THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2015)-19943

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 24, 26, 28 and 0 Landsdown Drive, legally described as Lot 10 and Part of Lots 6, 9 and 13, on Plan 488, designated as Parts 1, 2, 3 and 4 on Reference Plan 61R-20544, City of Guelph (File# 23CDM-1307/ZC1317).

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 Lot 10 and Part of Lots 6, 9 and 13, on Plan 488, designated as Parts 1, 2, 3 and 4 on Reference Plan 61R-20544, in the City of Guelph, municipally known as 24, 26, 28 and 0 Landsdown Drive, City of Guelph, from the existing R.1B (Single Detached Residential) Zone and Lands Adjacent to Provincially Significant Wetlands Overlay to the new: Specialized R.1B (Single Detached Residential) Zone, to be known as the R.1B-46 (H) Zone, the Specialized R.1B (Single Detached Residential) Zone, to be known as the R.1B–47 (H) Zone, Specialized R.1B (Single Detached Residential) Zone, to be known as the R.1B-48 (H) Zone, P.1 (Conservation Land) Zone, and the WL (Wetland) Zone.

2. Section 5.1.3.2 of By-law Number (1995)-14864, as amended, is hereby further amended by adding a new subsection 5.1.3.2.46:

5.1.3.2.46 R.1B-46 (H)
24, 26 and 0 Landsdown Drive
As shown on Defined Area Map Number 41 of Schedule "A" of this ***By-law.***

5.1.3.2.46.1 Permitted ***Uses***
In accordance with the ***Uses*** permitted by Section 5.1.1 of ***By-law*** Number (1995)-14864, as amended.

5.1.3.2.46.2 Regulations
In accordance with Section 5.1.2 of the ***By-law***, with the following exceptions and additions:

5.1.3.2.46.2.1 Despite Section 4.1, ***Development*** in this ***Zone*** may occur on a privately owned ***Street***

5.1.3.2.46.2.2 Minimum ***Lot Area***
Despite Table 5.1.2, Row 3, the minimum ***Lot Area*** shall be 425 m².

5.1.3.2.46.2.3 Maximum ***Building Height***
Despite Table 5.1.2, Row 5, and Section 4.18, the maximum ***Building Height*** shall be two ***Storeys*** plus a partially exposed walk out or look out ***basement*** as required for grading.

5.1.3.2.46.2.4 Minimum ***Front Yard***
Despite Table 5.1.2, Row 6, and Sections 4.6, 4.24, 5.1.2.3, 5.1.2.4 and 5.1.2.7 the minimum ***Front Yard*** shall be 4.5 metres to ***Habitable Floor Space*** and 6 metres to the front wall of the ***Garage***.

5.1.3.2.46.2.5 Minimum ***Exterior Side Yard***
Despite Table 5.1.2, Row 6a, and Sections 4.6, 4.24, 4.28, 5.1.2.3, 5.1.2.4 and 5.1.2.7 the minimum ***Exterior Side Yard*** shall be 1.2 metres.

5.1.3.3.46.2.6 Minimum ***Side Yard***
Despite Table 5.1.2, Row 7, and Sections, 5.1.2.1 and 5.1.2.2 the minimum ***Side Yard*** shall be 1.2 metres.

5.1.3.2.46.2.7 Minimum ***Rear Yard***
Despite Table 5.1.2, Row 8, and Section 5.1.2.4 the minimum ***Rear Yard*** shall be 4.5 metres.

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

5.1.3.2.46.2.9 Holding Provision
Purpose: To ensure that development of the subject land does not proceed until the following conditions have been met to the satisfaction of the City related to the subject development.

