THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2017) – 20145

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 171 Kortright Road West, and legally described as Part Lot 3, Concession 7, Geographic Township of Puslinch, Part 1 61R2475, City of Guelph (File ZC1413)(OMB order Case No. PL150430, dated February 28, 2017)

WHEREAS the Ontario Municipal Board issued an order (Case No. PL150430 dated February 28, 2017) and deems it desirable to amend City of Guelph By-law (1995) - 14864, as amended, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990;

NOW THEREFORE THE ONTARIO MUNICIPAL BOARD HEREBY ENACTS AS FOLLOWS:

1. By-law Number (1995)-14864, as amended is hereby further amended by transferring property legally described as Part Lot 3, Concession 7, Geographic Township of Puslinch, Part 1 61R2475, City of Guelph, municipally known as 171 Kortright Road West from the existing I.1 (Institutional: Educational, Spiritual and Other Services) Zone to a specialized R.4A-50 (General Apartment) Zone to permit the development of a five (5) storey, 81-unit apartment building in accordance with the provisions of Section 5.4 of Bylaw Number (1995)-14864, as amended.

2. Section 5.4.3.1 of By-law (1995)-14864, as amended, is hereby further amended by adding the following new subsection 5.4.3.1.50:

5.4.3.1.50 **R.4A-50**

171 Kortright Road West
As shown on Defined Area Map Number 28 of Schedule "A" of this ***By-law***.

5.4.3.1.50.1 Definitions

The following definitions shall apply in the R.4A-50 ***Zone***:

"***Angular Plane From a Lot Line***" means an imaginary inclined plane, rising over a ***Lot***, drawn at a specified angle from the average horizontal finished grade along the specified ***Lot Line***, which together with other ***Building*** requirements and ***Lot*** size requirements, delineates the maximum bulk and ***Building Height***.

"***Bedroom***" means a room or area in a ***Dwelling Unit*** used, designed, equipped and intended for sleeping purposes.

5.4.3.1.50.2 Regulations

In accordance with the provisions of Section 4 (General Provisions), Section 5.4 and Table 5.4.2 of Zoning ***By-law*** (1995)-14864, as amended, with the following exceptions and additions:

5.4.3.1.50.2.1 Minimum ***Common Amenity Area***

Despite Table 5.4.2, Row 12, and Section 5.4.2.4.1, the minimum ***Common Amenity Area*** shall be 20 m^2 per ***Dwelling Unit***, and be aggregated into areas of not less than 50 m^2.

5.4.3.1.50.2.2 Minimum ***Private Amenity Area***

The minimum ***Private Amenity Area*** shall be 5.5 m^2 per ***Dwelling Unit.***

5.4.3.1.50.2.3 Minimum ***Landscaped Open Space***

Despite Table 5.4.2, Row 13, the minimum ***Landscaped Open Space*** shall be 37%.

5.4.3.1.50.2.4 Minimum ***Buffer Strip***

In addition to the requirements in Table 5.4.2, Row 15, the minimum ***Buffer Strip*** *width from the interior* ***Side Lot Line*** shall be 3 metres.

5.4.3.1.50.2.5 Bedrooms

Dwelling Units in an ***Apartment Building*** shall not contain more than 2 ***Bedrooms***.

5.4.3.1.50.2.5.1 Further to the maximum number of ***Bedrooms*** per ***Dwelling Unit*** in Section 5.4.3.1.50.2.5, a minimum 25% of the ***Dwelling Units*** in an ***Apartment Building*** shall have a maximum of 1 ***Bedroom***.

5.4.3.1.50.2.6 Maximum ***Building Height***

Despite Table 5.4.2, Row 10, the maximum ***Building Height*** shall be 5 ***Storeys***, except for those portions of the building described in Section 5.4.3.1.50.2.6.1 below.

5.4.3.1.50.2.6.1 Further to the maximum ***Building Height*** in Section 5.4.3.1.50.2.6, the maximum ***Building Height*** shall not exceed 4 ***Storeys*** for a length measured at a minimum 7.5 metres inward from the ***Building*** edges on both the eastern and northern ends of the ***Building.***

5.4.3.1.50.2.7 ***Angular Plane*** from ***Lot Line***

In addition to the provisions of Section 4.16, and notwithstanding Section 5.4.3.1.50.2.6, ***Building Height*** shall not exceed a 30 degree ***Angular Plane*** projected from the interior ***Side Lot Line.***

5.4.3.1.50.2.7.1 Further to the ***Angular Plane*** from the interior ***Side Lot Line*** in Section 5.4.3.1.50.2.7, the ***Building Height*** shall not exceed a 30 degree ***Angular Plane*** from the ***Rear Lot Line***.

