THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2018)-20322

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 71 Wyndham Street South and legally described as Part of Lots 171 and 172 Registered Plan 113 and portion of former bed of the River Speed lying in front of Broken Lot 3, Division F, City of Guelph (ZC1705).

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 Lots 171 and 172 Registered Plan 113 and portion of former bed of the River Speed lying in front of Broken Lot 3, Division F, City of Guelph, municipally known as 71 Wyndham Street South, City of Guelph, from the CR-7 (Specialized Commercial Residential) Zone to the D.1-29 (H) (Specialized Downtown 1) Zone.

2. Part 10 of By-law (1995) – 14864, as amended, is hereby further amended as follows:

2.1 Section 6.6.3.7 is amended by deleting the specialized CR-7 zone in its entirety.

3. Part 16, Section 14 – Specialized Downtown Zones, of By-law (1995)-14864, as amended, is hereby further amended to change the numbering of the D.2-13 zone and applicable regulations from 14.6 to 14.7.

4. Part 16, Section 14 – Specialized Downtown Zones, of By-law (1995) – 14864, as amended, is hereby further amended to add D.1-29 (H).

4.1 14.6 **D.1-29 (H)**
71 Wyndham St. S.

As shown on Defined Area Map 38 of Schedule "A" of this ***By-law***.

14.6.1 All regulations in Section 14.1 apply to the D.1-29 ***Zone*** and the following:

14.6.2 First ***Storey Use***

A non-residential ***Use*** is required on the first ***Storey*** of the ***Building*** facing Wyndham Street South and this ***Use*** shall be a minimum of 100 square metres of ***Gross Floor Area***.

14.6.3 ***Building Height***

Notwithstanding Table 14.1.8, Row 5, the minimum ***Building Height*** is 4 ***Storeys*** and the maximum ***Building Height*** is 10 ***Storeys***.

14.6.3.1 Notwithstanding Section 14.6.3, no ***Building*** or ***Structure***, or part thereof, shall exceed an elevation of 368 metres above sea level.

14.6.3.2 The height of the first ***Storey*** shall be a minimum of 4.5 metres.

14.6.3.3 Notwithstanding Section 14.6.3, the maximum ***Building Height*** is 14 ***Storeys***, permitted only as bonusing under Section 37 of the Planning Act, RSO 1990, c P.13, as amended once the community benefit, identified as a monetary contribution to riverfront parkland acquisition has been secured. The contribution amount shall be 25% of the difference in land value between 10 and 14 storeys, as determined by a third party appraisal.

14.6.4 Built Form

Notwithstanding Section 14.1.3, the following Built Form Regulations shall apply:

14.6.4.1 The maximum ***Floorplate*** of the 7th and 8th ***Storeys*** of the ***Building*** shall not exceed 1550 square metres.

14.6.4.2 The maximum ***Floorplate*** of the 9th and 10th ***Storeys*** of the ***Building*** shall not exceed 1475 square metres.

14.6.4.3 The maximum ***Floorplate*** of the 11th and 12th ***Storeys*** of the ***Building*** shall not exceed 1365 square metres.

14.6.4.4 The maximum ***Floorplate*** of the 13th and 14th ***Storeys*** of the ***Building*** shall not exceed 1035 square metres.

14.6.4.5 Front ***Building Stepbacks***

The minimum ***Stepback*** shall be 2 metres and shall be required for all portions of the ***Building*** above the 1st ***Storey. Stepbacks*** shall be measured from the ***Building*** face of the 1st ***Storey*** facing Wyndham Street South.

14.6.4.6 The minimum ***Stepback*** shall be 4 metres, required for all portions of the Building above the 4th ***Storey. Stepbacks*** shall be measured from the ***Building*** face of the 1st ***Storey*** facing Wyndham Street South.

14.6.4.7 Rear ***Building Stepbacks***

The minimum ***Stepback*** shall be 2 metres and shall be required for a portion of the ***Building*** above the 1st ***Storey. Stepbacks*** shall be measured from the rear ***Building*** face of the 1st ***Storey***.

14.6.4.8 The minimum ***Stepback*** shall be 4 metres and shall be required for a portion of the ***Building*** above the 6th ***Storey. Stepbacks*** shall be measured from the rear ***Building*** face of the 1st ***Storey***.

14.6.4.9 Front Façade Treatment

A minimum of 50% of the surface area of the first ***Storey*** façade facing Wyndham Street must be comprised of a ***Transparent Window*** and/or ***Active Entrances***.

14.6.5 ***Bicycle Parking***

Notwithstanding Table 14.1.7, Row 1, a total of 75 ***Bicycle Parking Spaces, Long Term*** and 11 ***Bicycle Parking Spaces, Short Term*** are required.

14.6.6 **Holding Provision**

Purpose
To ensure that the increased maximum building height allowance of 14 storeys be permitted after the identified community benefit of a monetary contribution to acquiring downtown riverfront parkland is secured pursuant to Section 37 of the Planning Act, RSO 1990, c P.13, as amended.

Conditions
Prior to the removal of the Holding symbol "H", the following shall be completed to the satisfaction of the City:

1. An appraisal (or appraisals) of the site by an Appraisal Institute of Canada accredited appraiser (AACI) to determine the market value of the land assuming both 10 and 14 storeys are permitted. The owner shall be responsible for all costs associated with the appraisal(s);

2. The contribution by the owner of a fixed sum of money to the City towards the acquisition of riverfront parkland. The contribution shall be based on the appraisal(s) provided pursuant to condition 1, above, and shall be equal to 25% of the difference in the determined market value of the land assuming 10 and 14 storeys, respectively, are permitted. Alternatively, the owner may enter into agreement(s) satisfactory to the City, which may be registered against the land, in accordance with subsections 37(3) and (4) of the Planning Act, RSO 1990, c P.13, to secure this contribution.