Prior to the removal of the 'Holding' (H) provision, the Developer shall complete the following conditions to the satisfaction of the City:

a. The Developer's solicitor certifies that the easements/right-of-ways in favour of the Developer on 15 Valley Road for access and servicing has been granted and are registered on title.

b. That a Reference Plan is prepared and deposited indicating the boundaries of the easements/rights-of-ways on 15 Valley Road (Wellington Vacant Land of Condominium Corporation No. 169).

c. The agreement between Dunsire (Landsdown) Inc. and Wellington Vacant Land of Condominium Corporation No. 169 be registered on title. Furthermore, prior to the removal of the (H), the Developer's solicitor certifies that the agreement has been registered on title.

d. The Developer shall pay to the City, their share of the frontage assessment costs for the existing sanitary sewer main and existing watermain and the actual costs associated with the installation of the sanitary sewer lateral and the water service lateral to the property line, on Landsdown Drive across the frontage of 28 Landsdown Drive as determined by the General Manager/City Engineer.

3. Section 5.1.3.2 of By-law Number (1995)-14864, as amended, is hereby further amended by adding a new subsection 5.1.3.2.47.

5.1.3.2.47 R.1B-47 (H)
24, 26 and 0 Landsdown Drive
As shown on Defined Area Map Number 41 of Schedule "A" of this ***By-law.***

5.1.3.2.47.1 Permitted ***Uses***
In accordance with the ***Uses*** permitted by Section 5.1.1 of ***By-law*** Number (1995)-14864, as amended.

5.1.3.2.47.2 Regulations
In accordance with Section 5.1.2 of the ***By-law***, with the following exceptions and additions:

5.1.3.2.47.2.1 Frontage on a ***Street***
Despite Section 4.1 of this ***By-law***, ***Development*** in this ***Zone*** may occur on a privately owned ***Street***.

5.1.3.2.47.2.2 Minimum ***Lot Area***
Despite Table 5.1.2, Row 3, the minimum ***Lot Area*** shall be 425 m^2.

5.1.3.2.47.2.3 Maximum ***Building Height***
Despite Table 5.1.2, Row 5, the maximum ***Building Height*** shall be two ***Storeys*** plus a partially exposed walk out or look out ***Basement*** as required for grading.

5.1.3.2.47.2.4 Minimum ***Front Yard***
Despite Table 5.1.2, Row 6, and Sections 4.6, 4.24, 5.1.2.3, 5.1.2.4 and 5.1.2.7 the minimum ***Front Yard*** shall be 4.5 metres to ***Habitable Floor Space*** and 6 metres to the front wall of the ***Garage***.

5.1.3.2.47.2.5 Minimum ***Exterior Side Yard***
Despite Table 5.1.2, Row 6a, and Sections 4.6, 4.24, 4.28, 5.1.2.3, 5.1.2.4 and 5.1.2.7 the minimum ***exterior side yard*** shall be 1.2 metres.

5.1.3.2.47.2.6 Minimum ***Side Yard***
Despite Table 5.1.2, Row 7, and Sections 5.1.2.1 and 5.1.2.2 the minimum ***side yard*** shall be 1.2 metres.

5.1.3.2.47.2.7 Minimum ***Rear Yard***
Despite Table 5.1.2, Row 8, and Section 5.1.2.4 the minimum ***Rear Yard*** shall be 4.5 m.

5.1.3.2.47.2.8 Storm Gallery Protection
No ***Building, Structures or Swimming Pools*** (excluding ***Fences***) shall be located or constructed within 2.4 metres of the ***Rear Lot Line*** in this ***Zone***, in order to protect the underground infiltration storm gallery.

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

5.1.3.2.47.2.10 Holding Provision
Purpose: To ensure that development of the subject land does not proceed until the following conditions have been met to the satisfaction of the City related to the subject development.