5.4.3.1.50.2.8 ***Floor Space Index*** (F.S.I.)

Despite Table 5.4.2, Row 18, the maximum ***Floor Space Index*** shall be 1.15.

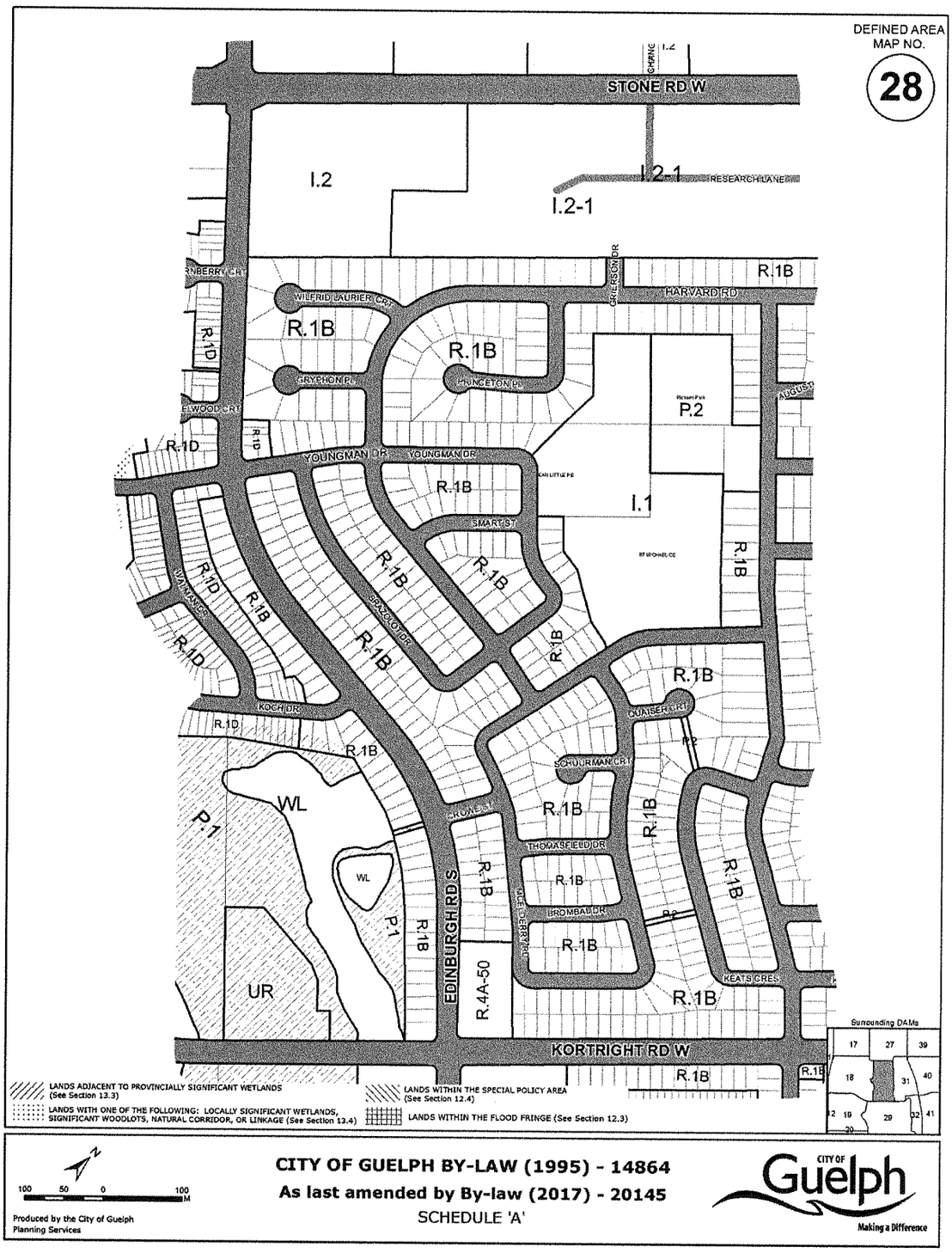
5.4.3.1.50.2.8.1 Further to the maximum ***Floor Space Index***, in Section 5.4.3.1.50.2.8, the maximum ***Gross Floor Area*** shall be 9,250 m^2, and shall not include the mechanical penthouse.

