THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2012)-19496.

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 1141 Paisley Road and legally described as Part Lot 6, Concession 1, Division "B", designated as Part 3, 61R9602 and Part 2, 61R8682; and Part Lot 4, Concession 2, Division "E", (formerly Guelph Township), designated as Part 3, 61R8682; and, Part of road allowance between Divisions B and E, (formerly Guelph Township), designated as Part 2, 61R9027, City of Guelph .

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 described as Part Lot 6, Concession 1, Division "B", designated as Part 3, 61R9602 and Part 2, 61R8682; and Part Lot 4, Concession 2, Division "E", (formerly Guelph Township), designated as Part 3, 61R8682; and, Part of road allowance between Divisions B and E, (formerly Guelph Township), designated as Part 2, 61R9027, City of Guelph and municipally known as 1141 Paisley Road from the UR (Urban Reserve) Zone, the SC.1 (Service Commercial) Zone and the Rural Zone under Guelph-Eramosa By-law #10/77 to the CC-23 (Specialized Community Shopping Centre) Zone, the CC-24 (H26) (Specialized Community Shopping Centre) Zone with a Holding Provision and P.1 (Conservation Lands) Zone.

2. Section 6.2.3.2 of By-law Number (1995)-14864, as amended, is hereby further amended by adding a new subsection 6.2.3.2.23:

6.2.3.2.23 **CC-23**
1141 Paisley Road
As shown on Defined Area Map Number 4 of Schedule "A" of this ***By-law.***

6.2.3.2.23.1 Permitted ***Uses***
In accordance with Section 6.2.1.2 of Zoning ***By-law*** (1995)-14864, as amended, with the following additional permitted ***uses***:

- ***Warehouse Membership Club***
- ***Home Improvement Retail Warehouse Establishment***

The following definitions shall apply in the CC-23 ***Zone***:

A "***Warehouse Membership Club***" shall mean a ***Retail Establishment*** engaged in the retailing to club members of a wide range of non-food items and services, in combination with a general line of food-related products, where the goods, wares, merchandise, substances or articles are displayed, stored and sold in a warehouse format. The warehouse format means a configuration where the floor area devoted to sales is integrated with the storage of things sold and is accessible to patrons of the ***Warehouse Membership Club***.

A "***Home Improvement Retail Warehouse Establishment***" shall mean a ***Building*** where a full range of home furnishings and home improvement products are displayed, stored and sold in a warehouse format. Such products may include but are not limited to a combination of furniture, appliances, electrical fixtures, lumber and building supplies, hardware, carpets and floor coverings, home décor items, landscape and garden supplies, and plumbing fixtures.

6.2.3.2.23.2 Regulations
In accordance with Section 6.2.2 of Zoning ***By-law*** (1995) – 14864, as amended, with the following exceptions and additions:

6.2.3.2.23.2.1 Maximum ***Lot*** Area
Despite Table 6.2.2, Row 3, the maximum ***lot*** area shall be 130,000 square metres

6.2.3.2.23.2.2 Maximum ***Gross Floor Area***
Despite Table 6.2.2, Row 10, the maximum commercial ***Gross Floor Area*** shall be 14,000 square metres.

6.2.3.2.23.2.3 Off-Street Parking
Despite Section 4.13.4.1 of the ***By-law***, the minimum off-street parking required shall be 1 space per 23 square metres of ***Gross Floor Area***.

3. Section 6.2.3.2 of By-law Number (1995)-14864, as amended, is hereby further amended by adding a new subsection 6.2.3.2.24:

6.2.3.2.24 **CC-24 (H26)**
1141 Paisley Road
As shown on Defined Area Map Number 4 of Schedule "A" of this ***By-law.***

6.2.3.2.24.1 Permitted ***Uses***
Notwithstanding Section 6.2.1.2 of the Zoning ***By-law*** (1995)-14864, as amended, the following ***Uses*** are not permitted in this ***Zone***:

- ***Carwash, Automatic***
- ***Carwash, Manual***
- ***Vehicle Gas Bar***

6.2.3.2.24.2 Regulations
In accordance with Section 6.2.2 of Zoning ***By-law*** (1995) – 14864, as amended, with the following exceptions and additions:

6.2.3.2.24.2.1 Maximum ***Lot*** Area
Despite Table 6.2.2, Row 3, the maximum ***Lot*** area shall be 130,000 square metres.

6.2.3.2.24.2.2 Maximum ***Front*** and ***Exterior Side Yard***
Despite Table 6.2.2, Row 5, all ***Buildings*** located adjacent to Elmira Road or Paisley Road shall be located a maximum of 6.0 metres from the ***Street Line***. ***Parking Spaces*** and parking lot drive aisles shall not be permitted closer to the ***Street Line*** than the front face of ***Buildings*** along both Elmira Road and Paisley Road.