Prior to the removal of the 'Holding' (H) provision, the Developer shall complete the following conditions to the satisfaction of the City:

a. The Developer's solicitor certifies that the easements/right-of-ways in favour of the Developer on 15 Valley Road for access and servicing has been granted and are registered on title.

b. That a Reference Plan is prepared and deposited indicating the boundaries of the easements/rights-of-ways on 15 Valley Road (Wellington Vacant Land of Condominium Corporation No. 169).

c. The agreement between Dunsire (Landsdown) Inc. and Wellington Vacant Land of Condominium Corporation No. 169 be registered on title. Furthermore, prior to the removal of the (H), the Developer's solicitor certifies that the agreement has been registered on title.

d. The Developer shall pay to the City, their share of the frontage assessment costs for the existing sanitary sewer main and existing watermain and the actual costs associated with the installation of the sanitary sewer lateral and the water service lateral to the property line, on Landsdown Drive across the frontage of 28 Landsdown Drive as determined by the General Manager/City Engineer.

4. Section 5.1.3.2 of By-law Number (1995)-14864, as amended, is hereby further amended by adding a new subsection 5.1.3.2.48.

5.1.3.2.48 R.1B-48 (H)
28 Landsdown Drive
As shown on Defined Area Map Number 41 of Schedule "A" of this ***By-law.***

5.1.3.2.48.1 Permitted ***Uses***
In accordance with the ***Uses*** permitted by Section 5.1.1 of ***By-law*** Number (1995)-14864, as amended.

5.1.3.2.48.2 Regulations
In accordance with Section 5.1.2 of the ***By-law***, with the following exceptions and additions:

5.1.3.2.48.2.1 Minimum ***Lot Area***
Despite Table 5.1.2, Row 3, the minimum ***Lot Area*** shall be 425 m^2.

5.1.3.2.48.2.2 Minimum ***Lot Frontage***
Despite Table 5.1.2, Row 4, the minimum ***Lot Frontage*** shall be 13 metres.

5.1.3.2.48.2.3 Maximum ***Building Height***
Despite Table 5.1.2, Row 5, the maximum ***Building Height*** shall be two ***Storeys*** plus a partially exposed walk out or look out ***Basement*** as required for grading.

5.1.3.2.48.2.4 Minimum ***Front Yard***
Despite Table 5.1.2, Row 6, and Sections 4.6, 4.24, 5.1.2.3, 5.1.2.4 and 5.1.2.7 the minimum ***Front Yard*** shall be 4.5 metres to ***Habitable Floor Space*** and 6 metres to the front wall of the ***Garage***.

5.1.3.2.48.2.5 Minimum ***Exterior Side Yard***
Despite Table 5.1.2, Row 6a, and Sections 4.6, 4.24, 4.28, 5.1.2.3, 5.1.2.4 and 5.1.2.7 the minimum ***exterior side yard*** shall be 0.9 metres to a private ***Street***.

5.1.3.2.48.2.6 Minimum ***Side Yard***
Despite Table 5.1.2, Row 7, and Sections 5.1.2.1 and 5.1.2.2 the minimum ***side yard*** shall be 1.2 metres.

5.1.3.2.48.2.7 Minimum ***Rear Yard***
Despite Table 5.1.2, Row 8, and Section 5.1.2.4 the minimum ***Rear Yard*** shall be 4.5 metres.

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

5.1.3.2.48.2.9 Holding Provision
Purpose: To ensure that development of the subject land does not proceed until the following conditions have been met to the satisfaction of the City related to the subject development.

Prior to the removal of the 'Holding' (H) provision, the Developer shall complete the following conditions to the satisfaction of the City:

a. The Developer's solicitor certifies that the easements/right-of-ways in favour of the Developer on 15 Valley Road for access and servicing has been granted and are registered on title.

b. That a Reference Plan is prepared and deposited indicating the boundaries of the easements/rights-of-ways on 15 Valley Road (Wellington Vacant Land of Condominium Corporation No. 169).

c. The agreement between Dunsire (Landsdown) Inc. and Wellington Vacant Land of Condominium Corporation No. 169 be registered on title. Furthermore, prior to the removal of the (H), the Developer's solicitor certifies that the agreement has been registered on title.

d. The Developer shall pay to the City, their share of the frontage assessment costs for the existing sanitary sewer main and existing watermain and the actual costs associated with the installation of the sanitary sewer lateral and the water service lateral to the property line, on Landsdown Drive across the frontage of 28 Landsdown Drive as determined by the General Manager/City Engineer.