3. Schedule "A" of By-law Number (1995)-14864, as amended, is hereby further amended by deleting Defined Area Map 28 and substituting therefore new Defined Area Map 28 attached hereto as Schedule "A".

4. This by-law shall come into effect on the day of approval per an Order from the Ontario Municipal Board (OMB Case No.PL150430) dated February 28, 2017.

IN FORCE AND EFFECT BY ONTARIO MUNICIPAL BOARD ORDER ISSUED FEBRUARY 28, 2017, Case No. PL150430

SCHEDULE "A"


DEFINED AREA MAP NO. 28
STONE RD W
I.2
I.2-1
RESEARCH LANE
HARVARD RD
WILFRID LAURIER CRT
GRYFFON PL
PRINCETON DR
R.1B
R.1D
P.2
I.1
YOUNGMAN DR
SMART ST
BRADSHOT DR
KOCH DR
GUISER CRT
SCHURMAN CRT
THOMASFIELD DR
BROMBALDR
KEATS CRES
EDINBURGH RD S
R.4A-50
P.1
WL
UR
KORTRIGHT RD W
Surrounding DAMs
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)
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 (2017) - 20145
SCHEDULE 'A'
CITY OF Guelph
Making a Difference

EXPLANATION OF PURPOSE AND EFFECT AND KEY MAP FOR BY-LAW NUMBER (2017)-20145

1. By-law Number (2017)-20145 has the following purpose and effect:

This By-law authorizes a Zoning By-law Amendment applying to the lands municipally known as 171 Kortright Road West, City of Guelph. A Zoning By-law Amendment application (File No. ZC1413) was received by the City of Guelph from GSP Group on behalf of HIP Developments Inc. on November 17, 2014, and was deemed to be complete on December 18, 2014.

The subject lands affected by this Zoning By-law Amendment are situated directly at the northeast corner of the intersection of Edinburgh Road South and Kortright Road West, and have an area of 0.81 hectares. The subject lands are legally described as Part Lot 3, Concession 7, Geographic Township of Puslinch, Part 1 61R2475, City of Guelph (See Key Map attached).

The Zoning By-law Amendment will rezone the subject lands from the existing I.1 (Institutional: Educational, Spiritual, and Other Services) Zone to a R.4A-50 (Specialized General Apartment) Zone. This will permit the development of a 4/5 storey, 81-unit apartment building.

The Zoning By-law Amendment will also confirm that the standard R.4A (General Apartment) provisions and regulations, as outlined in Section 4, Section 5.4 and Table 5.4.2 of the Zoning By-law will apply to the development of the subject lands, with the following specialized exceptions and additions:

- Minimum Common Amenity Area
    - Minimum Common Amenity area of 20 m^2 per dwelling unit, for a minimum of 1,627 m^2.

- Minimum Private Amenity Area
    - Minimum Private Amenity Area of 5.5 m^2 per dwelling unit.

