# THE CORPORATION OF THE CITY OF GUELPH

**By-law Number (2014)-19793**

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 5 Arthur Street South and legally described as Part of Grist Mill Lands, East side of Speed River, Plan 113 and Part Lot 76, and Lots 77, 78, 79, 80, 81 and 82, Plan 113 (as amended), designated as Parts 11, 12 and 13, Reference Plan 61R11955, together with an easement over Part 17, 61R11955 as in Instrument No. WC212993; Guelph and Part of Grist Mill Lands, Plan 113, East of River Speed, designated as Parts 14, 15 and 16, Reference Plan 61R11955; subject to an Easement as in Instrument No. RO682767; together with an Easement over Part 17, 61R11955 as in Instrument No. WC212993, City of Guelph.

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 Grist Mill Lands, East side of Speed River, Plan 113 and Part Lot 76, and Lots 77, 78, 79, 80, 81 and 82, Plan 113, (as amended), designated as Parts 11, 12 and 13, Reference Plan 61R11955, together with an easement over Part 17, 61R11955 as in Instrument No. WC212993; Guelph and Part of Grist Mill Lands, Plan 113, East of River Speed, designated as Parts 14, 15 and 16, Reference Plan 61R11955; subject to an Easement as in Instrument No. RO682767; together with an Easement over Part 17, 61R11955 as in Instrument No. WC212993, City of Guelph, and municipally known as 5 Arthur Street South, from the R.4B (H2) (High Density Residential with holding provisions) Zone and P.2 (Neighbourhood Park) Zone to the R.4B-15 (H) (Specialized High Density Residential with holding provisions) Zone.

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

   "***Micro-brewery or Brew Pub***" means a ***Place*** used for the small scale and independent ***Manufacturing*** of specialty or craft beer or wine produced for retail sale and consumption off-premises, or on-site consumption when located in combination with a permitted ***Restaurant*** or ***Tavern***.

3. Section 5.4.3.2 of By-law Number (1995)-14864, as amended, is hereby further amended by adding a new subsection 5.4.3.2.15:

5.4.3.2.15 R.4B-15(H)

5 Arthur Street South
As shown on Defined Area Map Number 38 and Defined Area Map Number 38, Detail "A" of Schedule "A" to this By-law:

The following definition that shall apply to the R.4B-15 Zone

"***Community Services Facilities***" means a ***Place*** used for smaller-scaled community, institutional, cultural or recreational uses of either a public or private nature, including but not limited to uses such as a library branch, gallery or museum, educational or training centre, ***Office*** of a government or a non-profit agency or corporation or a gymnasium or multi-purpose room(s) available for meetings, events and activities.

5.4.3.2.15.1 Permitted ***Uses***

Despite Section 5.4.1.2, the following ***Uses*** shall be permitted:

- ***Apartment Building***
- ***Townhouse*** or ***Multiple Attached Dwelling*** together with an ***Apartment Building***
- ***Home Occupation*** in accordance with Section 4.19

5.4.3.2.15.2 Regulations

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

5.4.3.2.15.2.1 Maximum ***Floor Space Index*** (FSI)

Notwithstanding Table 5.4.2, Row 18, the maximum ***Floor Space Index*** (FSI) shall be 2.0. In addition, the FSI on individual portions of the 5 Arthur Street site may exceed the maximum permitted FSI, provided that the maximum FSI over the entirely of the 5 Arthur Street site is achieved. The calculation of ***Gross Floor Area*** and FSI will not include space within the ***Basement*** of a ***Building***, within an underground, at-grade or above-grade parking structure or any floor area which does not have a clear floor to ceiling height of 2.15 metres. Floor space in the existing heritage building shall not be included in the calculation of FSI.

5.4.3.2.15.2.2 ***Front Yard***

For the purposes of this zone, the ***Front Yard*** shall be considered the Arthur Street frontage.

5.4.3.2.15.2.3 Minimum Distance Between ***Buildings***

Notwithstanding Section 5.4.2.2 and Table 5.4.2 the minimum distance between the ***Building*** face of one ***Apartment Building*** and the face of another ***Apartment Building*** shall be:

- At or below 6 Storeys 18 m
- Above 6 Storeys 25 m

5.4.3.2.15.2.3.1 ***Townhouse*** blocks shall be a minimum of 4.0 metres apart from one another

5.4.3.2.15.2.4 Angular Planes

Despite Section 4.16, Angular Planes shall not apply to any ***Building*** or ***Structure*** on the ***Lot***

5.4.3.2.15.2.5 Minimum Off-Street Parking

Notwithstanding Section 4.13 and Table 5.4.2 Row 14, the following minimum number of ***Parking Spaces*** shall be provided within an underground garage or an above-grade parking structure for the following uses:

| | |
|---|---|
| Residents | 1.0 per ***Dwelling Unit*** |
| Visitors | 0.15 per ***Dwelling Unit*** |
| Non-Residential Uses | 1.0 per 33 $m^2$ of ***Gross Floor Area*** |

5.4.3.2.15.2.6 Bicycle Parking

5.4.3.2.15.2.6.1 Bicycle Parking Shall be provided at the ratio of 0.65 bicycle parking spaces per ***Dwelling Unit*** on the Lot and 0.3 bicycle parking spaces per 100 square metres of non-residential ***Gross Floor Area***.

5.4.3.2.15.2.6.2 Bicycle Parking may be provided for by a combination of racks at the surface, within a ***Basement*** or ***Garage*** of an ***Apartment Building***, a secure parking area, room or enclosed container, or within a specially designed and designated spot provided within a storage locker.

5.4.3.2.15.2.7 The provisions of this ***By-law*** shall continue to apply collectively to the whole of the lands identified on Schedule "A" as R.4B-15, including any sub-zones (i.e. R.4B-15.1) despite any future severance, conveyance, dedication, taking, widening, partition or division for any purpose.