6.2.3.2.24.2.3 Minimum ***Building Height*** Requirement
In addition to Table 6.2.2, Row 8, ***Buildings*** that front along Paisley Road and Elmira Road shall have the appearance of two (2) ***Storey Buildings*** and shall have a minimum height of 8.5 metres.

6.2.3.2.24.2.4 Maximum ***Gross Floor Area***
Despite Table 6.2.2, Row 10, the maximum commercial ***Gross Floor Area*** shall be 12,000 square metres.

6.2.3.2.24.2.5 Maximum ***Retail Establishment*** Size
The maximum ***Gross Floor Area*** of any individual ***Retail Establishment*** in this ***Zone*** shall be 3720 square metres.

6.2.3.2.24.2.6 Off-street Parking
Despite Section 4.13.4.1 of the ***By-law***, the minimum off-street parking required shall be 1 space per 23 square metres of ***Gross Floor Area***.

6.2.3.2.24.2.7 Uses Prohibited in Specific Locations
Drive-through ***Uses*** shall be prohibited from locating in ***Buildings*** along the Paisley Road or Elmira Road frontage of this property with the following exception:

A drive-through ***Use*** associated with a ***Financial Establishment*** at the corner intersection of Paisley Road and Elmira Road shall be permitted, subject to the vehicular drive-through facility being designed such that it is:

1. Not located between any ***Building*** and a public ***Street.***
2. Significantly screened from public view from all public ***Streets.***
3. Safely separated from pedestrian spaces and corridors.
4. Designed in a manner that is compatible with surrounding ***Uses*** and activities.
5. Provides a minimum of five (5) vehicular stacking spaces with a maximum of three (3) stacking spaces parallel to the ***Street Line***.

(For purposes of this ***Zone***, a Drive-Through ***Use*** shall be defined as: A ***Use*** which involves or is designed to encourage a customer to remain in a ***Vehicle*** while receiving a service, obtaining a product or completing a business transaction. The ***Use*** shall include vehicular stacking spaces, a serving window and may include an order intercom box).

6.2.3.2.24.2.8 Severability Provision
The provisions of this ***By-law*** *(City of Guelph (1995)-14864)* shall continue to apply collectively to the whole of the lands identified on Schedule "A" as CC-24 (H26), despite any future severance, partition or division for any purpose.

4. Section 2.9.1 of of By-law Number (1995)-14864, as amended, is hereby further amended by adding a new subsection 2.9.1 (xxvi) (H26):

2.9.1 (xxvi) (H26) 1141 Paisley Road
As shown on Defined Area Map Number 4

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

Conditions:

1. That the zoning regulations for the lands at 963-1045 Paisley Road (the West Hills Plaza Lands) are revised to further limit the amount of retail space permitted in order to meet the requirements set out in the City of

Guelph Official Plan regarding retail space capacity in the West End Node.

2. That the actual cost of the redesign and reconstruction of Paisley Road west of Elmira Road is secured to the satisfaction of the City Engineer.

3. That a site plan agreement is registered on title outlining conditions required in this zoning approval to this satisfaction of the City Engineer and the General Manager of Planning Services.

