THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2015)-19931

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 44, 56, 66 and 76 Arkell Road, and legally described as Part of Lot 6, Concession 8 (Geographic Township of Puslinch) And Lots 3, 4, 5, And 6, Registered Plan 514, City of Guelph (File ZC1314).

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 Lot 6, Concession 8 (Geographic Township of Puslinch) And Lots 3, 4, 5, And 6, Registered Plan 514, City of Guelph, municipally known as 44, 56, 66 and 76 Arkell Road, from the existing UR (Urban Reserve) Zone, WL (Wetland) Zone, R.1B (Residential Single Detached) Zone and R.3A-48 (Cluster Townhouse) Zone to a specialized a R.3A-58 (Cluster Townhouse) Zone, P.1 (Conservation Land) Zone and WL (Wetland) Zone to permit the development of ninety-three (93) cluster townhouses, a future public recreation trail, and wetland boundary reconfiguration as well as any other uses outlined in accordance with the provisions of Section 5.3 of Bylaw Number (1995)-14864, as amended.

2. Section 5.3.3.1 of By-law (1995)-14864, as amended, is hereby further amended by adding the following new subsection 5.3.3.1.58:

5.3.3.1.58	**R.3A-58**	
	60 Arkell Road	

As shown on Defined Area Map Numbers 41 and 42 of Schedule "A" of the ***By-law.***

5.3.3.1.58.1 Permitted ***Uses***

In accordance with the provisions of Section 5.3.1.1 of the ***By-law***.

5.3.3.1.58.2 Regulations

In accordance with the provisions of Section 4, Table 5.3.2 and Section 5.3.2 of the ***By-law*** (Residential ***Cluster Townhouse*** Zone), with the following exceptions and additions:

5.3.3.1.58.2.1 Minimum ***Lot Area*** per ***Dwelling Unit***

255 square metres

5.3.3.1.58.2.2 Minimum ***Front Yard***

3.9 metres

5.3.3.1.58.2.3 Minimum ***Side Yard***

3 metres

5.3.3.1.58.2.4 Maximum ***Building Height***

Despite Row 9, Table 5.3.2 of the ***By-law***, the maximum ***Building Height*** shall be 4 ***Storeys*** and this provision shall be limited to a maximum of 12 of the ***Cluster Townhouse Dwelling Units*** adjacent to lands ***Zoned*** P.1 (Conservation Land).

5.3.3.1.58.2.5 ***Private Amenity Area***

Despite Section 5.3.2.5.1 i) of the ***By-law***, a ***Private Amenity Area*** may have a minimum ***Setback*** of 1.4 metres from a side ***Lot Line***, and this reduced ***Setback*** provision shall be limited to one of the ***Cluster Townhouse Dwelling Units***.

5.3.3.1.58.2.6 Maximum Density

41 units per hectare

5.3.3.1.58.3 Severability

Despite any future severance, partition or subdivision of the lands, the provisions contained within the ***By-law***, including Sections 5.3.3.1.58.2.1 to 5.3.3.1.58.2.6 shall apply to the whole lands as if no severance, partition or subdivision occurred.

3. Schedule "A" of By-law Number (1995)-14864, as amended, is hereby further amended by deleting Defined Area Maps 41 and 42 and substituting therefore new Defined Area Maps 41 and 42 attached hereto as Schedule "A".

