



NOTICE OF PASSING OF A ZONING BY-LAW THE CORPORATION OF THE TOWN OF GRIMSBY

File Number: 26Z-16-1803

TAKE NOTICE that on **December 20, 2021**, the Council of the Corporation of the Town of Grimsby passed By-law No. 21-97, pursuant to Section 34 of the Planning Act, RSO., 1990.

THE PURPOSE AND EFFECT of By-law No. 21-97 is to change the zoning of the lands at 362 and 392 North Service Road and shown on Schedule 'A':

1. from a Neighbourhood Development ND zone and a Private Open Space O1 zone on the lands identified on Schedule 'A' and 'B' to a Holding Mixed Use High Density (H)MHD Zone; and a Holding Public Open Space (H)O2 Zone.
2. To establish site specific zoning exceptions identified on Schedules 'A' and 'B' and on Table 'A'.
3. To establish criteria for the removal of holding provisions identified on Table 'B'.
4. To authorize an increase in height subject to the provision of a payment to the Town of \$500,000.

A Key Plan showing the location of the subject lands is on Schedules 'A' and 'B'.

PUBLIC CONSULTATION on the proposed By-law was provided prior to Council making a decision. As a result of public consultation, the Town received 11 comments at the statutory Public Meeting on January 28, 2020. All comments received were considered as part of Planning Report PA 20-19 and Council's decision-making process, and led to the provision of increased parking, site specific zoning regulations regarding the built form and minimum floor space for employment generating uses.

A copy of By-law No. 21-97 can be viewed on the Town of Grimsby website at <https://www.grimsby.ca/en/doing-business/planning-notices.aspx>

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/>

Only individuals, corporations and public bodies may appeal a by-law to the Ontario Land Tribunal. A Notice of Appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the 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: Sarah Kim, Clerk
Town of Grimsby
PO Box 159, 160 Livingston Avenue
Grimsby, ON L3M 4G3
- ii) Set out the reasons for the appeal, and
- iii) Be accompanied by the fee required by the Ontario Land Tribunal being \$1,100.00 payable to the Ontario Minister of Finance.

Date Mailed: January 4, 2022
Last Day for Filing a Notice of Appeal: January 24, 2022

THE CORPORATION OF THE TOWN OF GRIMSBY
BY-LAW No. 21-97
A BY-LAW TO AMEND BY-LAW 14-45 (AS AMENDED)
(362-392 North Service Road)

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

Therefore, the Council of the Corporation of the Town of Grimsby enacts as follows:

1. Schedule "4-A" of By-law No. 14-45, as amended, is hereby further amended by changing the zoning from "ND" (Neighbourhood Development) and "O1" (Private Open Space) on the lands identified on Schedule 'A' and 'B' to this By-law as:
 - a) Area A and B to a Holding Mixed Use High Density (H)MHD Zone; and
 - b) Area C to a Holding Public Open Space (H)O2 Zone.
2. Schedule "4-B" of By-Law No. 14-45, as amended, is hereby further amended by adding the site specific exception number 364 to the lands as identified on Schedule 'A' and 'B' 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. Appendix A of By-Law No. 14-45, as amended, is hereby further amended by adding Schedule 'A' to this By-law as Schedule 75
5. Appendix A of By-law No. 14-45, as amended, is hereby further amended by adding Schedule 'B' to this By-law as Schedule 76.
6. Table 29: Holding Zone 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.
7. Pursuant to Section 37 of the Planning Act whereby the council of a local municipality may, in a by-law passed under section 34, authorize increases in the height and density of development otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law, the increase in height authorized by Table "A" of this by-law shall be subject to the provision of the following:
 - a) A payment of \$500,000 that will be spent in a manner determined by Council following consultation with the immediate community.

Read a first time this 20th day of December, 2021.

