



NOTICE OF REFUSAL OF ZONING BY-LAW AMENDMENT

THE CORPORATION OF THE TOWN OF GRIMSBY

File Number: 26Z-16-2303

TAKE NOTICE that on June 17, 2024, the Council of the Corporation of the Town of Grimsby refused a Zoning By-law Amendment for 540-544 North Service Road, pursuant to Section 34 of the Planning Act, RSO., 1990.

THE PURPOSE AND EFFECT of the proposed Zoning By-law Amendment was to change the zoning from CS – Service Commercial Zoning to (H)MHD – (Holding) Mixed-Use High Density; and apply site specific zoning regulations per the attached Appendix A - Draft Zoning By-law Amendment.

OTHER RELATED PLANNING APPLICATIONS: 26OP-16-2303 (Official Plan Amendment application)

PUBLIC CONSULTATION on the proposed Zoning By-law Amendment was provided prior to Council making a decision. As a result of public consultation, the Town received comments at the statutory Public Meeting on March 27, 2024 and also received emails from members of the public. All comments received were considered as part of the recommendation for the Planning Report PA-24-12 and led to Council's decision-making process.

A copy of the proposed Zoning By-law Amendment can be viewed on the Grimsby website at <https://www.grimsby.ca/town-hall/official-plan-and-zoning/current-planning-applications/>

THE DECISION OF THE COUNCIL OF THE CORPORATION OF THE TOWN OF GRIMSBY IS FINAL IF A NOTICE OF APPEAL IS NOT RECEIVED ON OR BEFORE THE LAST DAY FOR FILING A NOTICE OF APPEAL.

IF YOU WISH TO APPEAL to the Ontario Land Tribunal (OLT) a copy of an appeal form is available from the OLT website at <https://olt.gov.on.ca/appeals-process/forms/>

A person or public body that requested an amendment to the Zoning By-law of the Town of Grimsby may appeal the refusal of the requested amendment to the Ontario Land Tribunal in respect of all or any part of the requested amendment by filing a notice of appeal with the clerk of the Town of Grimsby.

No person or public body shall be added as a party to the hearing of the appeal unless, before the requested Zoning By-law Amendment was refused, the person or public body made oral submissions at a public meeting, if any, or written submissions to the council or,

in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

A NOTICE OF APPEAL MUST:

i) Be made in writing to: Victoria Steele, Clerk
Town of Grimsby
160 Livingston Avenue
Grimsby, ON L3M 0J5

ii) Set out the reasons for the appeal, and

iii) Be accompanied by the fee required by the Ontario Land Tribunal being \$400.00 (for private citizens, registered charity or non-profit ratepayers association) / \$1100.00 (for corporations) payable to the Ontario Minister of Finance.

Date Mailed: June 28, 2024

Last Day for Filing a Notice of Appeal: July 18, 2024

Appendix 'A'

Draft Zoning By-Law Amendment

THE CORPORATION OF THE TOWN OF GRIMSBY
BY-LAW No. 24-XX

A BY-LAW TO AMEND BY-LAW 14-45 (AS AMENDED)

(540-544 North Service Road)

Whereas the Council of the Town of Grimsby deems it expedient to amend the By-law No 14-45, as amended:

Now therefore, the Council of the Corporation of the Town of Grimsby enacts as follows:

1. Schedule "XX" of By-law No. 14-45, as amended, is hereby further amended by changing the Zoning from CS "Service Commercial" on the lands identified on Schedule A of this By-law as:

a) Holding Mixed Use High Density (H) MHD Zone

2. Schedule "XX" of By-law No. 14-45, as amended, is hereby further amended by adding the specific exception number xxx to the lands identified on Schedule A to this By-law.

3. Table 12: Permitted Use, Lot Building and Structure Exceptions of Section 7.0 Residential Zones of By-law 14-45, as amended is hereby further amended by adding the rows identified on Table 'A' to this By-law.

4. Table 29, Holding Zoning Provisions of Section 14.3 of By-law No. 14-45, as amended, is hereby further amended by adding the rows identified on Table 'B' to this By-law.

Dated at the Town of Grimsby this ____ day of _____, 2024.

Mayor

Clerk

Table 'A' to By-law XX

Site Specific	By-law #	Address	Description of Special Provision Lot, Building and Structure Exceptions
XXX	XXXX	540 & 544 North Service Road	<ul style="list-style-type: none"> • Maximum <i>front yard</i>: 18.9 metres for MTO setback • Minimum <i>rear yard</i>: 1 metre • Maximum Building Heights: • West Tower 22 Storeys 74m • East Tower 16 Storeys 56.5m • Minimum of 1.1 Parking Spaces per unit, inclusive of visitor parking and accessible parking. • Accessible Parking shall be provided at a rate of 2 + 2%. • 5.13 c) shall not apply. • A maximum of 108 of the required parking spaces shall be permitted to be tandem parking • Regulation 7.2.2.5.e) shall not apply • A minimum balcony depth of 1.0m is required. • Regulation 7.2.2.6 a) shall not apply • A Maximum Gross Floor Area of 37,400m² (FAR of 7.59) shall be permitted; • An enclosed parking lot shall be permitted within 1 metre of an abutting residential zone. • An entrance to a parking lot shall be permitted to be 6.5 metres wide measured along the street line. • An enclosed loading space shall be permitted within 15 metres of a residential zone. • A maximum lot coverage of 44% be permitted.

Table 'B' to By-law XX

Zone	By-law #	Address	Requirement to Lift the Holding Provision
XXX	XXXX	540 & 554 North Service Road	<ul style="list-style-type: none"> • That the applicant / proponent extend sanitary services to front onto the subject lands to the satisfaction of the Town of Grimsby and Niagara Region. • That an updated Phase I and II ESA be completed and the filing of a Record of Site Condition with the Ministry of Environment and Parks.