THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2015)-19969
A by-law to amend Zoning By-law (1995)-14864, as amended, known as the Zoning By-law for the City of Guelph as it affects property known municipally as 55 and 75 Cityview Drive North and legally described as Part of Lots 25, 31 and 32, Registered Plan 53 and Part of Lot 4, Concession 3, Division "C", City of Guelph (File 23T-12501/ZC1202) OMB Order for file PL150188 and to repeal By-law (2015)-19858.

WHEREAS the Ontario Municipal Board issued an Order for file PL150188 on August 25, 2015, to repeal the Zoning Amendment By-Law (2015)-19858 regarding the property known as 55 and 75 Cityview Drive North pursuant Section 34(1) of The Planning Act, R.S.O. 1990, c.P.13;

NOW THEREFORE THAT THE FOLLOWING BE ENACTED:

1. By-law Number (1995)-14864, as amended, is hereby further amended by transferring property described as Part of Lots 25, 31 and 32, Registered Plan 53 and Part of Lot 4, Concession 3, Division "C", City of Guelph, from the UR (Urban Reserve) Zone, to the R.1D (Single Detached Residential) Zone, R.1D-47 (Specialized Single Detached) Zone, R.1C-27 (Specialized Single Detached Residential) Zone, R.2 (Residential Semi-Detached/Duplex) Zone, R.2-6 (Residential Semi-Detached/Duplex) Zone, R.3B (Residential On-Street Townhouse) Zone, R.3A-57 (Cluster Townhouse) Zone, R.4A-48 (Specialized General Apartment) Zone, P.2 (Neighbourhood Park) Zone, P.1 (Conservation Land) Zone and WL (Wetland) Zone to implement a draft plan of subdivision (File Number 23T-12501) in accordance with the following table:

LOTS/BLOCKS	LAND USE	ZONING
Future Development Block 126	**Single Detached Residential**	R.1D
Lots 58-68, 76-85, 93-116	**Single Detached Residential**	R.1D-47
Lots 1-55	**Single Detached Residential**	R.1C-27
Lots 56-57, Future Development Blocks 128-130	**Semi-Detached/Single Detached Residential**	R.2-6
Lots 69-75, 86-92	**Semi-Detached Residential**	R.2
Blocks 118, 119	**On-Street Townhouse Residential**	R.3B
Blocks 120	**Multiple Unit Residential**	R.3A-57
Block 121, 122	**Multiple Unit Residential**	R.4A-48
Blocks 123, 124	**Neighbourhood Park**	P.2
Block 125 (including additional lands being conveyed to the City through OMB Order)	**Conservation Land**	P.1
Block 126	**Wetland**	WL

2. Section 5.1.3.3 of By-law Number (1995)–14864, is hereby further amended by adding new subsection 5.1.3.3.27 as follows:

5.1.3.3.27 **R.1C-27**

As shown on Defined Area Map Number 57 of Schedule "A" of this By-law

5.1.3.3.27.1 **Permitted Uses**
In accordance with the provisions of Section 5.1.1 of By-law Number (1995)–14864, as amended

5.1.3.3.27.2 **Regulations**
In accordance with Section 5.1.2 and Table 5.1.2 (Residential Single Detached) Zone regulations of By-law Number (1995)–14864, as amended, with the following exceptions:

5.1.3.3.27.2.1 Minimum Front Yard Setback
4.5 metres for Habitable Floor Space and 6 metres to the front wall of a Garage and in accordance with Sections 4.6 and 5.1.2.3

3. Section 5.1.3.4 of By-law Number (1995)–14864, is hereby further amended by adding a new subsection:

5.1.3.4.47 **R.1D-47**

As shown on Defined Area Map Number 57 of Schedule "A" of this By-law

5.1.3.4.47.1 **Permitted Uses**
In accordance with the provisions of Section 5.1.1 of By-law Number (1995)–14864, as amended

5.1.3.4.47.2 **Regulations**
In accordance with Section 5.1.2 and Table 5.1.2 (Residential Single Detached) Zone regulations of By-law Number (1995)–14864, as amended, with the following exceptions:

5.1.3.4.47.2.1 Minimum Front Yard Setback
4.5 metres for Habitable Floor Space and 6 metres to the front wall of a Garage and in accordance with Sections 4.6 and 5.1.2.3

4. Section 5.3.3.1 of By-law Number (1995)–14864, is hereby further amended by adding a new subsection:

5.3.3.1.57 **R.3A-57**

As shown on Defined Area Map Number 57 of Schedule "A" of this By-law

5.3.3.1.57.1 **Permitted Uses**
- Maisonette dwelling
- Stacked Townhouse
- Cluster Townhouse
- On-Street Townhouse