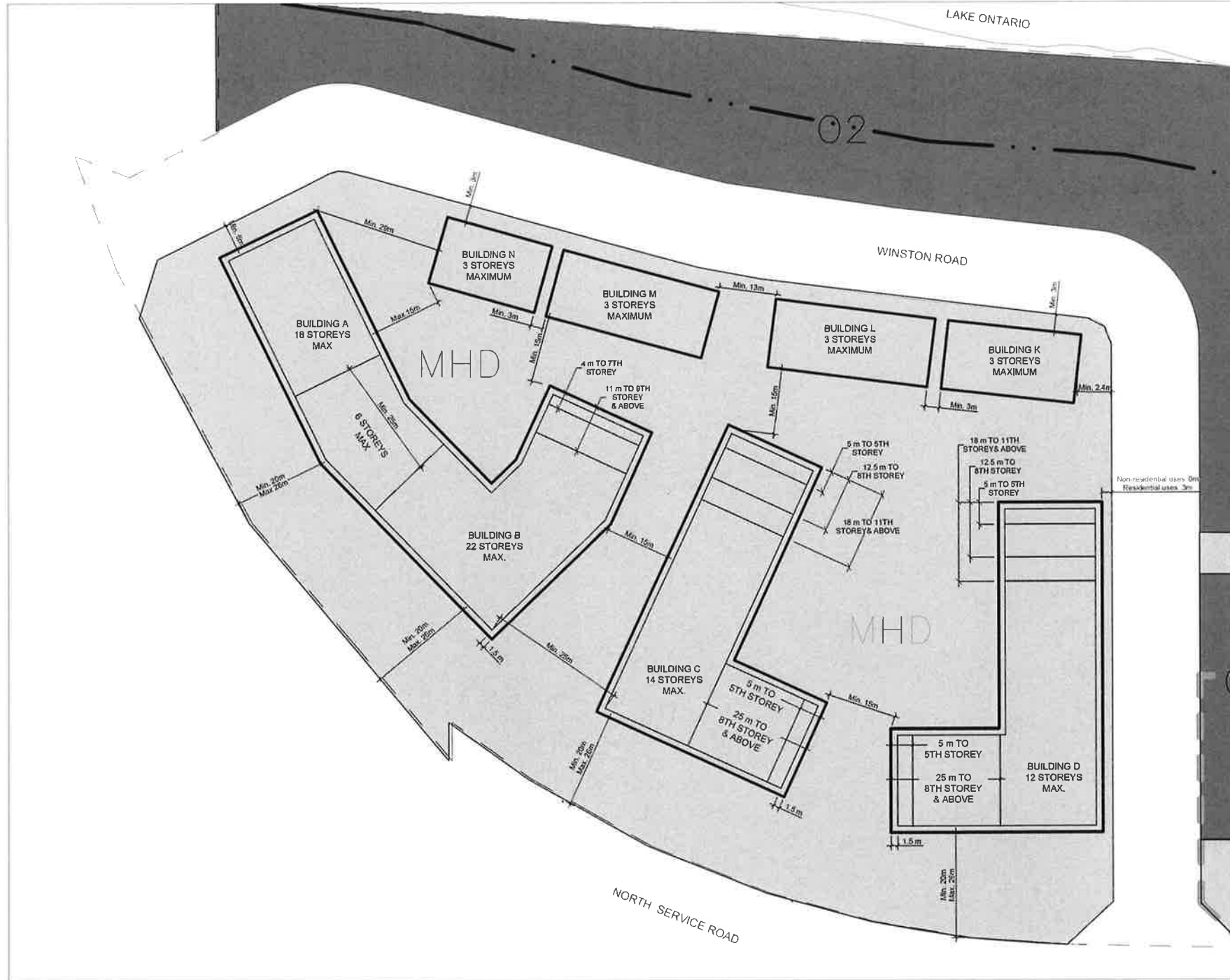
Read a second and third time and finally passed this 20th day of December, 2021.