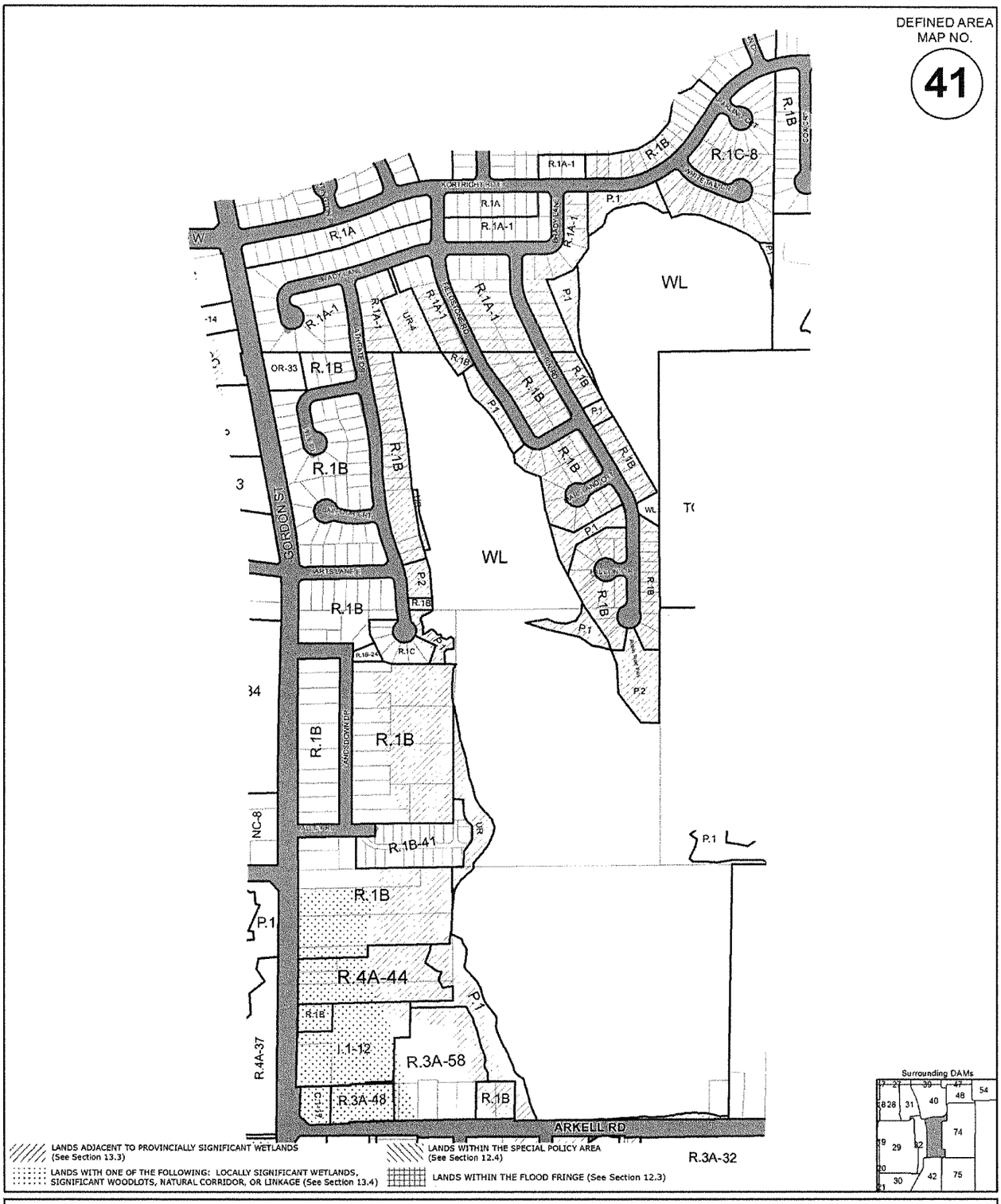
4. Where notice of this by-law is given in accordance with the Planning Act, and where no notice of objection has been filed within the time prescribed by the regulations, this by-law shall come into effect. Notwithstanding the above, where notice of objection has been filed within the time prescribed 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 THIRTEENTH day of JULY, 2015.

