subsection 6.9 of this By-law, access from a block, building or street in the RR.1 Zone to a public street may be provided by way of a private street.

7.9.3.2 Accessory Building or Structure

All of the regulations of Section 7.7.2.2 of this by-law shall apply.

SECTION 7.10 - RETIREMENT RESIDENTIAL ZONE 2 - (RR.2)

7.10.1 Definitions

Notwithstanding the provisions of Section 2 of this by-law, within any RR.2 Zone the following definitions shall apply:

7.10.1.1 **"Block"** means an area of land within a lot and described as a part in accordance with a deposited reference plan and having access to a public street or highway by means of a private street.

7.10.1.2 **"Private street"** means a primary means of access to a block by way of a private right of way or right of access contained either in an easement or lease.

7.10.2 Permitted Uses

Within a Retirement Residential Zone 2 - (RR.2), no land shall be used and no building shall be erected or used except for one or more of the following permitted uses:

7.10.2.1 Residential Uses

- A semi-detached or duplex dwelling
- A row dwelling
- An apartment dwelling
- A residential care facility and/or a licensed nursing home to a maximum of 120 beds
- A building, structure or use accessory to the foregoing permitted uses

7.10.2.2 Non-Residential Uses - Group A

- A medical office
- A barber shop or beauty salon
- An office or agency
- A convenience food store
- A convenience general merchandise store or variety store
- A convenience drug store
- A bank
- A bake shop
- A coin operated laundromat
- A restaurant
- A restaurant pick-up
- A dry-cleaner's pick-up establishment
- A building, structure or use accessory to the foregoing permitted uses

7.10.2.3 Non-Residential Uses - Group B

- A church
- An art gallery or library
- A recreational facility
- A social club
- A theatre
- A school
- A building, structure, or use accessory to the foregoing permitted uses

7.10.3 **Regulations**

Within a Retirement Residential Zone 2 - (RR.2), no land shall be used and no building shall be erected or used except in conformity with the applicable regulations contained in Section 6 (General Provisions Applying to All Zones) and in Section 7.1 (General Regulations Applying to All Residential Zones) and in conformity with the following additional regulations for the specific uses listed in Section 7.10.2:

7.10.3.1 Maximum Dwelling Units

552 dwelling units of which 120 may be utilized for a residential care facility or licensed nursing home comprising 120 beds.

7.10.3.2 Semi-Detached Dwelling, Duplex Dwelling, Row Dwelling

All the regulations of the RR.1 Zone as specified by Section 7.9.3.1 of this by-law, with the exception of Section 7.9.3.1.2, shall apply.

7.10.3.3 Apartment Dwelling, Residential Care Centre, Licensed Nursing Home

Subject to all of the regulations of the Residential Zone 4 - (R.4) as specified by Section 7.7 of the Zoning By-law Number (1971)-7666, as amended, with the following exceptions and additions:

7.10.3.3.1 Minimum Building Separation

One-half the total building height and in no case less than 7.5 metres.

7.10.3.3.2 Maximum Building Height

Six (6) storeys

7.10.3.3.3 Minimum Usable Open Space

Notwithstanding Section 7.7.2.1.9. of this by-law, the following regulations only shall apply in the RR.2 Zone:

7.10.3.3.3.1 Shall be provided on the basis of not less than 28 square metres per dwelling unit for each unit up to twenty.

For each additional dwelling unit, not less than 18.5 square metres of usable open space shall be provided.

7.10.3.3.3.2 For the purpose of this by-law, Minimum Usable Open Space shall be an area of the lot or block which is usable and available to the tenants of the project for open space and recreational purposes only and which shall be unoccupied by buildings, parking or driveway areas.

7.10.3.3.4. Minimum Off-Street Parking

Notwithstanding Section 7.7.2.1.10 of this by-law, the following regulations only shall apply in the RR.2 Zone:

7.10.3.3.4.1 Apartment

- 0.8 space per dwelling unit.*

Residential Care Centre, Licensed Nursing Home

- 0.3 parking spaces per bed.*

* Where fractional spaces result,the next larger whole number shall apply.