- Multiple Attached Dwelling Unit
- Home Occupation in accordance with Section 4.19
- Accessory Use in accordance with Section 4.23

5.3.3.1.57.2 **Regulations**
In accordance with Section 5.3.2 and Table 5.3.2 of By-law Number (1995)–14864, as amended, with the following exceptions:

5.3.3.1.57.2.1 Maximum Building Height
4 storeys

5. Section 5.4.3.1 of By-law Number (1995)–14864, is hereby further amended by adding a new subsection:

5.4.3.1.48 **R.4A-48**

As shown on Defined Area Map Number 57 of Schedule "A" of this By-law

5.4.3.1.48.1 **Permitted Uses**

- Apartment Building
- Nursing Home
- Home for the Aged
- Retirement Residential Facility
- Maisonette dwelling
- Stacked Townhouse
- Multiple Attached Dwelling Unit
- Home Occupation in accordance with Section 4.19
- Accessory Use in accordance with Section 4.23

5.4.3.1.48.2 **Regulations**
In accordance with Section 5.4.2 and Table 5.4.2 of By-law Number (1995)–14864, as amended, with the following exceptions:

5.4.3.1.48.2.1 Maximum Building Height
4 storeys

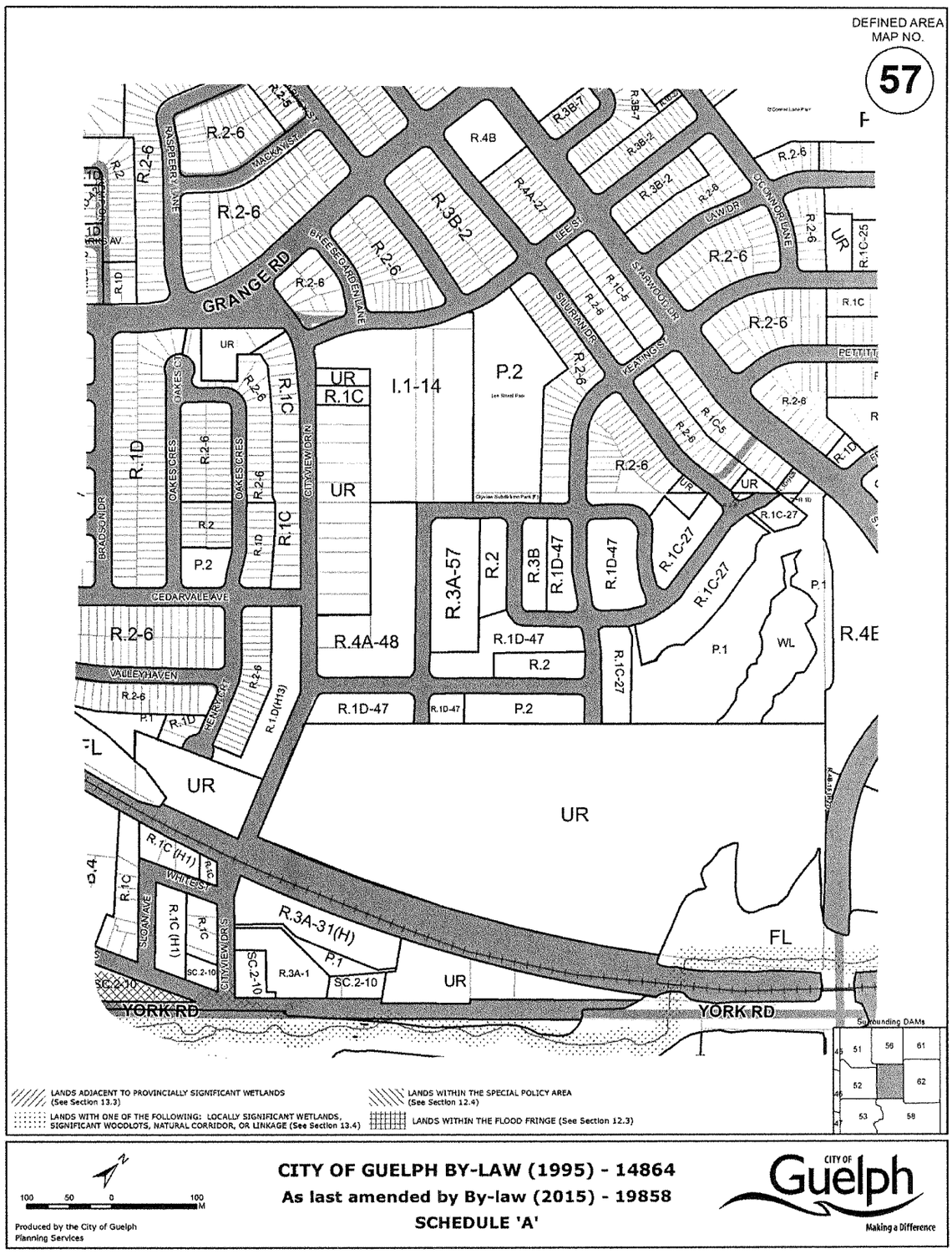
6. Schedule "A" of By-law Number (1995)-14864, as amended, is hereby further amended by deleting Defined Area Map 57 and substituting therefore new Defined Area Map 57 attached hereto as Schedule "A".