5.4.3.2.15.2.8 Holding Provision

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*** related to the subject development.

Conditions:

1. That a structural assessment of the existing retaining wall along the Speed River in accordance with the Terms of Reference provided to the developer be completed and approved to the satisfaction of the General Manager/City Engineer.

2. That an Environmental Implementation Report be completed and approved to the satisfaction of the General Manager of Planning Services, as further outlined in condition #11 of the conditions of site plan approval in Attachment 2 of Council Report 14-38, dated August 25, 2014.

3. A Development Agreement will be entered into and registered on title regarding the proposed Riverwalk and publicly accessible portions of the site. The agreement will include, but not be limited to parkland dedication requirements, responsibility for the design

and construction of publicly accessible areas of the site, a temporary trail along the river, easements, and further agreements regarding future maintenance and liability, to the satisfaction of the Executive Director of Community and Social Services.

4. That a final Urban Design Master Plan be completed and approved, to the satisfaction of the General Manager of Planning Services.

5. That the developer pay to the ***City***, their proportionate share of the actual cost of constructing municipal services on Arthur Street South, Cross Street and Neeve Street across the frontage of the lands including road works, local sanitary sewer, storm sewer, watermain curb and gutter, catchbasins, sidewalks, streetscaping and street lighting as determined by the City Engineer. Furthermore, the developer shall pay to the ***City*** their proportionate share of the estimated cost of the municipal services determined by the City Engineer for the frontage associated with the first phase of development prior to the removal of this Holding Provision.

5.4.3.2.15.3 R.4B-15.1
5 Arthur Street South
As shown on Defined Area Map Number 38 and Defined Area Map Number 38, Detail "A" of Schedule "A" to this By-law:

5.4.3.2.X.3.1 Additional Permitted ***Use***, as part of a Commercial/ Residential ***Building***:
- ***Restaurant***

5.4.3.2.15.3.2 Regulations
In addition to the regulations in Sections 5.4.2 and 5.4.3.2.15.2, the following regulations shall apply to the R.4B-15.1 ***Zone***:

5.4.3.2.15.3.2.1 Additional Permitted Commercial ***Use***
A ***Restaurant*** shall be permitted on the ground floor of the ***Building*** and limited to 50 square metres of ***Gross Floor Area***.

5.4.3.2.15.3.2.2 Minimum ***Common Amenity Area***
Despite Section 5.4.2.4.1 and Table 5.4.2, Row 12, the minimum ***Common Amenity Area*** shall be a total of 600 $m^2$

5.4.3.2.15.3.2.3 Minimum ***Landscaped Open Space***
Despite Table 5.4.2, Row 13, the minimum ***Landscaped Open Space*** shall be a total of 1800 $m^2$

5.4.3.2.15.3.2.3.1 Despite the definition in Section 3.1, ***Landscaped Open Space*** may include open space located either at grade or above a ***Building*** or ***Structure***.

5.4.3.2.15.3.2.4 Maximum ***Building*** Floor Plate Area

| | |
|---|---|
| Above the 6th Storey | 1200 $m^2$ |
| Above the 9th Storey | 1000 $m^2$ |

5.4.3.2.15.3.2.5 Minimum ***Yards***

5.4.3.2.15.3.2.5.1 Minimum ***Front Yard***
Despite Section 4.24 and Table 5.4.2, Row 6, the minimum ***Front Yard*** shall be:

| | |
|---|---|
| - From Arthur St to Townhouse front face | 2.5 m |
| - From Arthur St to raised walkway/patio | 1.0 m |

5.4.3.2.15.3.2.5.2 Despite Section 4.7, all raised patios, walkways, ramps, retaining walls, planters are permitted to project into the required ***Front Yard*** between the main wall of the ***Townhouses*** and the front ***Lot*** line to a maximum distance of 1.5 metres, except that stairs and ramps may have a minimum setback of 0.0 metres from the front ***Lot*** line

5.4.3.2.15.3.2.6 ***Setbacks***

5.4.3.2.15.3.2.6.1 Underground Parking ***Setback***
An underground parking structure is permitted to be ***Setback*** 0 metres from a Lot line.

5.4.3.2.15.3.2.6.2 ***Setbacks*** of Upper ***Storeys*** of ***Apartment Buildings***
The minimum ***Setback*** for the tower portion of an ***Apartment Building***, above 4 ***Storeys*** shall be:

| | |
|---|---|
| From Arthur Street ***Lot*** Line: | 12 metres |
| From the easterly edge of the FL Zone: | 10 metres |

5.4.3.2.15.3.2.7 ***Building Heights***
Despite Table 5.4.2 Row 10 and Sections 4.16, 5.4.2.1 and Defined Area Map No. 68, the maximum ***Building Heights*** are:

| | |
|---|---|
| For Podium/***Townhouses*** | 4 ***Storeys*** |
| For ***Apartment Buildings*** | 10 ***Storeys*** |

5.4.3.2.15.4 R.4B-15.2
5 Arthur Street South
As shown on Defined Area Map Number 38 and Defined Area Map Number 38, Detail "A" of Schedule "A" to this By-law:

5.4.3.2.15.4.1 Regulations
In addition to the regulations in Sections 5.4.2 and 5.4.3.2.15.2, the following regulations shall apply to the R.4B-15.2 ***Zone***:

5.4.3.2.15.4.1.1 Minimum ***Common Amenity Area***
Despite Section 5.4.2.4.1 and Table 5.4.2, Row 12, the minimum ***Common Amenity Area*** shall be a total of 1000 $m^2$

5.4.3.2.15.4.1.2 Minimum ***Landscaped Open Space***
Despite Table 5.4.2, Row 13, the minimum ***Landscaped Open Space*** shall be a total of 1500 $m^2$

5.4.3.2.15.4.1.2.1 Despite the definition in Section 3.1, ***Landscaped Open Space*** may include open space located either at grade or above a ***Building*** or ***Structure***.