7.10.3.3.4.2 Parking/Driveway Location

No part of any parking area or driveway shall be located within 3 metres of any building entrance or any window of a habitable room.

7.10.3.3.4.3 Buffer Strips

Notwithstanding Section 7.7.2.1.12 of this by-law, no buffer strips shall be required.

7.10.3.4 Non-Residential Uses - Group A

In accordance only with the following regulations:

7.10.3.4.1 Maximum Leasable Floor Area - Group A

930 square metres

7.10.3.4.2 Minimum Setback

Seven point five (7.5) metres from a public street line or from the curb of a private street or as set out in Section 6.2 of By-law Number (1971)-7666, whichever is greater.

7.10.3.4.3 Minimum Off-Street Parking

One (1) parking space shall be required for each thirty-six (36) square metres of building area devoted to non-residential use.

7.10.3.4.4 Location of Off-Street Parking or Off-Street Loading

No off-street parking or off-street loading space shall be located within three (3) metres of a public street line or the curb of a private street.

7.10.3.4.5 Minimum Building Separation

One-half the total building height and in no case less than 7.5 metres.

7.10.3.4.6 Maximum Building Height

Two (2) storeys.

7.10.3.5 Non-Residential Uses - Group B

In accordance only with the following regulations:

7.10.3.5.1 Minimum Setback

Seven point five (7.5) metres from a public street line or from the curb of a private street or as set out in Section 6.2 of By-law Number (1971)-7666, whichever is greater.

7.10.3.5.2 Minimum Off-Street Parking

Parking requirement for school or church use shall be in accordance with Sections 11.1.2.6.1 and 11.1.2.6.2 of By-law Number (1971)-7666, as amended.

7.10.3.5.3 Location of Off-Street Parking or Off-Street Loading

No off-street parking or off-street loading space shall be located within three (3) metres of a public street line or the curb of a private street.

7.10.3.5.4 Minimum Building Separation

One-half the total building height and in no case less than 7.5 metres.

7.10.3.5.5 Maximum Building Height

Six (6) storeys.

7.10.3.6 Frontage on a Street

Notwithstanding Subsection 6.9 of this By-law, access from a block, building or street in the RR.2 Zone to a public street may be provided by way of a private street.

7.10.3.7 Accessory Building or Structure

All of the regulations of Section 7.7.2.2 of this by-law shall apply."

2. By-law Number (1971)-7666, as amended, is hereby further amended by transferring lands in Part of Lots 1 and 2, Concession 8 (formerly Township of Puslinch) described more particularly as Parts 1 and 3 on Reference Plan 61R-5727, from the A (Agricultural) Zone and I.2 (Institutional) Zone to the RR.1 (Retirement Residential Zone 1) Zone to permit a number of residential uses in accordance with the provisions of Section 7.9 of By-law Number (1971)-7666, as amended.

3. By-law Number (1971)-7666, as amended, is hereby further amended by transferring lands in Part of Lots 1 and 2, Concession 8 (formerly Township of Puslinch) described more particularly as Part 2 on Reference Plan 61R-5727, from the A (Agricultural) Zone and I.2 (Institutional) Zone to the RR.2 (Retirement Residential Zone 2) Zone to permit a number of residential and non-residential uses in accordance with the provisions of Section 7.10 of By-law Number (1971)-7666, as amended.

4. Schedule "A" of By-law Number (1971)-7666, as amended, is hereby further amended by deleting Defined Area Map Numbers 26 and 31 and substituting therefore new Defined Area Map Numbers 26 and 31, attached hereto as Schedule "A".

4. 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 THIRTY-FIRST day of MAY, 1993.