7. This By-law is in force and effect on August 25, 2015, which is the date of the Ontario Municipal Board Order for file PL150188 as attached hereto.

8. By-Law (2015)-19858 is hereby repealed.

IN FORCE AND EFFECT BY THE ONTARIO MUNICIPAL BOARD ORDER FOR FILE PL150188 DATED AUGUST 25, 2015.

Schedule "A"



As Last Amended by By-law (2015)-19969

Planning
Legal

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Ontario Municipal Board
Commission des affaires municipales
de l'Ontario

Ontario

ISSUE DATE: August 25, 2015

CASE NO(S).: PL150062
PL150188

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Hugh Whiteley
Subject:	By-law No. (2014) 19836
Municipality:	City of Guelph
OMB Case No.:	PL150062
OMB File No.:	PL150062
OMB Case Name:	Whiteley v. Guelph (City)

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Hugh Whiteley
Subject:	By-law No. By-law (2015)-19858
Municipality:	City of Guelph
OMB Case No.:	PL150188
OMB File No.:	PL150188
OMB File Name:	Whiteley v. Guelph (City)

Heard: June 24, 2015 in telephone conference call

APPEARANCES:

Parties	**Counsel**
Starwood Watson Holdings Inc.	Scott Snider
Debrob Investments Ltd.	Trenton Johnson
Hugh Whiteley	Ian Flett
City of Guelph	Darrel Mast

DECISION DELIVERED BY J. de P. SEABORN AND ORDER OF THE BOARD

[1] The City of Guelph ("City") enacted two by-laws to accommodate development proposals for a large property situated between Watson Parkway North and Starwood Drive. Both by-laws were appealed by Hugh Whiteley.

[2] By way of background, the first by-law, By-law No. (2014)-19836 (Board File No. PL150062), rezones lands held by Starwood Watson Holdings Inc. ("Starwood") at 78 Starwood Drive to permit the development of approximately 405 residential apartment units and ground level commercial uses along Starwood Avenue. The second by-law, By-law No. (2015)-19858 (Board File No. PL150188), relates to re-zoning required by Debrob Investments Inc. ("Debrob") to facilitate its development proposal on adjacent lands. Dr. Whiteley appealed each of these by-laws and following the service and filing of a motion record and with the consent of all of the parties, the appeals were consolidated by the Board and heard together in May, 2015. At the hearing, the appeal of Dr. Whiteley of By-law No. (2015)-19858 was withdrawn except as it relates to Block 127. A decision was issued dated June 3, 2015, allowing the appeal of Dr. Whiteley in part with respect to By-law No. (2014)-19836 and setting a further hearing for June 24, 2015, to address the outstanding issues.

[3] Prior to the June 2015 hearing Counsel advised they had settled all of their issues and the hearing was converted to a telephone conference call ("TCC"). At the TCC, Counsel indicated that they were working collaboratively to settle the precise wording of the planning instruments for which approval is sought. Thereafter, Minutes of Settlement ("Minutes") were filed with a request for approval of the By-laws, as amended.

[4] In support of the Minutes, an affidavit was provided by Christopher DeVriendt. A senior planner at the City. Mr. DeVriendt provided the requisite background with respect to the outstanding issues and explained the basis for both the Minutes and the By-laws, as amended. The accommodation reached includes, among other matters, the creation

and location of a trail, dedication of parkland as well as lot creation on Starwood Drive. The amended By-laws were filed as exhibits to the affidavit and I adopt and rely upon the opinion of Mr. DeVriendt that each should be approved.

[5] Based on the settlement reached between the parties, the decision of the Board is to allow the appeals in part and the By-laws set out in Attachment 1 are approved, as requested by the parties.