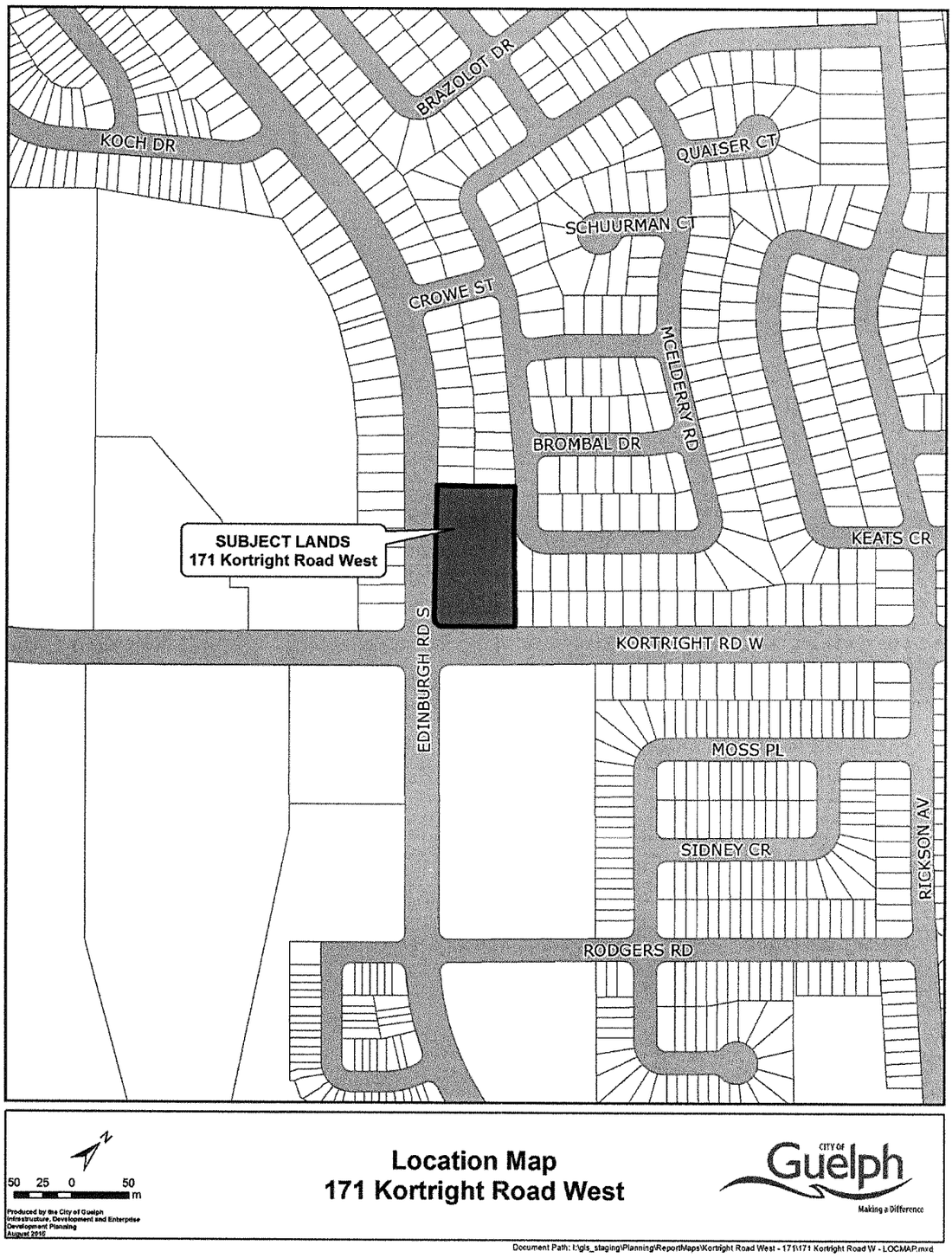
- Minimum Landscaped Open Space
  - Minimum Landscaped Open Space of 37%.
- Minimum Buffer Strip
  - Minimum Buffer Strip of 3.0 metres from the interior Side Lot Line.
- Bedrooms
  - Maximum 2 bedrooms per dwelling unit.
  - Minimum 25% of the dwelling units to be a maximum of 1 bedroom.
- Maximum Building Height
  - Five Stories, stepped back to 4 stories at northern and eastern building edges.
- Minimum Angular Plane
  - 30°
- Maximum Floor Space Index (FSI)
  - 1.15
- Maximum Gross Floor Area
  - 9,250 m^2

The proposed Zoning By-law Amendment was initially considered by Guelph City Council at a Public Meeting held on April 13, 2015. The developer (HIP Developments Inc.) appealed the Zoning By-law Amendment to the Ontario Municipal Board (OMB) on May 13, 2015 for non-decision within the required 120 days set out in the *Planning Act*.

Further information may be obtained by contacting or visiting the Infrastructure, Development and Enterprise Department, 519-837-5616, extension 2790, City Hall, Guelph, Ontario.

2. Key map showing the location of the lands to which By-law (2017)-20145 applies:

KEY MAP



Ontario Municipal Board
Commission des affaires municipales
de l'Ontario

Ontario

ISSUE DATE: February 28, 2017 **CASE NO:** PL150430

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	HIP Developments Inc.
Subject:	Application to amend Zoning By-law No. (1995)-14864 - neglect of City of Guelph to make a decision
Existing Zoning:	I.1 (Institutional: Educational, Spiritual and Other services)
Proposed Zoning:	R.4A
Purpose:	To permit a six (6) storey, 81 unit apartment building
Property Address/Description:	171 Kortright Road West
Municipality:	City of Guelph
Municipality File No.:	ZC1413
OMB Case No.:	PL150430
OMB File No.:	PL150430
OMB Case Name:	HIP Developments Inc. v. Guelph (City)