John Counsell - MAYOR

V. Charlene Lavigne - ACTING CITY CLERK

EXPLANATION OF PURPOSE AND EFFECT AND KEY MAP FOR BY-LAW NUMBER (1993)-14366

1. By-law Number (1993)-14366 has the following purposes and effects:

The by-law has two main purposes. This by-law authorizes an amendment to the Zoning By-law (1971)-7666, as amended, for the City of Guelph to add two new zones, being Retirement Residential Zone 1 (RR.1) and Retirement Residential Zone 2 (RR.2) as Sections 7.9 and 7.10 of the Zoning By-law. The RR.1 Zone permits a variety of residential uses, including detached, semi-detached, duplex and row dwellings and provides zoning provisions to regulate the development of the uses. These regulations include controls on density, unit sizes, set-backs, building height, building coverage, separation distance between buildings, provision of open space and parking. Similarly, the RR.2 Zone permits a variety of residential and non-residential uses. The residential uses includes semi-detached, duplex, row and apartment dwellings, plus a residential care facility and/or licensed nursing home to a maximum of 120 beds. The non-residential uses permitted are intended to complement the development of a retirement community, including convenience commercial uses (i.e. medical office, beauty salon, convenience food store, bank, drug store, etc.) and uses such as a church, library, recreation facility and social club. The RR.2 Zone also includes zoning provisions to regulate the development of the uses similar to the regulations affecting the RR.1 Zone and including provisions for apartment dwellings and the non-residential uses.

This by-law also authorizes a zoning amendment on lands being Part of Lots 1 and 2, Concession 8, and more particularly described as Parts 1, 2 and 3 on Reference Plan 61R-5727 in the City of Guelph. The subject lands, containing a total area of approximately 45.45 hectares (112.3 acres), are owned by the University of Guelph and bounded by Stone Road East to the north, detached dwellings on Dimson Avenue and Monticello Crescent to the west, detached dwellings on Hands Drive and Lorna Drive to the south and the University's Arboretum to the east. The subject lands are presently zoned A (Agricultural) and I.2 (Institutional) by the City's Comprehensive Zoning By-law (1971)-7666, as amended. This proposed zoning amendment will rezone the subject lands to the Retirement Residential Zone 1 (RR.1) Zone and Retirement Residential Zone 2 (RR.2) Zone to allow the development of a large-scale retirement community proposed by the University of Guelph, to be known as the "*Village by the Arboretum*".

