THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2016) – 20079

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 municipally known as 1229 Victoria Road South and legally described as Part of Lot 10, Concession 8, Geographic Township of Puslinch, City of Guelph (File: ZC1507).

WHEREAS Section 34(1) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, authorizes the Council of a Municipality to enact Zoning By-laws;

AND WHEREAS Section 36(1) of the *Planning Act*, R.S.O. 1990, c. P13, as amended, provides that a municipality may, in a by-law passed under Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, add a Holding Symbol ('H') in conjunction with any use designation;

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 10, Concession 8, Geographic Township of Puslinch, City of Guelph, municipally known as 1229 Victoria Road South, from the existing 'A' (Agricultural) Zone under the former Township of Puslinch Zoning By-law No. 19/85 to an 'R.4A-51(H)' (Specialized General Apartment) Zone and to the 'NC(H-31)' (Neighbourhood Commercial) Zone to permit the development of a 101-unit apartment building and a neighbourhood commercial mall.

2. Section 5.4.3.1 of ***By-law*** (1995)-14864, as amended, is hereby further amended by adding the following new subsection 5.4.3.1.51:

5.4.3.1.51 **R.4A-51(H)**

1229 Victoria Road South

As shown on Defined Area Map Number 75 of Schedule "A" of this ***By-law***.

5.4.3.1.51.1 Permitted ***Uses***

All ***Uses*** outlined in Section 5.4.1.1 of this ***By-law***.

5.4.3.1.51.2 Regulations

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

5.4.3.1.51.2.1 Minimum **Rear Yard**

Despite Table 5.4.2, Row 9 of this ***By-law***, the minimum ***Rear Yard*** shall be 7.5 metres, whereas the Zoning ***By-law*** requires a minimum ***Rear Yard*** of 21.52 metres.

5.4.3.1.51.2.2 ***Parking Area*** Setback

Despite Section 4.13.2.2 of this ***By-law***, every ***Parking Space*** shall be located in the ***Side*** or ***Rear Yard*** provided that no ***Parking Space*** is located within 1 metre of any ***Lot Line***, whereas the Zoning ***By-law*** requires no ***Parking Space*** to be located within 3 metres of any ***Lot Line***.

5.4.3.1.51.2.3 Frontage on a ***Street***

Despite Section 4.1 of this ***By-law***, access from a ***Building*** to a public ***Street*** may be provided by way of a private ***Street***.

5.4.3.1.51.3 Holding Provision

Purpose:

To ensure that the development and use of the lands does not proceed until certain conditions have been met to the satisfaction of the City of Guelph.

The ***Uses*** permitted under Section 5.4.3.1.51.1 of the Zoning ***By-law*** are not permitted until the holding symbol (H) is removed by amendment to this ***By-law***. The holding symbol (H) may be removed when all of the following conditions have been met:

1. Design and construction of traffic control signals and a southbound right turn lane at the Victoria Road South and Frederick Drive intersection, to the satisfaction of the City Engineer/General Manager of Engineering and Capital Infrastructure Services or upon the actual design and construction costs of these works being secured in a manner satisfactory to the City Engineer, taking into account all previous contributions to these works.

2. Design and construction of a back-to-back left turn lane on Clair Road East between Victoria Road South and Samuel Drive/Megan Place, to the satisfaction of the City Engineer/General Manager of Engineering and Capital Infrastructure Services or upon the actual design and construction costs of these works being secured in a manner satisfactory to the City Engineer.

3. Design and construction of turning lanes on Clair Road East at the intersection of Samuel Drive/Megan Place, to the satisfaction of the City Engineer/General Manager of Engineering and Capital Infrastructure Services or upon the actual design and construction costs of these works being secured in a manner satisfactory to the City Engineer.

3. Section 2.9 of ***By-law*** (1995)-14864, as amended, is hereby further amended by adding the following new subsection 2.9.1 (xxxi):

(H31) 1229 Victoria Road South

As shown on Defined Area Map Number 75.

Purpose:

To ensure that the development and use of the lands does not proceed until certain conditions have been met to the satisfaction of the City of Guelph.