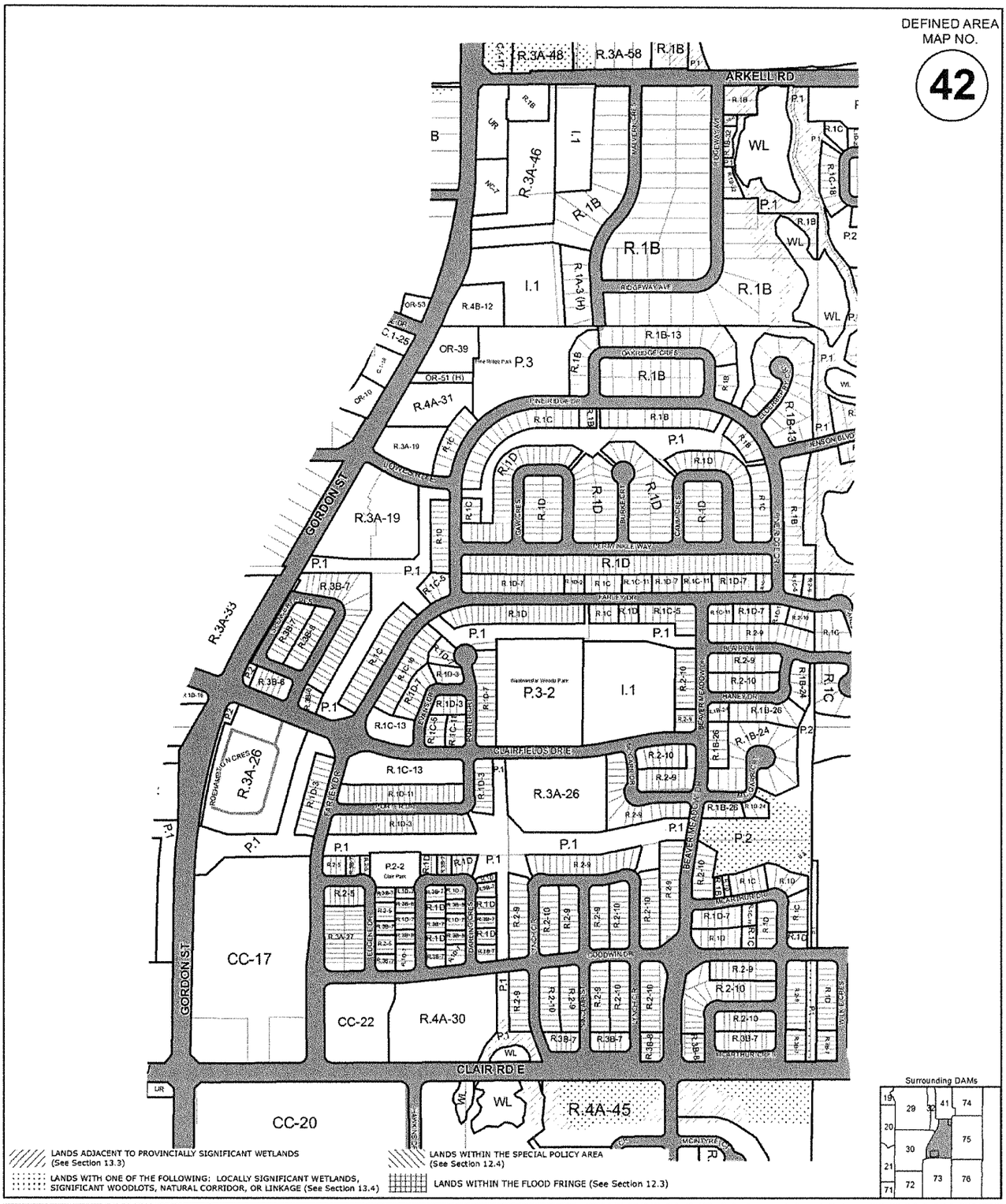
CAM GUTHRIE - MAYOR

STEPHEN O'BRIEN – CLERK

SCHEDULE "A"


DEFINED AREA MAP NO.
41
R.1A
R.1A-1
R.1B
R.1C-8
R.1C
P.1
P.2
WL
UR-4
OR-33
R.1B-24
R.1B-41
R.4A-44
I.1-12
R.3A-58
R.3A-48
R.3A-37
R.3A-32
NC-8
GORDON ST
ARKELL RD
LANDS ADJACENT TO PROVINCIALLY SIGNIFICANT WETLANDS (See Section 13.3)
LANDS WITHIN THE SPECIAL POLICY AREA (See Section 12.4)
LANDS WITH ONE OF THE FOLLOWING: LOCALLY SIGNIFICANT WETLANDS, SIGNIFICANT WOODLOTS, NATURAL CORRIDOR, OR LINKAGE (See Section 13.4)
LANDS WITHIN THE FLOOD FRINGE (See Section 12.3)
Surrounding DAMs
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 (2015) - 19931
SCHEDULE 'A'
CITY OF Guelph
Making a Difference

SCHEDULE "A"