5.4.3.2.15.4.1.3 Maximum ***Building*** Floor Plate Area

| | |
|---|---|
| Above the 6th ***Storey*** | 1200 $m^2$ |
| Above the 10th ***Storey*** | 800 $m^2$ |

5.4.3.2.15.4.1.4 Maximum Floor Plate Ratio Restriction

| | |
|---|---|
| Above 10th ***Storey*** Only | 2.5:1.0 |

5.4.3.2.15.4.1.5 Minimum ***Yards***

5.4.3.2.15.4.1.5.1 Minimum ***Front Yard***

Despite Section 4.24 and Table 5.4.2, Row 6, the minimum ***Front Yard*** shall be:

| | |
|---|---|
| From Arthur St to ***Townhouse*** front face: | 2.5 m |
| From Arthur St to raised walkway/patio: | 1.0 m |

5.4.3.2.15.4.1.5.2 Despite Section 4.7, all raised patios, walkways, ramps, retaining walls, planters are permitted to project into the required ***Front Yard*** between the main wall of the ***Townhouses*** and the front ***Lot*** line to a maximum distance of 1.5 metres, except that stairs and ramps may have a minimum setback of 0.0 metres from the front ***Lot*** line

5.4.3.2.15.4.1.6 ***Setbacks***

5.4.3.2.15.4.1.6.1 Underground Parking ***Setback***

An underground parking structure is permitted to be ***Setback*** 0 metres from a ***Lot*** line.

5.4.3.2.15.4.1.6.2 ***Setbacks*** of Upper ***Storeys*** of ***Apartment Buildings***

The minimum ***Setback*** for the tower portion of an ***Apartment Building***, above 4 ***Storeys*** shall be:

| | |
|---|---|
| From Arthur Street ***Lot*** Line: | 12 metres |
| From the easterly edge of the FL Zone: | 10 metres |

5.4.3.2.15.4.1.7 ***Building Heights***

Despite Table 5.4.2 Row 10 and Sections 4.16, 5.4.2.1 and Defined Area Map No. 68, the maximum ***Building Heights*** are:

| | |
|---|---|
| For Podium/***Townhouses***: | 4 ***Storeys*** |
| For ***Apartment Buildings***: | 11 ***Storeys*** |

5.4.3.2.15.4.1.8 Holding Provision

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*** related to the subject development.

Conditions:

1. That the Owner prepare an Urban Design Brief confirming that this phase of development is consistent with the approved Urban Design

Master Plan for the site, to the satisfaction of the General Manager of Planning Services. In addition, an architectural peer review for this phase is required to the satisfaction of the General Manager of Planning Services. The Owner may prepare one brief and complete a peer review that addresses one or more phases at a time, enabling the ***City*** to simultaneously lift the Holding Provision on multiple phases. Clearing of this condition may be done in advance of, or in conjunction with, submission of a Site Plan Approval application for each phase.

2. The owner shall obtain the approval of the ***City*** with respect to the availability of adequate water supply, sewage capacity and sewage treatment capacity, prior to the site plan approval for each phase of the development.

3. That the owner pay to the ***City***, their proportionate share of the actual cost of constructing municipal services on Arthur Street South, Cross Street and Neeve Street across the frontage of the lands including road works, local sanitary sewer, storm sewer, watermain curb and gutter, catchbasins, sidewalks, streetscaping and street lighting as determined by the City Engineer. Furthermore, that the owner pay to the ***City*** their proportionate share of the estimated cost of the municipal services determined by the City Engineer for all remaining frontage prior to the removal of this Holding Provision.

5.4.3.2.15.5 R.4B-15.3
5 Arthur Street South
As shown on Defined Area Map Number 38 and Defined Area Map Number 38, Detail "A" of Schedule "A" to this By-law:

5.4.3.2.15.5.1 Regulations
In addition to the regulations in Sections 5.4.2 and 5.4.3.2.15.2, the following regulations shall apply to the R.4B-15.3 ***Zone***:

5.4.3.2.15.5.1.1 Minimum ***Common Amenity Area***
Despite Section 5.4.2.4.1 and Table 5.4.2, Row 12, the minimum ***Common Amenity Area*** shall be a total of 700 $m^2$

5.4.3.2.15.5.1.2 Minimum ***Landscaped Open Space***
Despite Table 5.4.2, Row 13, the minimum ***Landscaped Open Space*** shall be a total of 1700 $m^2$

5.4.3.2.15.5.1.2.1 Despite the definition in Section 3.1, ***Landscaped Open Space*** may include open space located either at grade or above a ***Building*** or ***Structure***.

5.4.3.2.15.5.1.3 Maximum ***Building*** Floor Plate Area
Above the 6th ***Storey***: 1200 $m^2$
Above the 10th ***Storey***: 1000 $m^2$

5.4.3.2.15.5.1.4 Maximum Floor Plate Ratio Restriction
Above 10th ***Storey*** Only 1.5:1.0

5.4.3.2.15.5.1.5 Minimum ***Yards***

5.4.3.2.15.5.1.5.1 Minimum ***Front Yard***

Despite Section 4.24 and Table 5.4.2, Row 6, the minimum ***Front Yard*** shall be:

From Arthur St to ***Townhouse*** front face: 2.5 m

From Arthur St to raised walkway/patio: 1.0 m

5.4.3.2.15.5.1.5.2 Despite Section 4.7, all raised patios, walkways, ramps, retaining walls, planters are permitted to project into the required ***Front Yard*** between the main wall of the ***Townhouses*** and the front ***Lot*** line to a maximum distance of 1.5 metres, except that stairs and ramps may have a minimum setback of 0.0 metres from the front ***Lot*** line

5.4.3.2.15.5.1.6 ***Setbacks***

5.4.3.2.15.5.1.6.1 Underground Parking ***Setback***

An underground parking structure is permitted to be ***Setback*** 0 metres from a ***Lot*** line.

