# THE CORPORATION OF THE CITY OF GUELPH

**By-law Number (2015)-19946**

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 129 Elmira Road South, and legally described as Part of Lot 6 Concession 1 Division 'B', and Part of the Original Allowance Between part of Lot 4 Concession 2 Division 'E' (Geographic Township of Guelph), City of Guelph, more specifically described as Part 23, Part 24 and Part 26 of Plan 61R-20091 and property known municipally as 963 to 1045 Paisley, and legally described as Block 1 Plan 61M-53, excluding Part 6 of Reference Plan 61R-10459, City of Guelph(File# ZC1502).

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 Lot 6 Concession 1 Division 'B', and Part of the Original Allowance Between part of Lot 4 Concession 2 Division 'E' (Geographic Township of Guelph), in the City of Guelph, more specifically described as Part 23, Part 24 and Part 26 of Plan 61R-20091 and municipally known as 129 Elmira Road South, from the "Specialized Community Shopping Centre with a 'Holding' Provision" (CC-24(H26)) Zone to the "Specialized Community Shopping Centre" (CC-24) Zone and property legally described as Block 1 Plan 61M-53, excluding Part 6 of Reference Plan 61R-10459, City of Guelph, municipally known as 963 to 1045 Paisley Road, from the "Specialized Community Shopping Centre" (CC-6) Zone to the "Specialized Community Shopping Centre" (CC-26) Zone.

2. By-law Number (1995)-14864, as amended, is hereby further amended by deleting the (H26) from the title of Section 6.2.3.2.24 and deleting Section 2.9.1(xxvi) in its entirety.

3. Section 6.2.3.2.24 of By-law Number (1995)-14864, as amended, is hereby further amended in the following ways:

6.2.3.2.24 CC-24
129 Elmira Road South
As shown on Defined Area Map Number 4 of Schedule "A" of this ***By-law.***

6.2.3.2.24.1 Permitted ***Uses***

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

- ***Home Improvement Retail Warehouse Establishment***

The following definition shall apply in the CC-24 ***Zone***:

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 decor items, landscape and garden supplies, and plumbing fixtures.

Notwithstanding Section 6.2.1.2 of 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 $m^2$.

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 14,500 $m^2$.

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 10,000 $m^2$.

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***, except for a ***Home Improvement Retail Warehouse Establishment***, which shall have a minimum of 356 ***Parking Spaces***.

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 shall continue to apply collectively to the whole of the lands identified on Schedule 'A' as CC-24, despite any future severance, partition or division for any purpose.

6.2.3.2.24.2.9 Minimum ***Front*** and ***Exterior Side Yard***

The minimum ***Front*** and ***Exterior Side Yard setbacks*** to the ***Home Improvement Retail Warehouse Establishment*** shall be 40 metres.

6.2.3.2.24.2.10 Maximum ***Building Height***

Despite Table 6.2.2, Row 8, the maximum ***Building Height*** for the ***Home Improvement Retail Warehouse Establishment*** shall be 14 metres.

4. Section 6.2.3.2.6 of By-law Number (1995)-14864, as amended, is hereby further amended by deleting the reference to Paisley/Elmira Road.

5. Section 6.2.3.2 of By-law Number (1995)-14864, as amended, is hereby further amended by adding a new subsection 6.2.3.2.26.

6.2.3.2.26 CC-26

963 to 1045 Paisley Road
As shown on Defined Area Map Number 4 of Schedule "A" of this ***By-law.***

6.2.3.2.26.1 Permitted ***Uses***

In accordance with Section 6.2.1.2 of Zoning ***By-law*** (1995)-14864, as amended.

6.2.3.2.26.2 Regulations

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

6.2.3.2.26.2.1 Maximum ***Gross Floor Area***
Despite Table 6.2.2, Row 10, the maximum ***Gross Floor Area*** shall be 20,851m$^2$.