DEFINED AREA MAP NO.
42
ARKELL RD
GORDON ST
CLAIR RD E
CLAIRFIELDS DRIVE
R.3A-48
R.3A-58
R.1B
R.3A-46
I.1
R.1B-13
R.1D
R.3A-19
R.3A-33
R.3A-26
R.3A-26
P.3-2
I.1
R.3A-37
P.2-2
CC-17
CC-22
R.4A-30
CC-20
R.4A-45
WL
P.1
P.2
P.3
OR-39
OR-51 (H)
R.4A-31
R.4B-12
R.1A-3 (H)
R.3A-19
R.3B-7
R.3B-8
R.1C-13
R.2-9
R.2-10
R.1B-26
R.1B-24
R.1C
R.1D-7
R.10-7
Surrounding DAMs
19
29
32
41
74
20
30
75
21
71
72
73
76
LANDS ADJACENT TO PROVINCIALLY SIGNIFICANT WETLANDS (See Section 13.3)
LANDS WITHIN THE SPECIAL POLICY AREA (See Section 12.4)
LANDS WITH ONE OF THE FOLLOWING: LOCALLY SIGNIFICANT WETLANDS, SIGNIFICANT WOODLOTS, NATURAL CORRIDOR, OR LINKAGE (See Section 13.4)
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EXPLANATION OF PURPOSE AND EFFECT AND KEY MAP FOR BY-LAW NUMBER (2015)-19931

1. By-law Number (2015)-19931 has the following purpose and effect:

This By-law authorizes a Zoning By-law Amendment applying to the lands at 44, 56, 66 and 76 Arkell Road, City of Guelph. A Zoning By-law Amendment application (File No. ZC1314) was received by the City on September 18, 2013 from Astrid J. Clos Planning Consultants on behalf of Moshi Holdings Ltd., and was deemed to be complete on October 8, 2013.

The subject lands affected by this Zoning By-law Amendment are legally described as Part of Lot 6, Concession 8 (Geographic Township of Puslinch) And Lots 3, 4, 5, And 6, Registered Plan 514, City of Guelph. The subject lands are located on the north side of Arkell Road, east of the intersection of Gordon Street and Arkell Road and across from the northern terminus of Malvern Crescent. It has an area of approximately 2.4 hectares (See Key Map attached).

The Zoning By-law Amendment will rezone the subject lands from the existing UR (Urban Reserve) Zone, WL (Wetland) Zone and R.1B (Residential Single Detached 'B') Zone and R.3A-48 (Specialized Cluster Townhouse) Zone covering the subject property to a R.3A-58 (Specialized Cluster Townhouse) Zone, P.1 (Conservation Land) Zone and WL (Wetland) Zone. This will permit the development of ninety-three (93) cluster townhouse dwelling units and other uses in accordance with Section 5.3.1.1 of the Zoning By-law. Further, the rezoning will also align the WL (Wetland) Zone boundary with the confirmed and surveyed limit of the Torrance Creek Provincially Significant Wetland on the subject lands, as well as incorporate a 30 metre wildlife corridor and conservation buffer that will accommodate a future public recreation trail connection.

The Zoning By-law Amendment will also confirm that the standard R.3A provisions and regulations, as outlined in Section 5.3.2 and Table 5.3.2 of the Zoning By-law will apply to the development of the subject lands, with the following specialized exceptions and additions:

- That the minimum lot area per dwelling unit be 255 m^2 whereas the Zoning By-law requires 270 m^2;
- That the minimum front yard be 3.9 m whereas the Zoning By-law requires 6 m;

- That the minimum side yard be 3 m whereas the Zoning By-law requires half the building height;
- That the maximum building height be 4 storeys whereas the Zoning By-law requires 3 storeys (for units 81 to 93 only);
- That a private amenity area be a minimum of 1.4 m from a side lot line whereas the Zoning By-law requires 3 m (for unit 93 only);
- That the maximum density of the site be 41 units per hectare whereas the Zoning By-law requires 37.5 units per hectare; and
- That the above provisions shall continue to apply collectively to the whole of the subject lands that are within in the R.3A-58 Zone, despite any future severance, phase of condominium registration, partition, or division for any purpose.

The July 13, 2015 Guelph City Council approval also includes thirty-six (36) conditions that are to be secured on title to the lands through a future site plan control agreement.

The proposed Zoning By-law Amendment was initially considered by Guelph City Council at a Public Meeting held on May 12, 2014 to consider the initial proposal of forty (40) stacked townhouses and one-hundred and seventy-six (176) multiple-attached dwelling units. Following this initial Public Meeting, the application was changed to include ninety-one (91) cluster townhouse dwelling units. A second Public Meeting to consider the revised proposal was held by Guelph City Council on February 9, 2015. Guelph City Council held a Decision Meeting for the revised proposal on July 13, 2015.

Further information may be obtained by contacting or visiting the Infrastructure, Development and Enterprise Department, 519-837-5616, extension 2790, 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 (2015)-19931 applies:

KEY MAP