"J. de P Seaborn"

J. de P. SEABORN
VICE-CHAIR

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

ATTACHMENT 1

PL150062
PL150188

THE CORPORATION OF THE CITY OF GUELPH

By-law Number *******

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 78 Starwood Drive and legally described as Part of Lots 4 and 5, Concession 3, Division C, Township of Guelph, Being Part 3, 61R-10049, City of Guelph (ZC1315).

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 Part of Lots 4 and 5, Concession 3, Division C, Township of Guelph, Being Part 3, 61R-10049, City of Guelph and municipally known as 78 Starwood Drive from the B.1 (Industrial) Zone and UR (Urban Reserve) Zone to the R.4B-16 (Specialized High Density Residential) Zone, R.4B-16 (H27) (Specialized High Density Residential) Holding Zone, R.1D (H28) (Single Detached Residential) Holding Zone and P.1 (Conservation Land) Zone to permit the development of approximately 405 residential apartment units and ground level commercial uses along Starwood Drive.

2. Section 5.4.3.2 of By-law Number (1995)-14864, as amended, is hereby further amended by adding a new subsection 5.4.3.2.16:

5.4.3.2.16 R.4B-16
78 Starwood Drive
As shown on Defined Area Map Number 62 of Schedule "A" of this By-law

5.4.3.2.16.1 Permitted Uses
In accordance with Section 5.4.1.2 of Zoning By-law (1995)-14868, as amended, with the following additions:

- Retirement Residential Facility to a maximum of 150 units
- Live/Work Units
- Office
- Medical office
- Retail establishment
- Artist studio
- Gallery
- Personal service establishment
- Convenience store
- Restaurant

- Restaurant (take-out)
- Dry cleaning outlet

The following non-residential uses shall be permitted within a Live-Work Unit in addition to a dwelling unit:

- Art gallery
- Artisan studio
- Financial establishment
- Personal service establishment
- Retail establishment
- Dry cleaning outlet
- Florist
- Medical office (maximum of 1 practitioner)
- Office
- Commercial School

For the purpose of the R.4B-16 Zone, the following definitions shall apply:

A "Live/Work Unit" shall mean a dwelling unit within a building, in which the portion of the unit at grade level may be used as a business establishment and whereby each "live" and "work" component within the dwelling unit has an independent entrance from the outside.

A "Street Entrance" shall mean the principal entrance to a business which shall be located in a part of the building facing a public street that is at or within 0.2 metres above or below grade.

5.4.3.2.16.2 Regulations

In accordance with Section 4 (General Provisions) and Section 5.4.2 and Table 5.4.2 (Residential Apartment R.4 Zone Regulations) with the following additions and exceptions:

5.4.3.2.16.2.1 Minimum Density

100 units per hectare

5.4.3.2.16.2.2 Maximum Density

- 150 units per hectare
- Notwithstanding the permitted maximum density, retirement residential units developed within this zone are permitted to exceed the maximum density to a maximum of 160 units per hectare.
- Notwithstanding the P.1 (Conservation Land) Zone on a portion of the 78 Starwood Drive lands, the full extent of the property shall be used in the calculation of residential density and for the measurement of all setback requirements.

5.4.3.2.16.2.3 Building Setbacks from Starwood Drive

Minimum - 0.6 metres
Maximum – 5 metres

5.4.3.2.16.2.4 Building Setbacks from Watson Parkway North

Minimum - 0.6 metres
Maximum - 10 metres, with a portion of any building to be located

at a setback between 0.6 metres and 5 metres

5.4.3.2.16.2.5 Minimum Side Yard

0 metres to address interior side yard setbacks created by the phasing of development

5.4.3.2.16.2.6 Off-Street Parking

- 1.17 spaces per unit (including all non-residential units)
- 0.59 spaces per unit for retirement residential units

5.4.3.2.16.2.7 Minimum Building Height

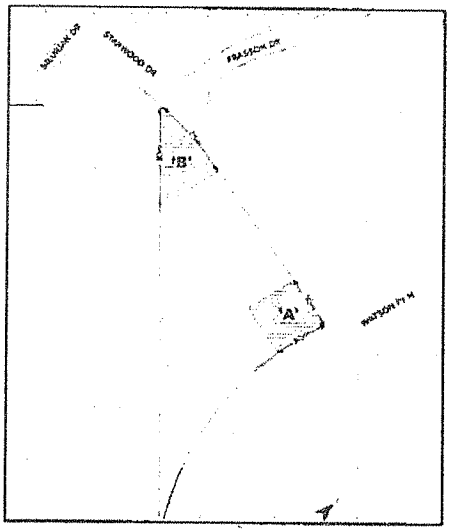
4 storeys, except for the portion of the site shown as Area 'A' in Illustration 1 below (*within 50 metres of the intersecting street line projections on Starwood Drive and Watson Parkway North*), where the minimum building height shall be 6 storeys