5.4.3.2.15.5.1.6.2 ***Setbacks*** of Upper ***Storeys*** of ***Apartment Buildings***

The minimum ***Setback*** for the tower portion of an ***Apartment Building***, above 4 ***Storeys*** shall be:

From Arthur Street ***Lot*** Line: 12 metres

From the easterly edge of the FL Zone: 10 metres

5.4.3.2.15.5.1.7 ***Building Heights***

Despite Table 5.4.2 Row 10 and Sections 4.16, 5.4.2.1 and Defined Area Map No. 68, the maximum ***Building Heights*** are:

For Podium/***Townhouses***: 4 ***Storeys***

For ***Apartment Buildings***: 10 ***Storeys***

5.4.3.2.15.5.1.8 Holding Provision

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*** related to the subject development.

Conditions:

1. That the Owner prepare an Urban Design Brief confirming that this phase of development is consistent with the approved Urban Design Master Plan for the site, to the satisfaction of the General Manager of Planning Services. In addition, an architectural peer review for this phase is required to the satisfaction of the General Manager of Planning Services. The Owner may prepare one brief and complete a peer review that addresses one or more phases at a time, enabling the ***City*** to simultaneously lift the Holding Provision on multiple phases. Clearing of this condition may be done in advance of, or in conjunction with, submission of a Site Plan Approval application for each phase.

2. The developer/owner shall obtain the approval of the ***City*** with respect to the availability of adequate water supply, sewage capacity and sewage treatment capacity, prior to the site plan approval for each phase of the development.

3. That the owner pay to the ***City***, their proportionate share of the actual cost of constructing municipal services on Arthur Street South, Cross Street and Neeve Street across the frontage of the lands including road works, local sanitary sewer, storm sewer, watermain curb and gutter, catchbasins, sidewalks, streetscaping and street lighting as determined by the City Engineer. Furthermore, that the owner pay to the ***City*** their proportionate share of the estimated cost of the municipal services determined by the City Engineer for all remaining frontage prior to the removal of this Holding Provision.

5.4.3.2.15.6 R.4B-15.4

5 Arthur Street South

As shown on Defined Area Map Number 38 and Defined Area Map Number 38, Detail "A" of Schedule "A" to this By-law:

5.4.3.2.15.6.1 Additional Permitted ***Uses***, as part of a Commercial/ Residential ***Building***

- ***Agricultural Produce Market***
- ***Art Gallery***
- ***Artisan Studio***
- ***Bake Shop***
- ***Boutique***
- ***Community Services Facilities***
- ***Convenience Store***
- ***Dry Cleaning Outlet***
- ***Financial Establishment***
- ***Florist***
- ***Home Occupation***
- ***Laundry***
- ***Medical Clinic***
- ***Medical Office***
- ***Office***
- ***Parking Facility (within structure only)***
- ***Personal Service Establishment***
- ***Pharmacy***
- ***Postal Service***
- ***Print Shop***
- ***Recreation Centre***
- ***Restaurant***
- ***Restaurant (take-out)***
- ***Retail Establishment***

5.4.3.2.15.6.2 Regulations

In addition to the regulations in Sections 5.4.2 and 5.4.3.2.15.2, the following regulations shall apply to the R.4B-15.4 ***Zone***:

5.4.3.2.15.6.2.1 Additional Permitted Commercial ***Uses***

5.4.3.2.15.6.2.1.1 Commercial ***Uses*** permitted in Section 5.4.3.2.15.6.1 shall be limited to a ***Gross Floor Area*** of 500 square metres in size.

5.4.3.2.15.6.2.1.2 Notwithstanding the permitted ***Uses*** in 5.4.3.2.15.1 and 5.4.3.2.15.6.1, the ground floor of this ***Building*** shall contain a minimum of one commercial unit fronting onto each of Arthur Street South, Cross Street, and the river.

5.4.3.2.15.6.2.2 Minimum ***Common Amenity Area***
Despite Section 5.4.2.4.1 and Table 5.4.2, Row 12, the minimum ***Common Amenity Area*** shall be a total of 1500 $m^2$

5.4.3.2.15.6.2.3 Minimum ***Landscaped Open Space***
Despite Table 5.4.2, Row 13, the minimum ***Landscaped Open Space*** shall be a total of 2000 $m^2$

5.4.3.2.15.6.2.3.1 Despite the definition in Section 3.1, ***Landscaped Open Space*** may include open space located either at grade or above a ***Building*** or ***Structure***.

5.4.3.2.15.6.2.4 Maximum ***Building*** Floor Plate Area
Above the 6th ***Storey*** : 1200 $m^2$
Above the 8th ***Storey***: 1000 $m^2$

5.4.3.2.15.6.2.5 Maximum Floor Plate Ratio Restriction
Above 10th ***Storey*** Only 1.5:1.0

5.4.3.2.15.6.2.6 ***Setbacks***

5.4.3.2.15.6.2.6.1 ***Front Yard Setback***
Despite Section 4.24 and Table 5.4.2, Row 6, the 5-storey ***Building*** podium shall not encroach within an area on the property directly adjacent to the intersection of Arthur Street South and Cross Street, defined by connecting the following three points:

1. The point at the immediate southeast corner of the property and directly adjacent to the intersection of Arthur Street South and Cross Street;
2. A point located approximately 40 metres from the intersection of Arthur Street South and Cross Street, measure northwest along the Arthur Street frontage;
3. A point located approximately 25 metres from the intersection of Arthur Street South and Cross Street, measure northwest along the Cross Street frontage.