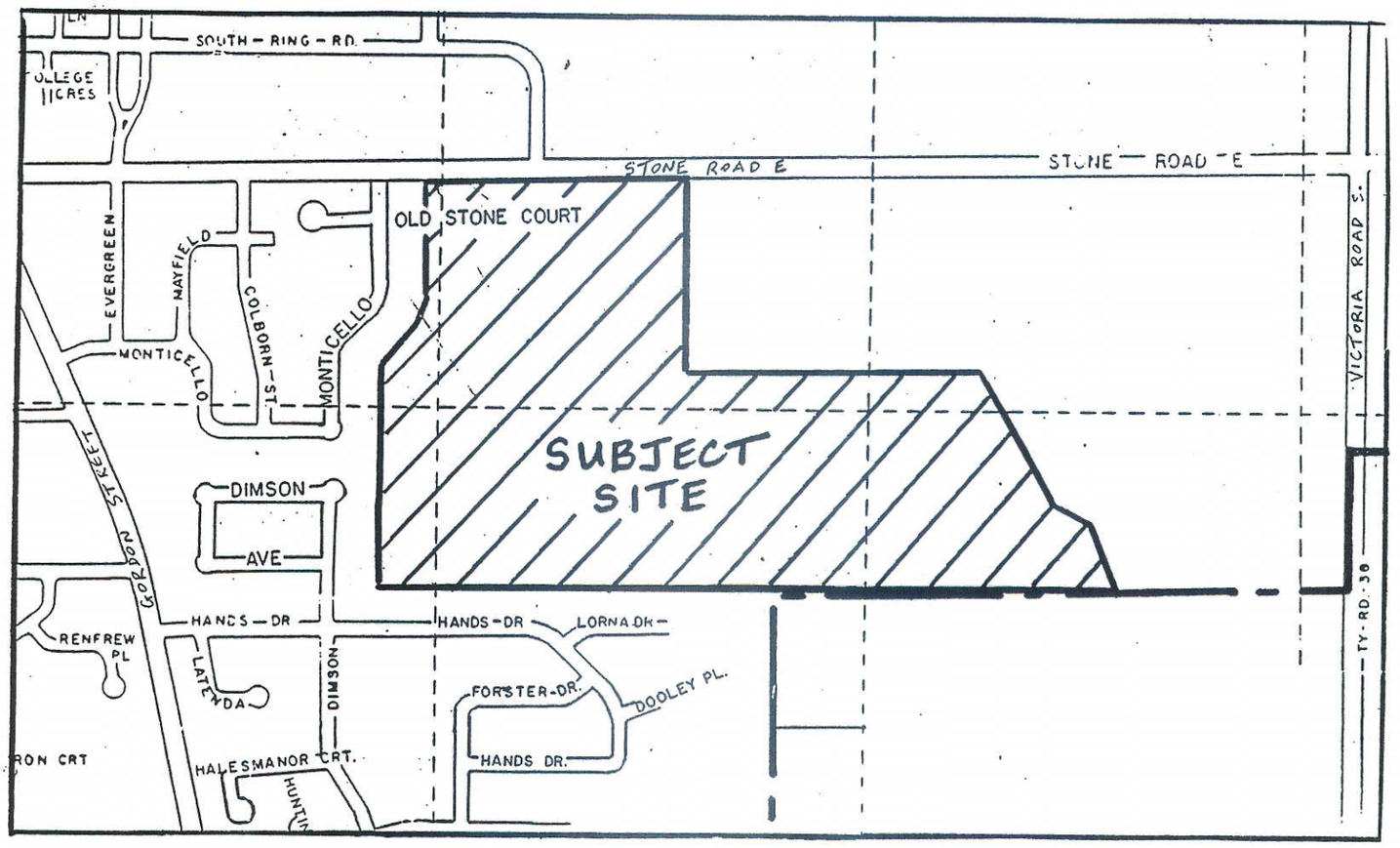
The proposed zoning amendment conforms with the policies of the Official Plan for the City of Guelph related to the development of areas designated "General Residential".

The proposed zoning amendment was considered by the Guelph Planning Advisory Committee on September 4, 1991 and by Guelph City Council on September 16, 1991.

Further information may be obtained by contacting or visiting the Department of Planning and Development, 837-5616, Extension 359, City Hall, Guelph, Ontario.

Persons desiring to officially support or object to this rezoning application must file their support or objection with the City Clerk, City Hall, Guelph, as outlined on the page entitled "Notice of Passing". Any comments or objections which you may have previously submitted are considered to have been unofficial and for the City's guidance only.