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

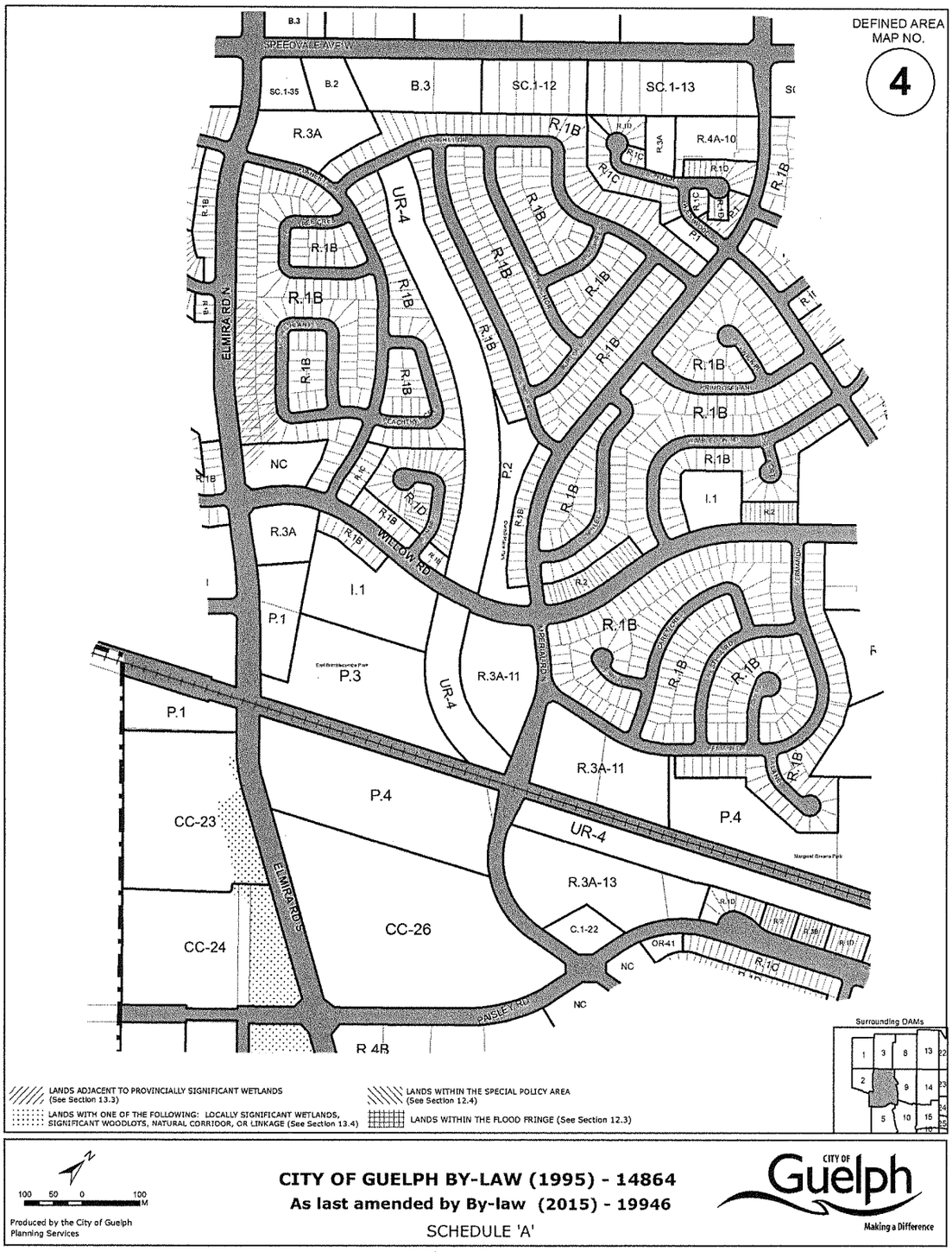
7. Where notice of this By-law is given in accordance with the Planning Act, and where no notice of objection has been filed within the time prescribed by the regulations, this by-law shall come into effect. Notwithstanding the above, where notice of objection has been filed within the time prescribed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

**CAM GUTHRIE - MAYOR**

**TINA AGNELLO - DEPUTY CLERK**

Schedule "A"


DEFINED AREA
MAP NO.
4
SPEEDVALE AVE W
ELMIRA RD N
WILLOW RD
PAISLEY RD
ELMIRA RD S
R.1B
R.3A
R.4A-10
R.1C
R.1D
UR-4
NC
P.1
P.2
P.3
P.4
I.1
R.3A-11
R.3A-13
CC-23
CC-24
CC-26
C.1-22
OR41
R.4B
Surrounding DAMs
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 (2015) - 19946
SCHEDULE 'A'
CITY OF Guelph
Making a Difference

## EXPLANATION OF PURPOSE AND EFFECT AND FOR BY-LAW NUMBER (2015)-19946

1. By-law Number (2015)-19946 has the following purpose and effect:

   The purpose of the proposed Zoning By-law Amendment is to add a home improvement retail warehouse establishment to the list of commercial uses already permitted at 129 Elmira Road South, modify the parking standard for a home improvement retail warehouse establishment use and other minor administrative adjustments to the zoning for 129 Elmira Road South. As part of this application, the permitted commercial gross floor area (GFA) on 129 Elmira Road South will be increased to 14,500m$^2$ and the maximum permitted GFA on the property municipally known as 963 to 1045 Paisley Road will be reduced to 20,851 m$^2$ to ensure that the total GFA of the "Mixed Use Node" does not exceed the 52,600 m$^2$ as permitted by the Official Plan.

   The proposed Zoning By-law Amendment was considered by Guelph City Council at a Public Meeting held on March 9, 2015 and a Decision Report was presented to Council on September 14, 2015 (File #ZC1502).

   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)-19946 applies:

**KEY MAP**