BEFORE:

MARCIA VALIANTE
MEMBER) Monday, the 27th
)
AND) day of February, 2017

HELEN JACKSON
MEMBER

THIS MATTER having come on for public hearing, and the Board having issued its Decision on May 16, 2016, and withheld its Final Order subject to either that the site

plan for the subject property has been approved or that the parties advised the Board that the wording of the Zoning By-law Amendments has been finalized and the final version of the Zoning By-law Amendments having been provided to the Board;

AND THE BOARD having received the final version of the Zoning By-law;

THE BOARD ORDERS that Zoning By-law No. (1995)-14864, as amended, of the City of Guelph is amended in the manner set out in Attachment "1" to this Order. The City is hereby authorized to assign a number to this by-law for record-keeping purposes.

SECRETARY

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

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2017) – 20___

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 171 Kortright Road West, and legally described as Part Lot 3, Concession 7, Geographic Township of Puslinch, Part 1 61R2475, City of Guelph (File ZC1413).

WHEREAS the Ontario Municipal Board deems it desirable to amend City of Guelph By-law (1995) - 14864, as amended, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990;

NOW THEREFORE THE ONTARIO MUNICIPAL BOARD HEREBY ENACTS AS FOLLOWS:

1. By-law Number (1995)-14864, as amended is hereby further amended by transferring property legally described as Part Lot 3, Concession 7, Geographic Township of Puslinch, Part 1 61R2475, City of Guelph, municipally known as 171 Kortright Road West from the existing I.1 (Institutional: Educational, Spiritual and Other Services) Zone to a specialized R.4A-50 (General Apartment) Zone to permit the development of a five (5) storey, 81-unit apartment building in accordance with the provisions of Section 5.4 of Bylaw Number (1995)-14864, as amended.

2. Section 5.4.3.1 of By-law (1995)-14864, as amended, is hereby further amended by adding the following new subsection 5.4.3.1.50:

5.4.3.1.50 **R.4A-50**

171 Kortright Road West

As shown on Defined Area Map Number 28 of Schedule "A" of this ***By-law.***

5.4.3.1.50.1 Definitions

The following definitions shall apply in the R.4A-50 ***Zone***:

"Angular Plane From a Lot Line" means an imaginary inclined plane, rising over a ***Lot***, drawn at a specified angle from the average horizontal finished grade along the specified ***Lot Line***, which together with other ***Building*** requirements and ***Lot*** size requirements, delineates the maximum bulk and ***Building Height***.

"Bedroom" means a room or area in a ***Dwelling Unit*** used, designed, equipped and intended for sleeping purposes.

5.4.3.1.50.2 Regulations

In accordance with the provisions of Section 4 (General Provisions), Section 5.4 and Table 5.4.2 of Zoning ***By-law*** (1995)-14864, as amended, with the following exceptions and additions:

5.4.3.1.50.2.1 Minimum ***Common Amenity Area***

Despite Table 5.4.2, Row 12, and Section 5.4.2.4.1, the

minimum ***Common Amenity Area*** shall be 20 m^2 per ***Dwelling Unit***, and be aggregated into areas of not less than 50 m^2.

5.4.3.1.50.2.2 Minimum ***Private Amenity Area***

The minimum ***Private Amenity Area*** shall be 5.5 m^2 per ***Dwelling Unit***.

5.4.3.1.50.2.3 Minimum ***Landscaped Open Space***

Despite Table 5.4.2, Row 13, the minimum ***Landscaped Open Space*** shall be 37%.

5.4.3.1.50.2.4 Minimum ***Buffer Strip***

In addition to the requirements in Table 5.4.2, Row 15, the minimum ***Buffer Strip*** width from the interior ***Side Lot Line*** shall be 3 metres.

5.4.3.1.50.2.5 Bedrooms

Dwelling Units in an ***Apartment Building*** shall not contain more than 2 ***Bedrooms***.

5.4.3.1.50.2.5.1 Further to the maximum number of ***Bedrooms*** per ***Dwelling Unit*** in Section 5.4.3.1.50.2.5, a minimum 25% of the ***Dwelling Units*** in an ***Apartment Building*** shall have a maximum of 1 ***Bedroom***.

5.4.3.1.50.2.6 Maximum ***Building Height***

Despite Table 5.4.2, Row 10, the maximum ***Building Height*** shall be 5 ***Storeys***, except for those portions of the building described in Section 5.4.3.1.50.2.6.1 below.