The ***Uses*** permitted under Section 6.2.1.1 of the Zoning ***By-law*** are not permitted until the holding symbol (H) is removed by amendment to this ***By-law***. The holding symbol (H) may be removed when all of the following conditions have been met:

1. Design and construction of traffic control signals and a southbound right turn lane at the Victoria Road South and Frederick Drive intersection, to the satisfaction of the City Engineer/General Manager of Engineering and Capital Infrastructure Services or upon the actual design and construction costs of these works being secured in a manner satisfactory to the City Engineer taking into account all previous contributions to these works.
2. Design and construction of a back-to-back left turn lane on Clair Road East between Victoria Road South and Samuel Drive/Megan Place, to the satisfaction of the City Engineer/General Manager of Engineering and Capital Infrastructure Services or upon the actual design and construction costs of these works being secured in a manner satisfactory to the City Engineer.
3. Design and construction of turning lanes on Clair Road East at the intersection of Samuel Drive/Megan Place, to the satisfaction of the City Engineer/General Manager of Engineering and Capital Infrastructure Services or upon the actual design and construction costs of these works being secured in a manner satisfactory to the City Engineer.

4. Schedule "A" of By-law Number (1995)-14864, as amended, is hereby further amended by deleting Defined Area Map 75 and substituting therefore new Defined Area Map 75 attached hereto as Schedule "A".

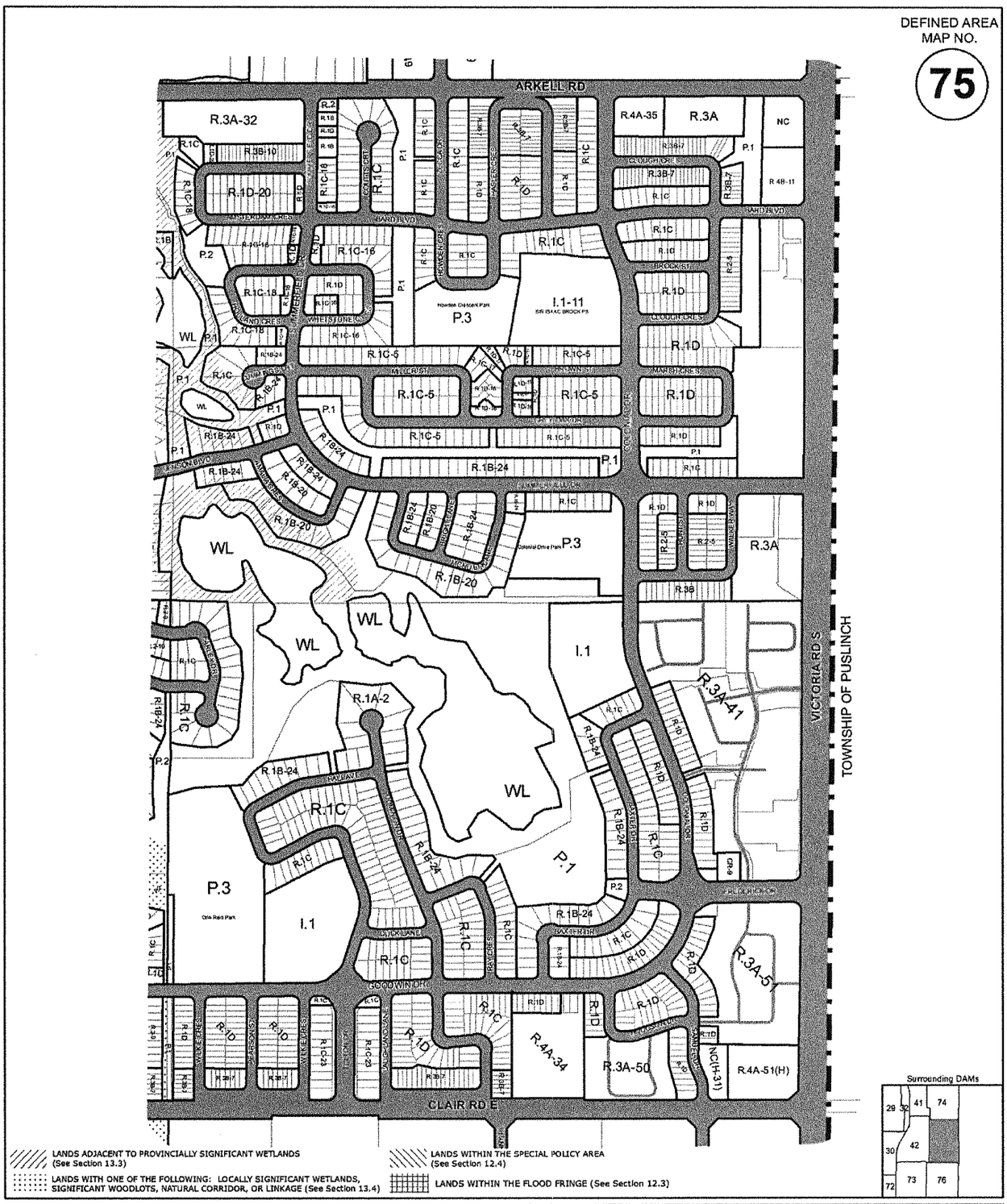
5. Where notice of this by-law is given in accordance with the *Planning Act*, and where no notice of objection has been filed within the time prescribed by the regulations, this by-law shall come into effect. Notwithstanding the above, where notice of objection has been filed within the time prescribed 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 NINETEENTH day of JULY, 2016.