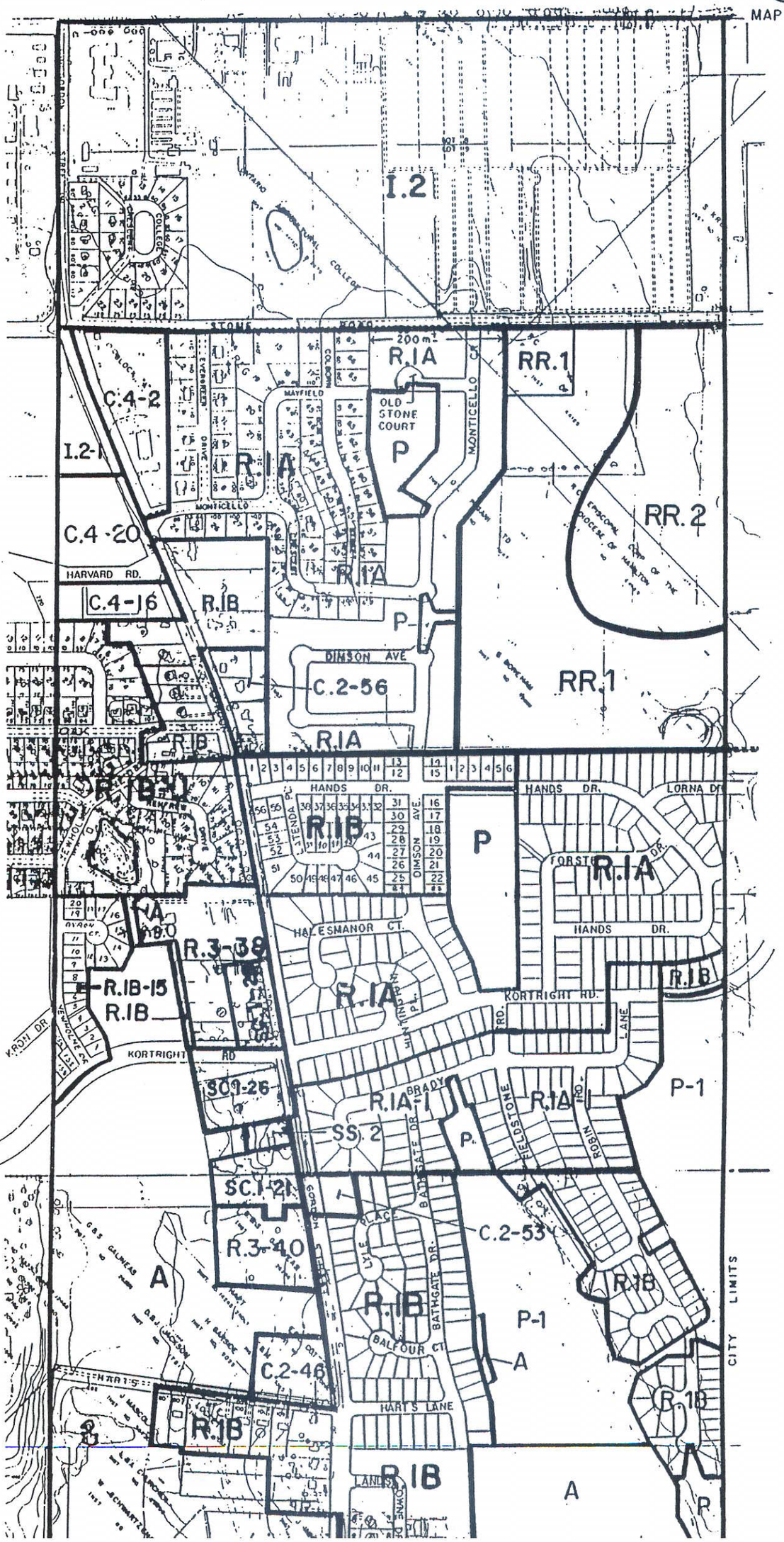
2. Key map showing the location of the lands to which By-law (1993)-14366 applies.



CITY OF GUELPH BY-LAW (1993)-14366

SCHEDULE 'A'

DEFINED AREA 26 MAP NO.