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

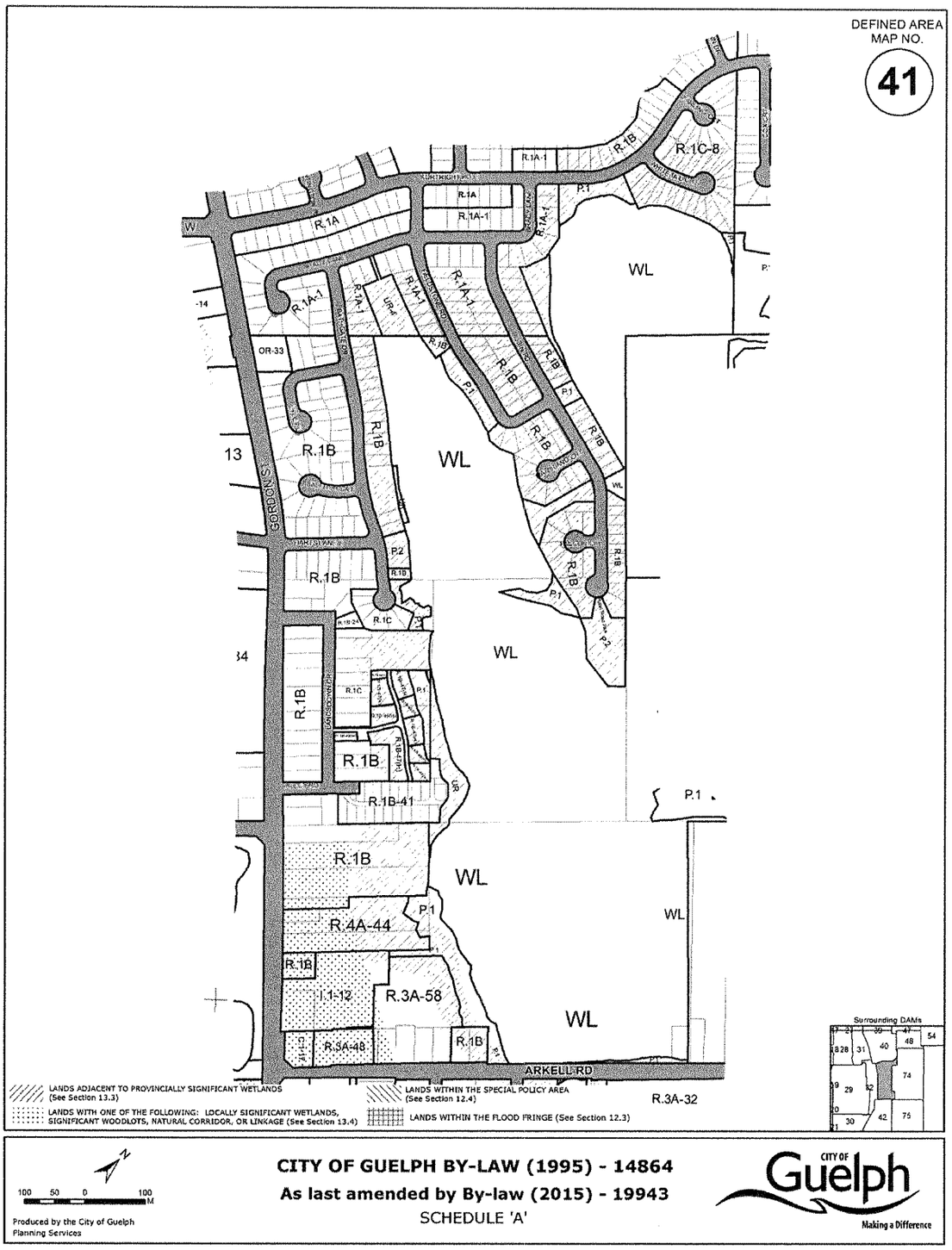
6. Where notice of this By-law is given in accordance with the Planning Act, and where no notice of objection has been filed within the time prescribed by the regulations, this by-law shall come into effect. Notwithstanding the above, where notice of objection has been filed within the time prescribed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