CAM GUTHRIE - MAYOR

STEPHEN O'BRIEN – CLERK

SCHEDULE "A"



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Produced by the City of Guelph
Planning Services

CITY OF GUELPH BY-LAW (1995) - 14864

As last amended by By-law (2016) - 20079

SCHEDULE 'A'

CITY OF Guelph
Making a Difference

EXPLANATION OF PURPOSE AND EFFECT AND KEY MAP FOR BY-LAW NUMBER (2016)–20079

1. By-law Number (2016)-20079 has the following purpose and effect:

This By-law authorizes a Zoning By-law Amendment applying to the lands municipally known as 1229 Victoria Road South, City of Guelph. A Zoning By-law Amendment application (File No. ZC1507) was received by the City of Guelph from Reid's Heritage Homes Ltd. on behalf of Westminister Woods Ltd. on May 7, 2015, and was deemed to be complete on June 5, 2015.

The subject lands affected by this Zoning By-law Amendment are located at the northwest corner of Victoria Road South and Clair Road East, and have an area of 1.44 hectares. The subject lands are legally described as Part of Lot 10, Concession 8, Geographic Township of Puslinch, City of Guelph (See Key Map attached).

The Zoning By-law Amendment will rezone a portion of the subject lands from the existing 'A' (Agricultural) Zone under the former Township of Puslinch Zoning By-law No. 19/85 to an 'R.4A-51(H)' (Specialized General Apartment) Zone for a residential block and the other portion to the 'NC(H-31)' (Neighbourhood Commercial) Zone for a commercial block. This will permit the development of a four (4) storey, 101-unit apartment building on the residential block (approximately three quarters of the subject lands), and a neighbourhood commercial plaza with approximately 752.7 square metres of gross floor area allocated in two (2) separate buildings on the commercial block (approximately one quarter of the subject lands).

The Zoning By-law Amendment will 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 residential portion of the subject lands, with the following specialized exceptions and additions:

- Rear Yard

  Despite Table 5.4.2, Row 9, the minimum Rear Yard shall be 7.5 metres, whereas the Zoning By-law requires a minimum Rear Yard of 21.52 metres.

- Parking Area Setback

  Despite Section 4.13.2.2, every Parking Space shall be located in the Side or Rear Yard provided that no Parking Space is located within 1 metre of any Lot Line, whereas the Zoning By-law requires no Parking Space to be located within 3 metres of any Lot Line.

- Frontage on a Street
  - Despite Section 4.1, access from a Building to a public Street may be provided by way of a private Street.

The Zoning By-law Amendment will also confirm that the standard NC (Neighbourhood Commercial) provisions and regulations, as outlined in Section 4, 6.2 and Table 6.2.2 of the Zoning By-law will apply to the development of the commercial portion of the subject lands with no specialized exceptions or additions.

A Holding Symbol (H or H-31) has been applied to both the R.4A-51(H) and NC(H-31) Zoning to ensure that the design and construction or that the actual costs of design and construction of several road improvements are designed and constructed, prior to the development of the subject lands.

The proposed Zoning By-law Amendment was initially considered by Guelph City Council at a Public Meeting held on October 13, 2015. Guelph City Council held a Decision Meeting for the proposal on July 18-19, 2016. The July 19, 2016 Guelph City Council approval includes eighteen (18) conditions that are to be secured on title to the lands through a future site plan control agreement.

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 By-law 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 (2016)-20079 applies:

Key Map