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

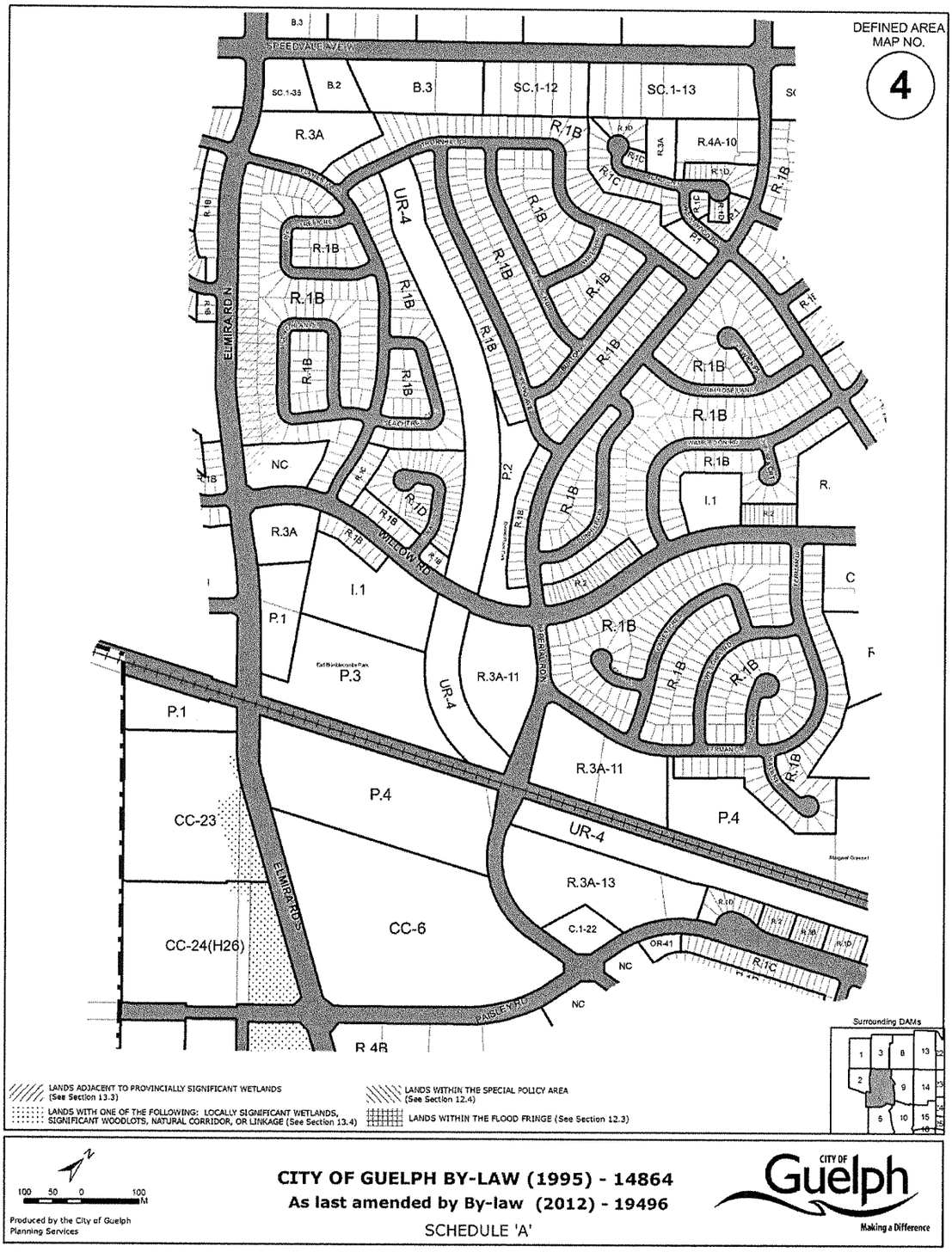
3. Where notice of this by-law is given in accordance with the Planning Act, and where no notice of objection has been filed within the time prescribed by the regulations, this by-law shall come into effect. Notwithstanding the above, where notice of objection has been filed within the time prescribed 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-SIXTH day of NOVEMBER, 2012.

KAREN FARBRIDGE - MAYOR

BLAIR LABELLE - CITY CLERK

Schedule 'A'


DEFINED AREA MAP NO. 4
SPEEDVALE AVE W
ELMIRA RD N
WILLOWDALE
PAISLEY RD
FERGUS RD
B.3
B.2
SC.1-35
SC.1-12
SC.1-13
R.3A
R.1B
R.1C
R.1D
R.4A-10
UR-4
NC
P.1
P.2
P.3
P.4
I.1
R.3A-11
R.3A-13
CC-23
CC-6
CC-24(H26)
C.1-22
OR-41
R.4B
Surrounding DANs
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)
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 (2012) - 19496
SCHEDULE 'A'
CITY OF Guelph
Making a Difference

EXPLANATION OF PURPOSE AND EFFECT AND KEY MAP FOR BY-LAW NUMBER (2012)-19496

1. By-law Number (2012)-19496 has the following purpose and effect: This By-law authorizes a Zoning By-law amendment affecting the lands municipally known as 1141 Paisley Road in the City of Guelph from the UR (Urban Reserve) Zone, the SC.1 (Service Commercial) Zone and the Rural Zone under Guelph-Eramosa By-law #10/77 to the CC-23 (Specialized Community Shopping Centre) Zone, the CC-24 (H26) (Specialized Community Shopping Centre) Zone with a Holding Provision and P.1 (Conservation Lands) Zone to permit a commercial development with approximately 26,000 square metres of Gross Floor Area.

   The proposed zoning amendment was considered by Guelph City Council at a Public Meeting held on November 5, 2012.

   Further information may be obtained by contacting or visiting Planning, Building, Engineering and Environment, 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". 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 (2012)-19496 applies:

KEY MAP