5.4.3.2.15.6.2.6.2 ***Exterior Side Yard Setback*** (Cross Street)
Despite Section 4.24 and Table 5.4.2, Row 6, the ***Building*** shall be ***Setback*** a minimum of 2.5 metres from Cross Street.

5.4.3.2.15.6.2.6.3 Underground Parking ***Setback***
An underground parking structure is permitted to be ***Setback*** 0 metres from a ***Lot*** line.

5.4.3.2.15.6.1.5.2 ***Setbacks*** of Upper ***Storeys*** of ***Apartment Buildings***

The minimum setback for the tower portion of an ***Apartment Building***, above ***5 Storeys*** shall be:

| | |
|---|---|
| From Arthur Street ***Lot*** Line: | 25 metres |
| From Cross Street ***Lot*** Line: | 5.5 metres |
| From Neeve Street ***Lot*** Line: | 35 metres |

5.4.3.2.15.6.1.6 ***Building Heights***

Despite Table 5.4.2 Row 10 and Sections 4.16, 5.4.2.1 and Defined Area Map No. 68, the maximum ***Building Height*** is 14 ***Storeys***.

5.4.3.2.15.6.1.6.1 Minimum Ground Floor ***Height***

For ground floor non-residential units, the minimum floor-to-ceiling ***Height*** shall be 4.5 metres.

5.4.3.2.15.6.1.7 Holding Provision

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*** related to the subject development.

Condition:

1. That the Owner prepare an Urban Design Brief confirming that this phase of development is consistent with the approved Urban Design Master Plan for the site, to the satisfaction of the General Manager of Planning Services. In addition, an architectural peer review for this phase is required to the satisfaction of the General Manager of Planning Services. The Owner may prepare one brief and complete a peer review that addresses one or more phases at a time, enabling the ***City*** to simultaneously lift the Holding Provision on multiple phases. Clearing of this condition may be done in advance of, or in conjunction with, submission of a Site Plan Approval application for each phase.

2. The developer/owner shall obtain the approval of the ***City*** with respect to the availability of adequate water supply, sewage capacity and sewage treatment capacity, prior to the site plan approval for each phase of the development.

3. That the owner pay to the ***City***, their proportionate share of the actual cost of constructing municipal services on Arthur Street South, Cross Street and Neeve Street across the frontage of the lands including road works, local sanitary sewer, storm sewer, watermain curb and gutter, catchbasins, sidewalks, streetscaping and street lighting as determined by the City Engineer. Furthermore, that the owner pay to the ***City*** their proportionate share of the estimated cost of the municipal services determined by the City Engineer for all remaining frontage prior to the removal of this Holding Provision.

5.4.3.2.15.7 R.4B-15.5
5 Arthur Street South
As shown on Defined Area Map Number 38 and DAM 38 Detail 'A' of Schedule "A" to this By-law:

5.4.3.2.15.7.1 Additional Permitted ***Uses***
- ***Office***

5.4.3.2.15.7.1.1 Additional Permitted ***Uses***, as part of Commercial/ Residential ***Building***
- ***Agricultural Produce Market***
- ***Art Gallery***
- ***Artisan Studio***
- ***Bake Shop***
- ***Boutique***
- ***Micro-Brewery or Brew Pub***
- ***Commercial School***
- ***Community Services Facilities***
- ***Convenience Store***
- ***Dry Cleaning Outlet***
- ***Financial Establishment***
- ***Florist***
- ***Laundry***
- ***Medical Clinic***
- ***Medical Office***
- ***Office***
- ***Parking Facility (within structure only)***
- ***Personal Service Establishment***
- ***Pharmacy***
- ***Postal Service***
- ***Recreation Centre***
- ***Restaurant***
- ***Restaurant (take-out)***
- ***Retail Establishment***
- ***Tavern***

5.4.3.2.15.7.2 Regulations
In addition to the regulations in Sections 5.4.2 and 5.4.3.2.15.2, the following regulations shall apply to the R.4B-15.5 ***Zone***:

5.4.3.2.15.7.2.1 Ground Floor Commercial ***Uses***
Notwithstanding the permitted uses in 5.4.3.2.15.1 and 5.4.3.2.15.3.1, the ground floor of this ***Building*** shall contain at least one commercial ***Use*** fronting on to each of Arthur Street South and Elizabeth Street.

5.4.3.2.15.7.2.2 ***Setbacks*** from Railways

5.4.3.2.15.7.2.2.1 The minimum separation of the residential portion of any ***Building*** from the CN Railway Right-of-Way, shall be 30 metres

5.4.3.2.15.7.2.2.2 The minimum separation of the residential portion of any ***Building*** from the Guelph Junction Railway Right-of-Way shall be 15 metres

5.4.3.2.15.7.2.3 Minimum ***Common Amenity Area***
Despite Section 5.4.2.4.1 and Table 5.4.2, Row 12, the minimum ***Common Amenity Area*** shall be a total of 500 $m^2$

5.4.3.2.15.7.2.4 Minimum ***Landscaped Open Space***
Despite Table 5.4.2, Row 13, the minimum ***Landscaped Open Space*** shall be a total of 900 $m^2$

5.4.3.2.15.7.2.4.1 Despite the definition in Section 3.1, ***Landscaped Open Space*** may include open space located either at grade or above a ***Building*** or ***Structure***

5.4.3.2.15.7.2.5 Minimum ***Yards***

5.4.3.2.15.7.2.5.1 Minimum ***Front Yard*** (Arthur St)
Despite Section 4.24 and Table 5.4.2, Row 6, the minimum ***Front Yard*** shall be 3.0 metres

5.4.3.2.15.7.2.5.2 Minimum ***Exterior Side Yard*** (Elizabeth St)
Despite Section 4.24 and Table 5.4.2, Row 6, the minimum ***Exterior Side Yard*** shall be 3.0 metres

5.4.3.2.15.7.2.6 Underground Parking ***Setback***
An underground parking structure is permitted to be ***Setback*** 0 metres from a ***Lot*** line.