5.4.3.1.50.2.6.1 Further to the maximum ***Building Height*** in Section

5.4.3.1.50.2.6, the maximum ***Building Height*** shall not exceed 4 ***Storeys*** for a length measured at a minimum 7.5 metres inward from the ***Building*** edges on both the eastern and northern ends of the ***Building***.

5.4.3.1.50.2.7 ***Angular Plane*** from ***Lot Line***

In addition to the provisions of Section 4.16, and notwithstanding Section 5.4.3.1.50.2.6, ***Building Height*** shall not exceed a 30 degree ***Angular Plane*** projected from the interior ***Side Lot Line***.

5.4.3.1.50.2.7.1 Further to the ***Angular Plane*** from the interior ***Side Lot Line*** in Section 5.4.3.1.50.2.7, the ***Building Height*** shall not exceed a 30 degree ***Angular Plane*** from the ***Rear Lot Line***.

5.4.3.1.50.2.8 ***Floor Space Index*** (F.S.I.)

Despite Table 5.4.2, Row 18, the maximum ***Floor Space Index*** shall be 1.15.

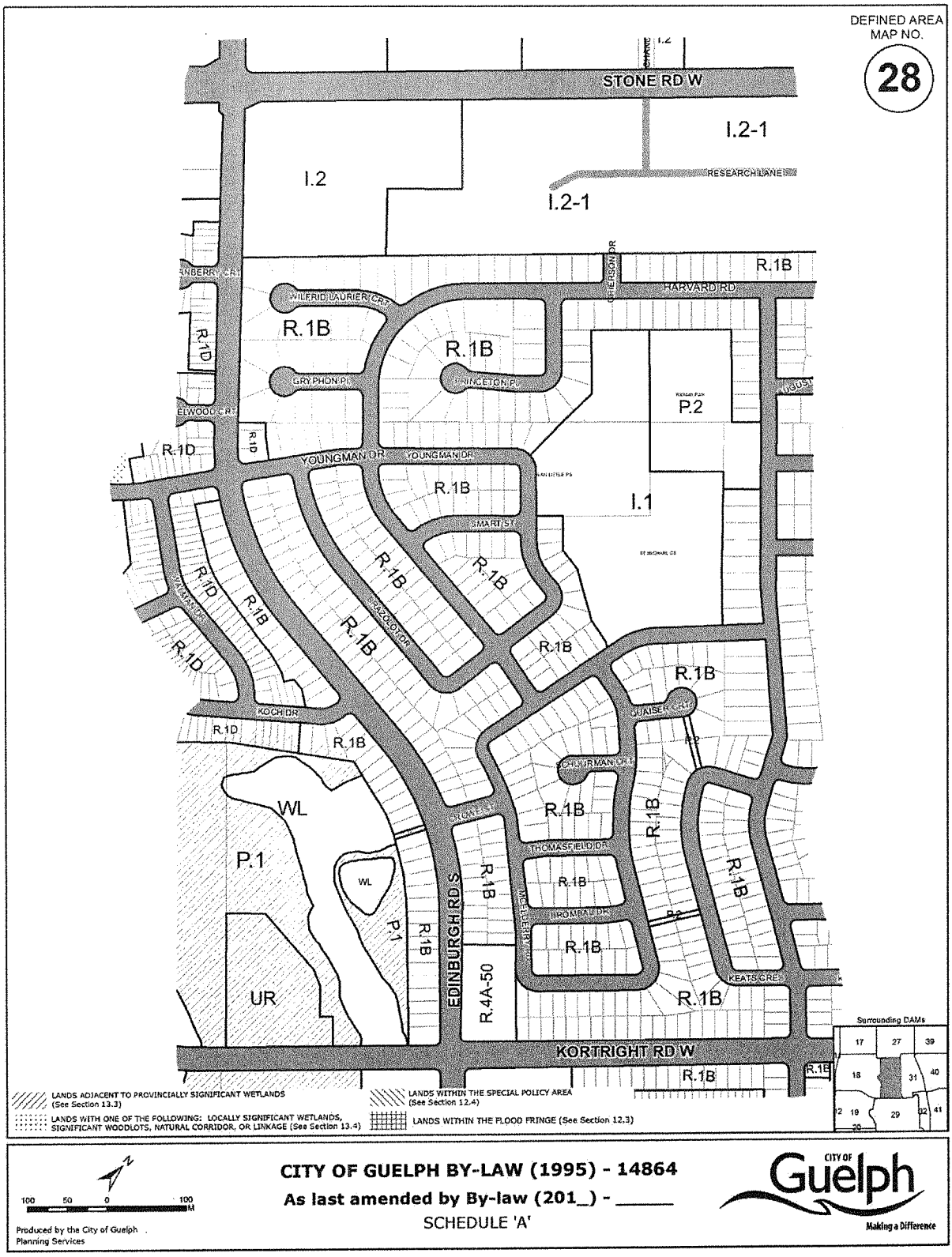
5.4.3.1.50.2.8.1 Further to the maximum ***Floor Space Index***, in Section 5.4.3.1.50.2.8, the maximum ***Gross Floor Area*** shall be 9,250 m^2, and shall not include the mechanical penthouse.