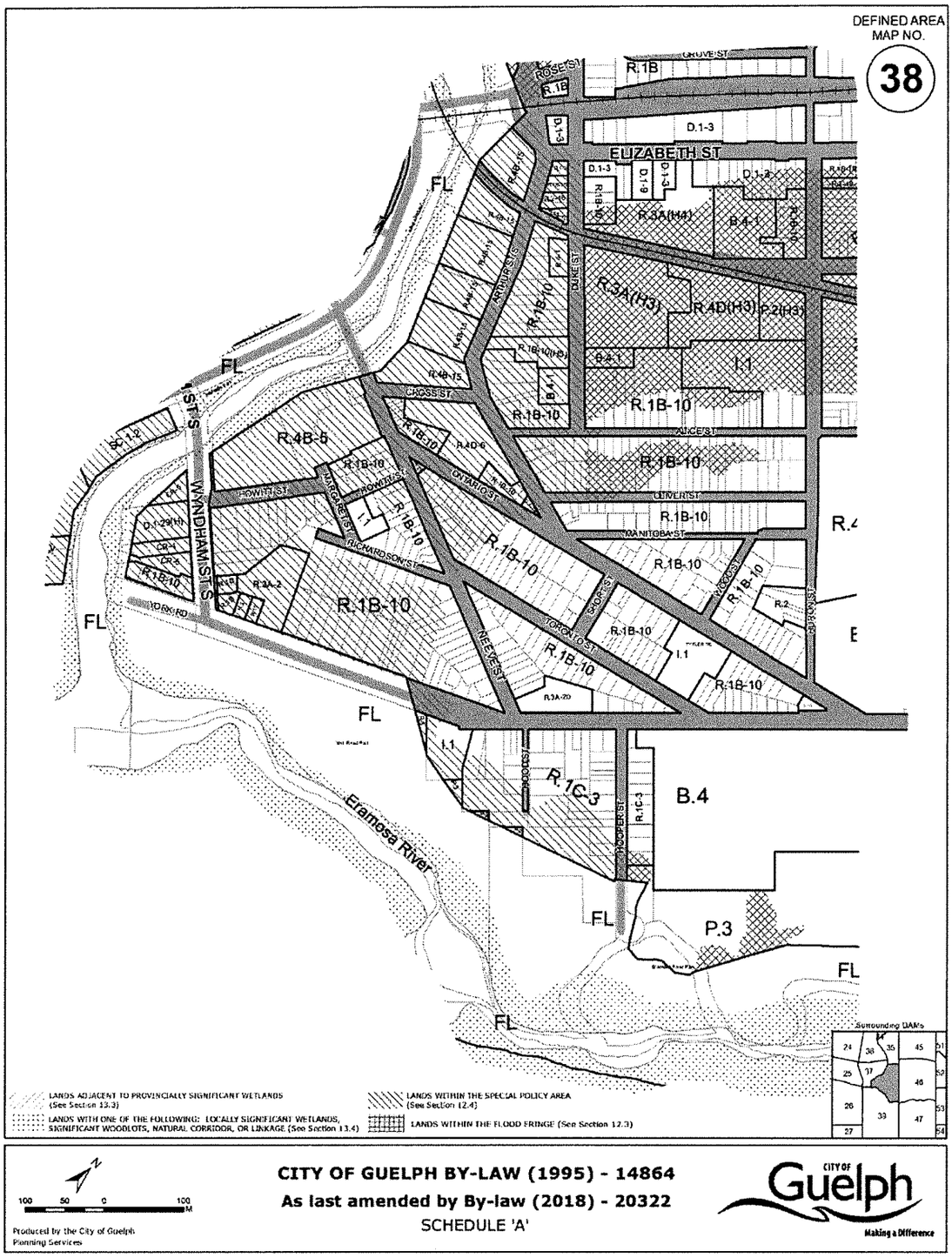
5. Schedule "A" of By-law (1995)-14864, as amended, is hereby further amended by deleting Defined Area Map Number 38 and replacing with a new Defined Area Map Number 38 attached hereto as Schedule "A".

PASSED this ELEVENTH day of SEPTEMBER, 2018.

CAM GUTHRIE – MAYOR

DYLAN MCMAHON – DEPUTY 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 (2018) - 20322
SCHEDULE 'A'

CITY OF Guelph
Making a Difference

EXPLANATION OF PURPOSE AND EFFECT FOR BY-LAW NUMBER (2018)-20322

1. By-law Number (2018)-20322 has the following purpose and effect:

   This By-law authorizes a Zoning By-law Amendment affecting lands municipally known as 71 Wyndham Street South. The purpose of the proposed Zoning By-law amendment is to rezone the subject site from the CR-7 (Specialized Commercial Residential) Zone and to a D.1-29 (H) (Specialized Downtown 1) Zone with a holding provision to permit the development of a 14 storey, 140 unit high density residential development with bonusing under Section 37 of the Planning Act.

   The proposed Zoning By-law Amendment was considered by Guelph City Council at a Public Meeting held on July 10, 2017 and a decision report was presented to Council on September 10th and 11th, 2018. The Zoning By-law Amendment will permit the development of a 140 unit apartment building (City File: ZC1705).

   Further information may be obtained by contacting Infrastructure, Development and Enterprise at 519-837-5616, 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".

2. Key map showing the location of the lands to which By-law (2018)-20322 applies:

   KEY MAP