5.4.3.2.16.2.8 Maximum Building Height

10 storeys, except for the portion of the site shown as Area 'B' in Illustration 1 below, where the maximum building height shall be 4 storeys

Buildings taller than eight storeys shall have a minimum main wall stepback of 3 metres above the eighth storey

Illustration 1



5.4.3.2.16.2.9 Floor Space Index (FSI)

The maximum Floor Space Index shall be 2.5

5.4.3.2.16.2.10 Location of Parking Areas

- Parking areas shall be permitted within 2 metres of a lot line
- No parking areas shall be located between a building façade and Starwood Drive or Watson Parkway North
- Underground parking spaces shall be permitted within 0.6 metre of a lot line

5.4.3.2.16.2.11 Minimum Landscaped Open Space
20% of the lot area

5.4.3.2.16.2.12 Minimum Common Amenity Area
11 square metres per unit

5.4.3.2.16.2.13 Regulations for Non-Residential Uses

- Buildings fronting on Starwood Drive within 120 metres of the intersecting street line projections at Starwood Drive and Watson Parkway North shall contain ground level non-residential uses.
- Buildings fronting on Starwood Drive within 50 metres of the intersecting street line projections at Starwood Drive and Watson Parkway North shall incorporate ground level commercial uses along Starwood Drive, exclusive of live/work units.
- Street Entrances to non-residential units shall be located facing Starwood Drive.
- The first storey of non-residential uses shall have a minimum ceiling height of 3.5 metres above grade.

5.4.3.2.16.2.14 Severability Provision
The provisions of this By-law shall continue to apply collectively to the whole of the subject lands in the R.4B-16 Zone, despite any future severance, conveyance, dedication, partition or division for any purpose.

5.4.3.2.16.2.15 No building, underground parking, surface parking, pool or any other impervious surface shall be constructed closer than 30m from the surveyed limit of the adjacent Provincially Significant Wetland.

5.4.3.2.16.2.16 Notwithstanding Section 5.4.3.2.16.1, the permitted uses within the 30m setback from the surveyed limit of the adjacent Provincially Significant Wetland shall be restricted to sod, groundcover, gardens, a walking path and passive common amenity area for condominium residents' use, native tree plantings and other vegetation species ecologically suitable to the site.

5.4.3.2.16.2.17 Notwithstanding Row 15 of Table 5.4.2, where an R.4 Zone abuts a P.1 Zone the requirement for a buffer strip shall be satisfied by the provision of a permanent fence.

3. Section 2.9.1 of By-law Number (1995)-14864, as amended, is hereby further amended by adding a new subsection 2.9.1 (xxvii):

2.9.1 (xxvii) (H27) 78 Starwood Drive – southerly portion (Defined Area Map 62)

Purpose
To ensure that development of the subject lands does not proceed until the following condition has been met to the satisfaction of the City.

Conditions
The necessary assembly or consolidation of any lands required to ensure orderly development and satisfactory driveway access in association with abutting

developable lands with frontage on Watson Parkway North.

4. Section 2.9.1 of By-law Number (1995)-14864, as amended, is hereby further amended by adding a new subsection 2.9.1 (xxviii):

2.9.1 (xxviii) (H28) 78 Starwood Drive – northerly portion (Defined Area Map 62)