5.4.3.2.15.7.2.7 ***Building Heights***
Despite Table 5.4.2 Row 10 and Sections 4.16, 5.4.2.1 and Defined Area Map No. 68, the minimum ***Building Height*** is 4 ***Storeys*** and the maximum ***Building Height*** is 14 ***Storeys***

5.4.3.2.15.7.2.7.1 Minimum Ground Floor Height
For ground floor non-residential units, the minimum floor-to-ceiling ***Height*** shall be 4.5 metres.

5.4.3.2.15.7.2.8 Maximum ***Building*** Floor Plate Area

| | |
|---|---|
| Above the 6th ***Storey*** | 1200 $m^2$ |
| Above the 8th ***Storey*** | 1000 $m^2$ |

5.4.3.2.15.7.2.9 Maximum Dimensional Floor Plate Ratio

| | |
|---|---|
| Above 4th ***Storey*** | 2.2:1.0 |

5.4.3.2.15.7.2.10 ***Setbacks*** of Upper ***Storeys*** of ***Apartment Buildings***
The tower portion of an ***Apartment Building*** above a 4 ***Storey*** podium facing a ***Public Street*** or the Speed River shall be ***Setback*** an additional 3.0 metres from the podium ***Building*** face.

5.4.3.2.15.7.2.11 Holding Provision
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*** related to the subject development.

Conditions:

1. That the Owner implement CN's principal main line requirements for adjacent development, including addressing the interface with the elevated CN mainline adjacent to this phase of development, to the satisfaction of CN or its assigns.

2. The developer/owner shall obtain the approval of the ***City*** with respect to the availability of adequate water supply, sewage capacity and sewage treatment capacity, prior to the site plan approval for each phase of the development.

3. The developer/owner shall deed at no cost to the ***City***, a land dedication as identified in the City of Guelph's Official Plan for future intersection improvements at Elizabeth Street and Arthur Street South that is free of all encumbrances and satisfactory to the City Solicitor.

4. That the Owner prepare an Urban Design Brief confirming that this phase of development is consistent with the approved Urban Design Master Plan for the site, to the satisfaction of the General Manager of Planning Services. In addition, an architectural peer review for this phase is required to the satisfaction of the General Manager of Planning Services. The Owner may prepare one brief and complete a peer review that addresses one or more phases at a time, enabling the ***City*** to simultaneously lift the Holding Provision on multiple phases. Clearing of this condition may be done in advance of, or in conjunction with, submission of a Site Plan Approval application for each phase.

5. That the owner pay to the ***City***, their proportionate share of the actual cost of constructing municipal services on Arthur Street South, Cross Street and Neeve Street across the frontage of the lands including road works, local sanitary sewer, storm sewer, watermain curb and gutter, catchbasins, sidewalks, streetscaping and street lighting as determined by the City Engineer. Furthermore, that the owner pay to the ***City*** their proportionate share of the estimated cost of the municipal services determined by the City Engineer for all remaining frontage prior to the removal of this Holding Provision.

5.4.3.2.15.8 R.4B-15.6

5 Arthur Street South

As shown on Defined Area Map Number 38 and Defined Area Map Number 38, Detail "A" of Schedule "A" to this By-law:

5.4.3.2.15.8.1 Permitted ***Uses***

The ***Uses*** listed in Section 5.4.3.2.15, together with the following ***Uses***, shall be permitted within the existing heritage building, including within the portion of the ***Building*** in FL (Floodway) ***Zone***, subject to approval by the Grand River Conservation Authority:

- ***Agricultural Produce Market***
- ***Art Gallery***
- ***Artisan Studio***

- ***Bake Shop***
- ***Boutique***
- ***Micro-Brewery or Brew Pub***
- ***Commercial School***
- ***Community Services Facilities***
- ***Convenience Store***
- ***Dry Cleaning Outlet***
- ***Financial Establishment***
- ***Florist***
- ***Laundry***
- ***Medical Office***
- ***Office***
- ***Personal Service Establishment***
- ***Pharmacy***
- ***Postal Service***
- ***Recreation Centre***
- ***Restaurant***
- ***Restaurant (take-out)***
- ***Retail Establishment***
- ***Tavern***

5.4.3.2.15.8.2 Regulations

In addition to Sections 5.4.2, 12.2.1 and 12.2.2, and 5.4.3.2.15, the following regulations shall apply to the R.4B-15.6 ***Zone*** and the entire existing heritage building:

5.4.3.2.15.8.2.1 Minimum ***Common Amenity Area***

Despite Section 5.4.2.4.1 and Table 5.4.2, Row 12, the minimum ***Common Amenity Area*** shall be a total of 500 $m^2$

5.4.3.2.15.8.2.2 Minimum ***Landscaped Open Space***

Despite Table 5.4.2, Row 13, the minimum ***Landscaped Open Space*** shall be a total of 1200 $m^2$

5.4.3.2.15.8.2.3 Minimum ***Yards***

Despite Table 5.4.2 Row 6, Row 8 and Row 9, the minimum ***Yards*** shall be as exists on the Date of Passing of this ***By-law***.

5.4.3.2.15.8.2.4 ***Building Heights***

Despite Table 5.4.2 Row 10, the maximum ***Building Heights*** shall be as exists on the Date of Passing of this ***By-law***.