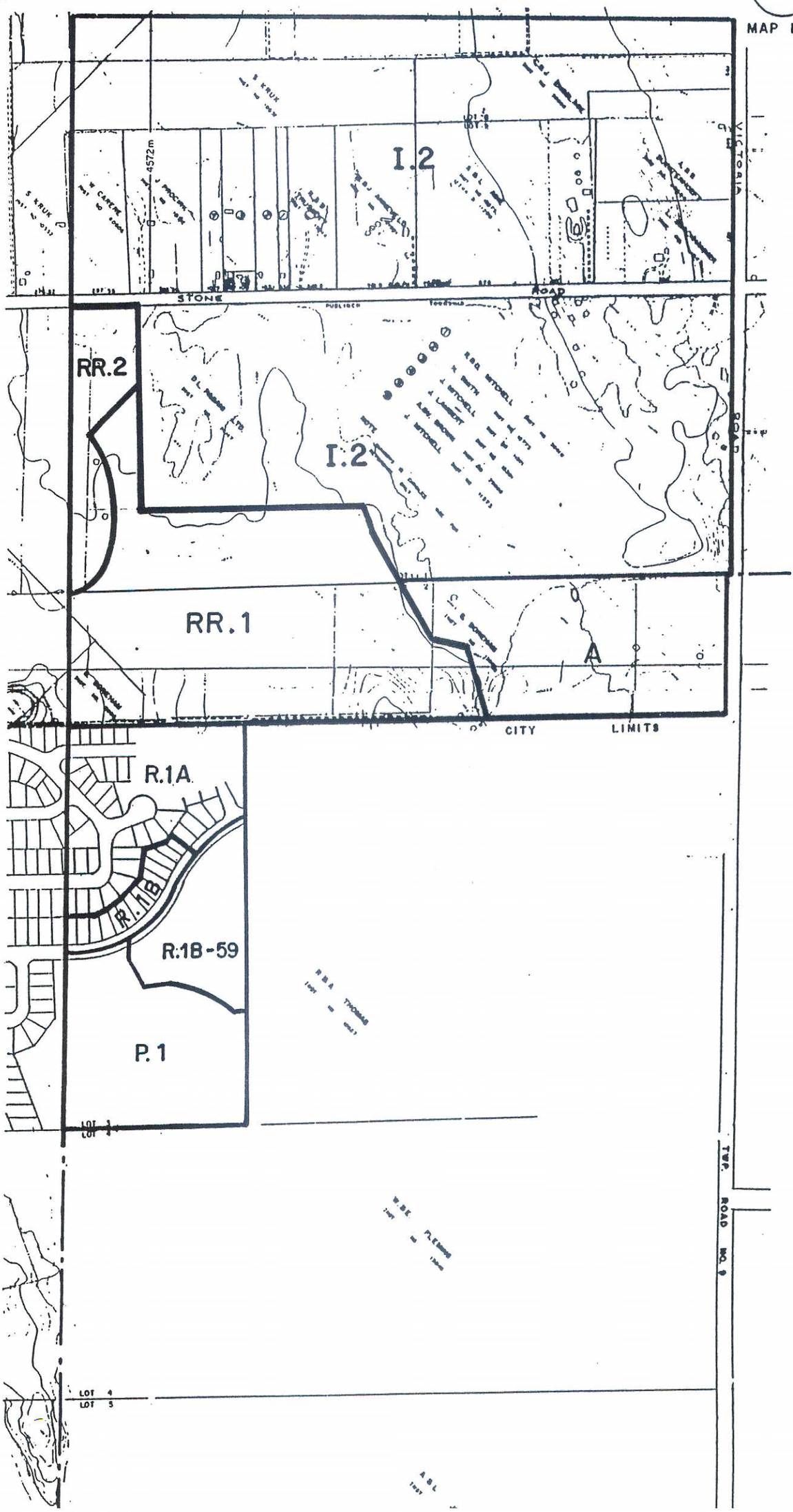


CITY OF GUELPH BY-LAW (1993) - 14366

SCHEDULE 'A'

THE RESTRICTED AREA (ZONING) BY-LAW

DEFINED AREA 31 MAP NO.



THE CORPORATION OF THE CITY OF GUELPH

By-law Number (1993)-14366.

A by-law to amend By-law Number (1971)-7666, as amended, known as The Zoning By-law for the City of Guelph as it affects lands described as Part of Lots 1 and 2, Concession 8, more particularly described as Parts 1, 2 and 3 according to Reference Plan 61R-5727 in the City of Guelph (University of Guelph - *Village by the Arboretum* Retirement Community).

Read a first and second time at 8:13 o'clock p.m., May 31st, 1993.

Read and passed in Committee at 8:50 o'clock p.m., May 31st, 1993.

Read a third time and passed at 8:55 o'clock p.m., May 31st, 1993.