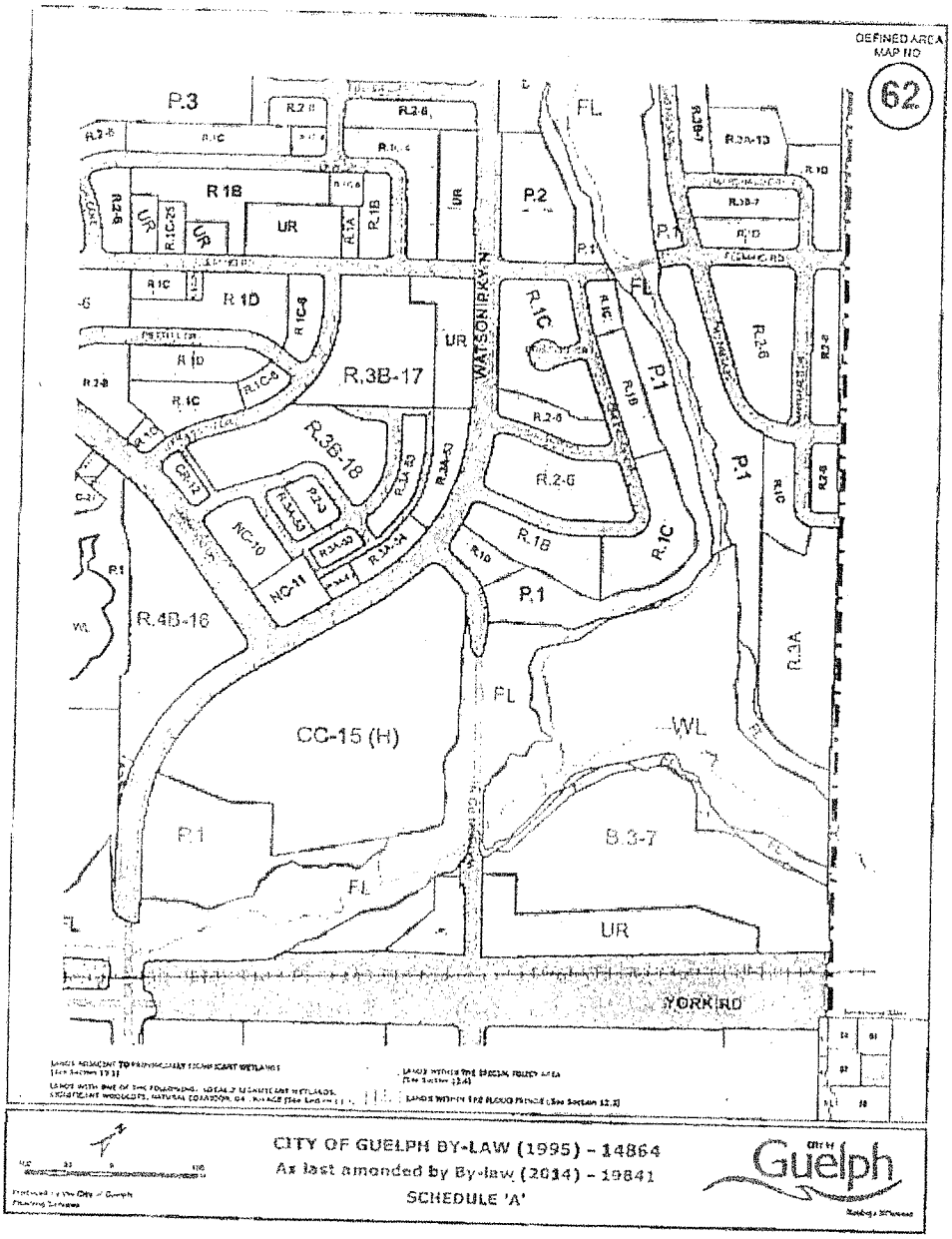
Purpose
To ensure that development of the subject lands does not proceed until the following conditions have been met to the satisfaction of the City.

Conditions
1. Make the necessary arrangements for the provision of the portion of future public road extension (land subject to H28) to connect with Starwood Drive.

2. Sufficient assembly or consolidation of required abutting lands to facilitate orderly development and the future severance of lands to permit the development of full residential lots fronting on Starwood Drive in accordance with the zoning by-law

5. Schedule 'A' of By-law Number (1995)-14864, as amended, is hereby further amended by deleting Defined Area Map 62 and substituting therefore a new Defined Area Map 62 attached hereto as Schedule "A".

Schedule "A"


DEFINED AREA MAP NO
62
P.3
R.2-B
R.1C
R.2-6
FL
R.3A-10
R.1D
R.3B-7
R 1B
UR
R.1C-25
R.1A
R.1B
P.2
P.1
R.1C-6
R.3B-17
WATSON PKY N
R.1C
R.2-6
R.2-2
R.3B-18
R.3A-3
R.3A-4
R.3A-5
R.3A-6
R.2-3
NC-10
NC-11
R.4B-16
CC-15 (H)
WL
R.3A
B.3-7
YORK RD
CITY OF GUELPH BY-LAW (1995) - 14864
As last amended by By-law (2014) - 19841
SCHEDULE 'A'
Guelph

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2015)-*******
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 55 and 75 Cityview Drive North and legally described as Part of Lots 25, 31 and 32, Registered Plan 53 and Part of Lot 4, Concession 3, Division "C", City of Guelph (File 23T-12501/ZC1202).