5.4.3.2.15.8.2.5 Minimum Distance between ***Buildings***

Despite Section 5.4.3.2.15.2.3, the minimum distance between the existing heritage ***Building*** and any other ***Building*** shall be 16 metres.

5.4.3.2.15.8.2.6 Minimum Off-Street Parking

5.4.3.2.15.8.2.6.1 Despite Section 5.4.3.2.15.2.5, a minimum of 30 ***Parking Spaces*** shall be provided for the users or residents of the existing heritage ***Building*** within a surface parking lot between the existing ***Building*** and Arthur Street South.

5.4.3.2.15.8.2.6.2 Despite Section 4.13.2.2, a ***Parking Area*** for resident and/or visitor ***Parking Spaces*** adjacent to the existing heritage ***Building*** may be located within the ***Front Yard*** provided that the ***Parking Area*** is set back a minimum of 3.0 metres from the Arthur Street South ***Lot*** line.

5.4.3.2.15.8.2.7 Holding Provision

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*** related to the subject development.

Conditions:

1. The developer/owner shall obtain the approval of the ***City*** with respect to the availability of adequate water supply, sewage capacity and sewage treatment capacity, prior to the site plan approval for each phase of the development.

2. That the owner pay to the ***City***, their proportionate share of the actual cost of constructing municipal services on Arthur Street South, Cross Street and Neeve Street across the frontage of the lands including road works, local sanitary sewer, storm sewer, watermain curb and gutter, catchbasins, sidewalks, streetscaping and street lighting as determined by the City Engineer. Furthermore, that the owner pay to the ***City*** their proportionate share of the estimated cost of the municipal services determined by the City Engineer for all remaining frontage prior to the removal of this Holding Provision.

2. Schedule "A" of By-law Number (1995)-14864, as amended, is hereby further amended by deleting Defined Area Map 38 and substituting therefore a new Defined Area Map 38 and new Defined Area Map 38, Detail "A", attached hereto as Schedule "A".

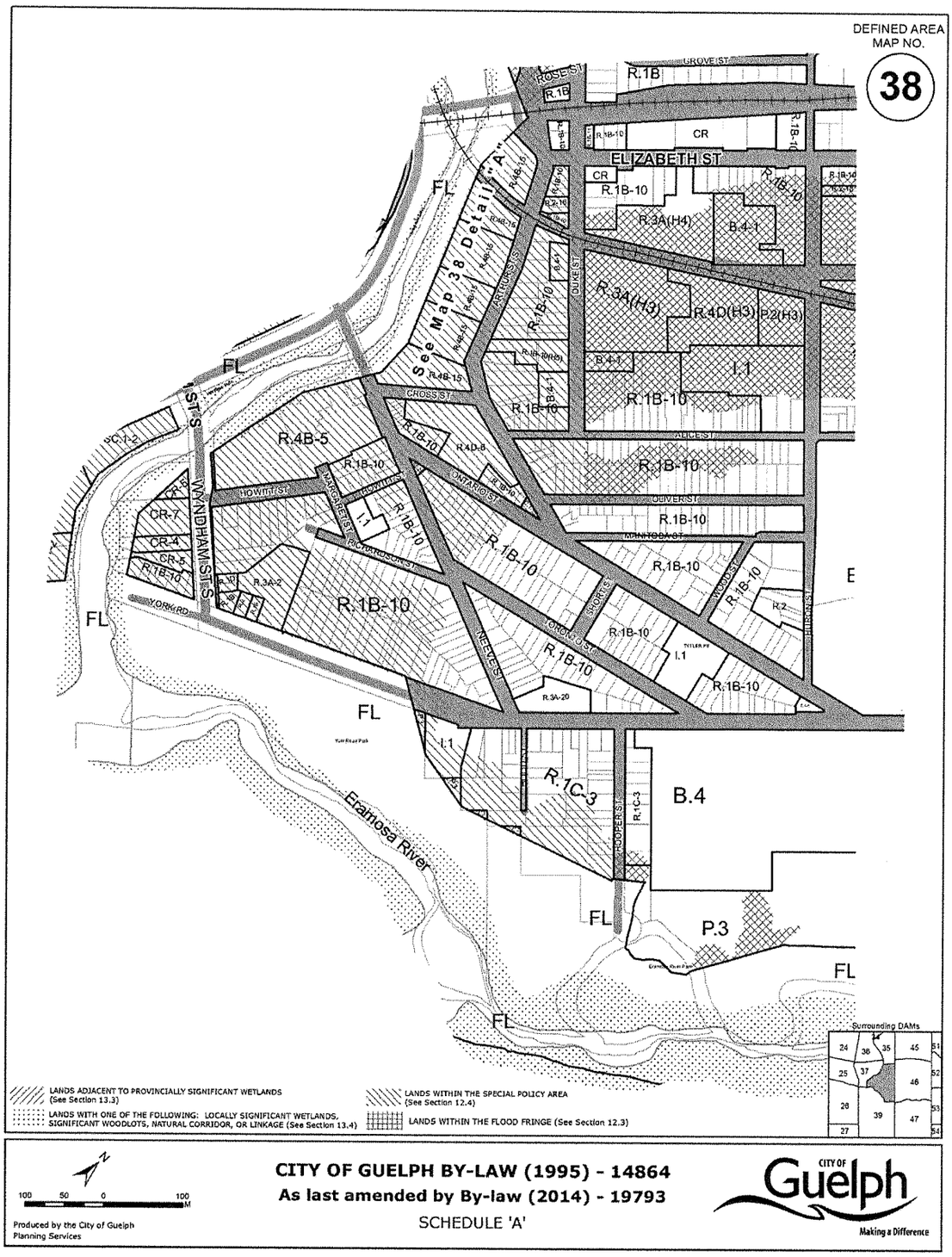
3. Where notice of this by-law is given in accordance with the Planning Act, and where no notice of objection has been filed within the time prescribed by the regulations, this by-law shall come into effect. Notwithstanding the above, where notice of objection has been filed within the time prescribed 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 TWENTY-FIFTH day of AUGUST, 2014.**