3. Schedule "A" of By-law Number (1995)-14864, as amended, is hereby further amended by deleting Defined Area Map 28 and substituting therefore new Defined Area Map 28 attached hereto as Schedule "A".

4. This by-law shall come into effect on the day of approval per an Order from the Ontario Municipal Board (OMB File No. PL150430) dated February ____, 2017.

PASSED this _____ day of FEBRUARY, 2017.

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 (201_) - _____

SCHEDULE 'A'

CITY OF Guelph
Making a Difference

EXPLANATION OF PURPOSE AND EFFECT AND KEY MAP FOR BY-LAW NUMBER (2016)-20

1. By-law Number (2017)-20____ has the following purpose and effect:

This By-law authorizes a Zoning By-law Amendment applying to the lands municipally known as 171 Kortright Road West, City of Guelph. A Zoning By-law Amendment application (File No. ZC1413) was received by the City of Guelph from GSP Group on behalf of HIP Developments Inc. on November 17, 2014, and was deemed to be complete on December 18, 2014.

The subject lands affected by this Zoning By-law Amendment are situated directly at the northeast corner of the intersection of Edinburgh Road South and Kortright Road West, and have an area of 0.81 hectares. The subject lands are legally described as Part Lot 3, Concession 7, Geographic Township of Puslinch, Part 1 61R2475, City of Guelph (See Key Map attached).

The Zoning By-law Amendment will rezone the subject lands from the existing I.1 (Institutional: Educational, Spiritual, and Other Services) Zone to a R.4A-50 (Specialized General Apartment) Zone. This will permit the development of a 5 storey, 81-unit apartment building.

The Zoning By-law Amendment will also confirm that the standard R.4A (General Apartment) provisions and regulations, as outlined in Section 4, Section 5.4 and Table 5.4.2 of the Zoning By-law will apply to the development of the subject lands, with the following specialized exceptions and additions:

- Minimum Common Amenity Area
    - Minimum Common Amenity area of 20 m^2 per dwelling unit.
- Minimum Private Amenity Area
    - Minimum Private Amenity Area of 5.5 m^2 per dwelling unit.
- Minimum Landscaped Open Space