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 described as Part of Lots 25, 31 and 32, Registered Plan 53 and Part of Lot 4, Concession 3, Division "C", City of Guelph, from the UR (Urban Reserve) Zone, to the R.1D (Single Detached Residential) Zone, R.1D-47 (Specialized Single Detached) Zone, R.1C-27 (Specialized Single Detached Residential) Zone, R.2 (Residential Semi-Detached/Duplex) Zone, R.2-6 (Residential Semi-Detached/Duplex) Zone, R.3B (Residential On-Street Townhouse) Zone, R.3A-57 (Cluster Townhouse) Zone, R.4A-48 (Specialized General Apartment) Zone, P.2 (Neighbourhood Park) Zone, P.1 (Conservation Land) Zone and WL (Wetland) Zone to implement a draft plan of subdivision (File Number 23T-12501) in accordance with the following table:

LOTS/BLOCKS	LAND USE	ZONING
Future Development Block 126	Single Detached Residential	R.1D
Lots 58-68, 76-85, 93-116	Single Detached Residential	R.1D-47
Lots 1-55	Single Detached Residential	R.1C-27
Lots 56-57, Future Development Blocks 128-130	Semi-Detached/Single Detached Residential	R.2-6
Lots 69-75, 86-92	Semi-Detached Residential	R.2
Blocks 118, 119	On-Street Townhouse Residential	R.3B
Blocks 120	Multiple Unit Residential	R.3A-57
Block 121, 122	Multiple Unit Residential	R.4A-48
Blocks 123, 124	Neighbourhood Park	P.2
Block 125 (including additional lands being conveyed to the City through OMB Order)	Conservation Land	P.1
Block 126	Wetland	WL

2. Section 5.1.3.3 of By-law Number (1995)–14864, is hereby further amended by adding new subsection 5.1.3.3.27 as follows:

5.1.3.3.27 R.1C-27

As shown on Defined Area Map Number 57 of Schedule "A" of this By-law

5.1.3.3.27.1 **Permitted Uses**
In accordance with the provisions of Section 5.1.1 of By-law Number (1995)–14864, as amended

5.1.3.3.27.2 **Regulations**
In accordance with Section 5.1.2 and Table 5.1.2 (Residential Single Detached) Zone regulations of By-law Number (1995)–14864, as amended, with the following exceptions:

5.1.3.3.27.2.1 Minimum Front Yard Setback
4.5 metres for Habitable Floor Space and 6 metres to the front wall of a Garage and in accordance with Sections 4.6 and 5.1.2.3

3. Section 5.1.3.4 of By-law Number (1995)–14864, is hereby further amended by adding a new subsection:

5.1.3.4.47 R.1D-47

As shown on Defined Area Map Number 57 of Schedule "A" of this By-law

5.1.3.4.47.1 **Permitted Uses**
In accordance with the provisions of Section 5.1.1 of By-law Number (1995)–14864, as amended

5.1.3.4.47.2 **Regulations**
In accordance with Section 5.1.2 and Table 5.1.2 (Residential Single Detached) Zone regulations of By-law Number (1995)–14864, as amended, with the following exceptions:

5.1.3.4.47.2.1 Minimum Front Yard Setback
4.5 metres for Habitable Floor Space and 6 metres to the front wall of a Garage and in accordance with Sections 4.6 and 5.1.2.3

4. Section 5.3.3.1 of By-law Number (1995)–14864, is hereby further amended by adding a new subsection:

5.3.3.1.57 R.3A-57

As shown on Defined Area Map Number 57 of Schedule "A" of this By-law

5.3.3.1.57.1 **Permitted Uses**
- Maisonette dwelling
- Stacked Townhouse

- Cluster Townhouse
- On-Street Townhouse
- Multiple Attached Dwelling Unit
- Home Occupation in accordance with Section 4.19
- Accessory Use in accordance with Section 4.23

5.3.3.1.57.2 Regulations
In accordance with Section 5.3.2 and Table 5.3.2 of By-law Number (1995)–14864, as amended, with the following exceptions:

5.3.3.1.57.2.1 Maximum Building Height
4 storeys

5. Section 5.4.3.1 of By-law Number (1995)–14864, is hereby further amended by adding a new subsection:

5.4.3.1.48 R-4A-48

As shown on Defined Area Map Number 57 of Schedule "A" of this By-law

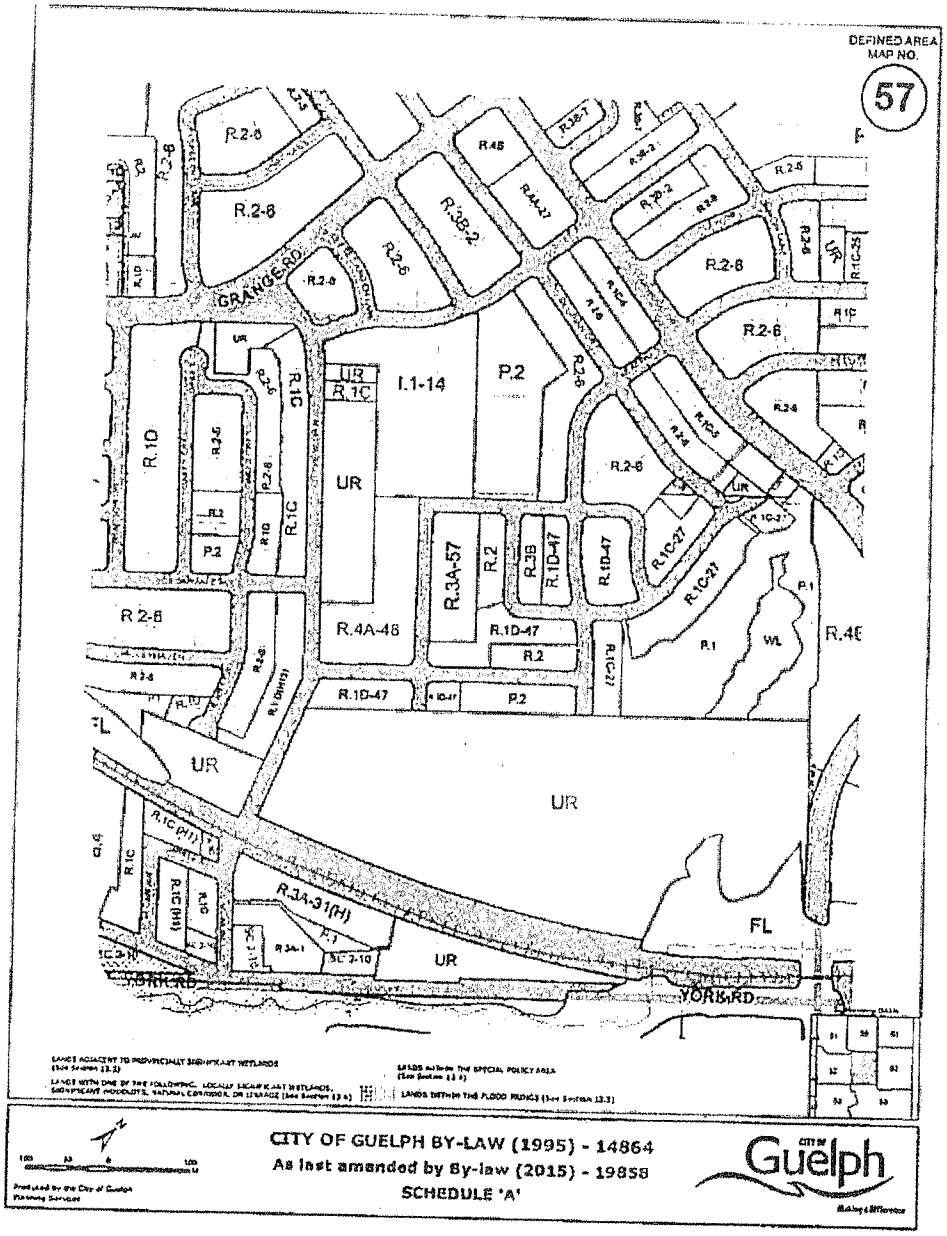
5.4.3.1.48.1 Permitted Uses
- Apartment Building
- Nursing Home
- Home for the Aged
- Retirement Residential Facility
- Maisonette dwelling
- Stacked Townhouse
- Multiple Attached Dwelling Unit
- Home Occupation in accordance with Section 4.19
- Accessory Use in accordance with Section 4.23

5.4.3.1.48.2 Regulations
In accordance with Section 5.4.2 and Table 5.4.2 of By-law Number (1995)–14864, as amended, with the following exceptions:

5.4.3.1.48.2.1 Maximum Building Height
4 storeys

6. Schedule "A" of By-law Number (1995)-14864, as amended, is hereby further amended by deleting Defined Area Map 57 and substituting therefore new Defined Area Map 57 attached hereto as Schedule "A".

Schedule "A"



CITY OF GUELPH BY-LAW (1995) - 14864
As last amended by By-law (2015) - 19858
SCHEDULE 'A'