**KAREN FARBRIDGE - MAYOR**

**STEPHEN O'BRIEN - CITY CLERK**

**By-law (2014) – 19793**
**Schedule 'A'**



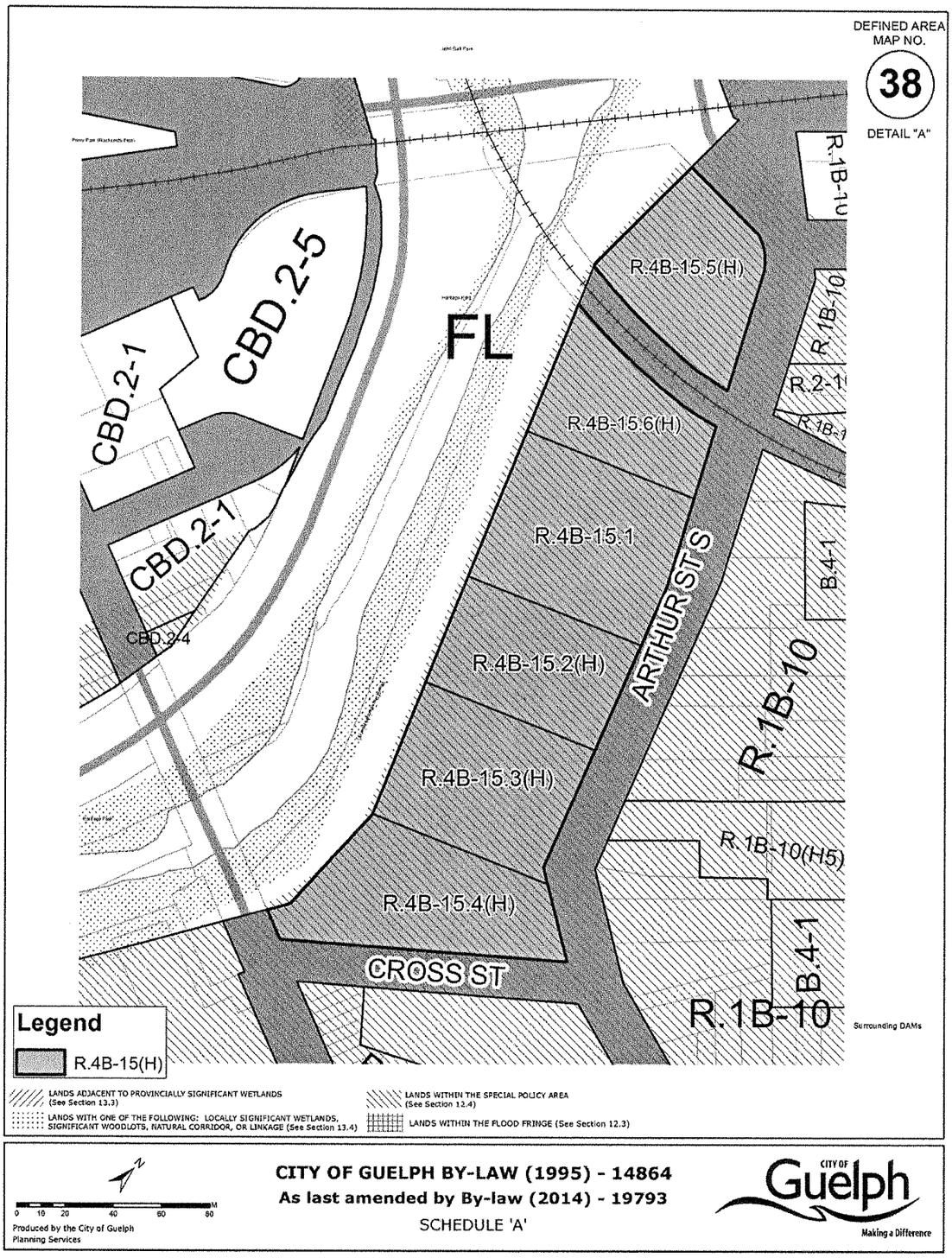

100 50 0 100 M

Produced by the City of Guelph
Planning Services

**CITY OF GUELPH BY-LAW (1995) - 14864**
**As last amended by By-law (2014) - 19793**
SCHEDULE 'A'

CITY OF Guelph
Making a Difference

**By-law (2014) – 19793**
**Schedule 'A' continued**



# EXPLANATION OF PURPOSE AND EFFECT AND KEY MAP FOR BY-LAW NUMBER (2014)-19793

1. By-law Number (2014)-19793 has the following purpose and effect:

This By-law authorizes a Zoning By-law amendment affecting lands municipally known as 5 Arthur Street South. The purpose of the proposed Zoning By-law amendment is to rezone 5 Arthur Street South from the R.4B (H2) Zone (High Density Apartment) Zone to the R.4B-15 (H) (Specialized High Density Apartment) Zone to permit the development of a six (6) phase mixed use development with 685 residential units, 2,193 square metres of commercial space and a 4,100 square metre existing vacant heritage building proposed to be redeveloped into a mixed use building.

The proposed zoning amendment was considered by Guelph City Council at a Public Meeting held on July 8, 2013 and was approved by Guelph City Council on August 25, 2014.

Further information may be obtained by contacting or visiting Planning, Building, Engineering and Environment, 837-5616, extension 2356, 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". 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 (2014)-19793 applies:

## KEY MAP