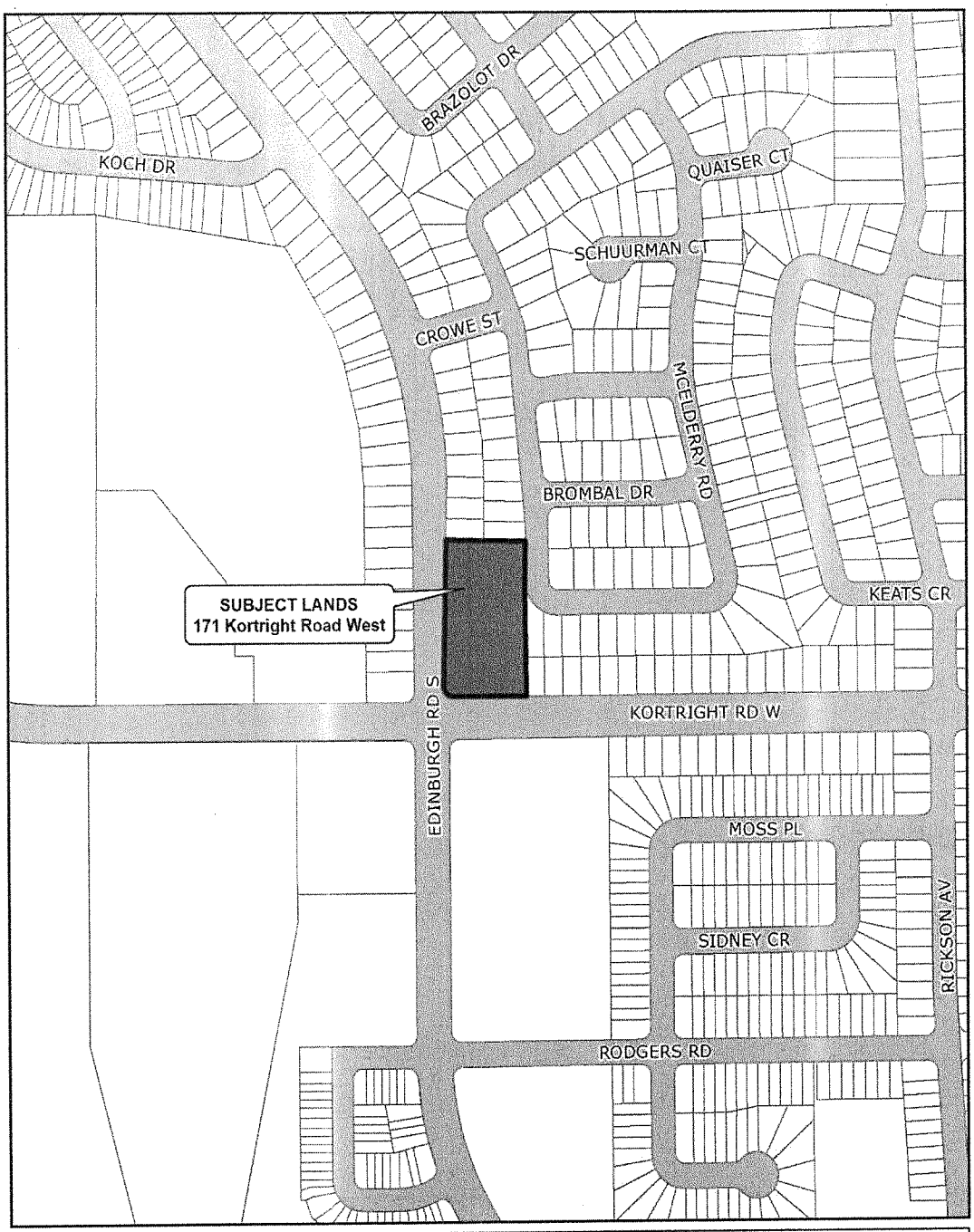
    - Minimum Landscaped Open Space of 37%.
- Minimum Buffer Strip
    - Minimum Buffer Strip of 3.0 metres from the interior Side Lot Line.
- Bedrooms
    - Maximum 2 bedrooms per dwelling unit.
    - Minimum 25% of the dwelling units to be a maximum of 1 bedroom.
- Maximum Building Height
    - Five Storeys, stepped back to 4 storeys at northern and eastern building edges.
- Minimum Angular Plane
    - 30°
- Maximum Floor Space Index (FSI)
    - 1.15
- Maximum Gross Floor Area
    - 9,250 m^2

The proposed Zoning By-law Amendment was initially considered by Guelph City Council at a Public Meeting held on April 13, 2015. The developer (HIP Developments Inc.) appealed the Zoning By-law Amendment to the Ontario Municipal Board (OMB) on May 13, 2015 for non-decision within the required 120 days set out in the *Planning Act*.

Further information may be obtained by contacting or visiting the Infrastructure, Development and Enterprise Department, 519-837-5616, extension 2790, City Hall, Guelph, Ontario.

2. Key map showing the location of the lands to which By-law (2017)-20____ applies:

KEY


BRAZOLOT DR
KOCH DR
QUAISER CT
SCHUURMAN CT
CROWE ST
MCELDERRY RD
BROMBAL DR
KEATS CR
SUBJECT LANDS
171 Kortright Road West
KORTRIGHT RD W
EDINBURGH RD S
MOSS PL
SIDNEY CR
RICKSON AV
RODGERS RD
50 25 0 50
m
Produced by the City of Guelph
Infrastructure, Development and Enterprise
Development Planning
August 2018
Location Map
171 Kortright Road West
CITY OF Guelph
Making a Difference
Document Path: I:\gis_staging\Planning\ReportMaps\Kortright Road West - 171\171 Kortright Road W - LOCMAP.mxd

MAP