CAM GUTHRIE - MAYOR

STEPHEN O'BRIEN - CITY CLERK

Schedule "A"


DEFINED AREA MAP NO.
41
R.1C-8
R.1A-1
R.1B
R.1A
WL
OR-33
R.1B-41
R.4A-44
I.1-12
R.3A-58
R.3A-48
R.3A-32
P.1
P.2
ARKELL RD
GORDON ST
LANDS ADJACENT TO PROVINCIALLY SIGNIFICANT WETLANDS (See Section 13.3)
LANDS WITH ONE OF THE FOLLOWING: LOCALLY SIGNIFICANT WETLANDS, SIGNIFICANT WOODLOTS, NATURAL CORRIDOR, OR LINKAGE (See Section 13.4)
LANDS WITHIN THE SPECIAL POLICY AREA (See Section 12.4)
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) - 19943
SCHEDULE 'A'
CITY OF Guelph
Making a Difference

EXPLANATION OF PURPOSE AND EFFECT AND FOR BY-LAW NUMBER (2015)-19943

1. By-law Number (2015)-19943 has the following purpose and effect:

   This By-law authorizes a Zoning By-law Amendment affecting lands municipally known as 24, 26, 28 and 0 Landsdown Drive. The purpose of the proposed Zoning By-law amendment is to rezone the subject property from the "R.1B" (Residential Single Detached) Zone to the following:

   - Specialized Residential Single Detached Zone with Holding Provisions, to be known as the R.1B-46 (H) Zone,
   - Specialized Residential Single Detached Zone with Holding Provisions, to be known as the R.1B–47 (H) Zone,
   - Specialized Residential Single Detached Zone with Holding Provisions, to be known as the R.1B-48 (H) Zone,
   - P.1 (Conservation Land) Zone,
   - WL (Wetland) Zone

   Holding Provision
   Purpose: To ensure that development of the subject land does not proceed until the following conditions have been met to the satisfaction of the City related to the subject development.

   Prior to the removal of the 'Holding' (H) provision, the Developer shall complete the following conditions to the satisfaction of the City:

   a. The Developer's solicitor certifies that the easements/right-of-ways in favour of the Developer on 15 Valley Road for access and servicing has been granted and are registered on title.
   b. That a Reference Plan is prepared and deposited indicating the boundaries of the easements/rights-of-ways on 15 Valley Road (Wellington Vacant Land of Condominium Corporation No. 169).
   c. The agreement between Dunsire (Landsdown) Inc. and Wellington Vacant Land of Condominium Corporation No. 169 be registered on title. Furthermore, prior to the removal of the (H), the Developer's solicitor certifies that the agreement has been registered on title.
   d. The Developer shall pay to the City, their share of the frontage assessment costs for the existing sanitary sewer main and existing watermain and the actual costs associated with the installation of the sanitary sewer lateral and the water service lateral to the property line, on Landsdown Drive across the frontage of 28 Landsdown Drive as determined by the General Manager/City Engineer.

   The proposed Zoning By-law Amendment was considered by Guelph City Council at a Public Meeting held on June 9, 2014 and a Decision Report was presented to Council on July 20, 2015. The Zoning By-law Amendment will permit the development of 26 single detached lots within a plan of condominium and 1 single detached freehold lot. An associated application for Draft Plan of Vacant Land Condominium has been submitted with this Zoning By-law Amendment application (23CDM-1307/ZC1317).

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

   Persons desiring to officially support or object to this zoning amendment must file their support or objection with the City Clerk, City Hall, Guelph, as outlined on the page entitled "Notice of Passing". 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)-19943 applies:

KEY MAP