J.A. Jordan, Mayor



S. Kim, Clerk











LAKE ONTARIO

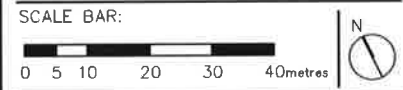
O2

WINSTON ROAD

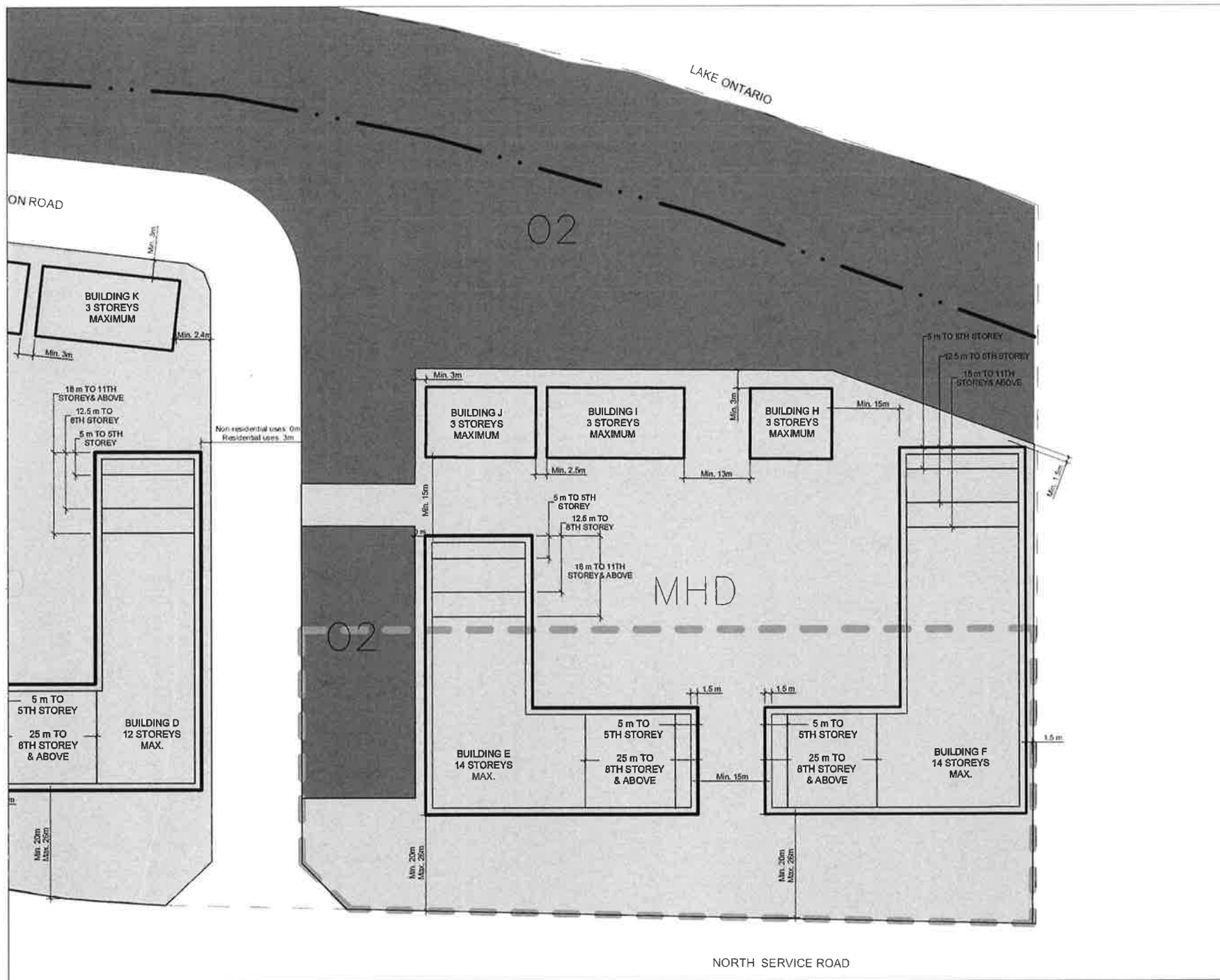
NORTH SERVICE ROAD

Schedule 75









-  Area A- MHD (Mixed Use High Density)
-  Area B- O2 (Open Space 2)
-  Subject Lands
-  Podiums
-  Building Envelope
-  Maximum Height in storeys
-  Employment Overlay Area
-  Environmental Protection (EP) Overlay Zone

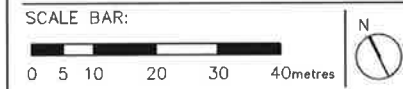


Schedule 'A'



Schedule 76

-  Area A- MHD (Mixed Use High Density)
-  Area B- O2 (Open Space 2)
-  Subject Lands
-  Podiums
-  Building Envelope
-  Maximum Height in storeys
-  Employment Overlay Area
-  Environmental Protection (EP) Overlay Zone



Schedule 'B'

Table 'A' to By-law 21-97

Site Specific	By-law #	Address	Zone	Additional Permitted Uses	Sole Prmtd. Uses	Excluded Uses	Description of Special Provision Lot, Building and Structure Exceptions
364	21-97	362 and 398 North Service Road	(H) MHD	<p>Entertainment facilities such as art galleries, outdoor theatre and musical facilities;</p> <p>Institutional uses, including government services, research and, training facilities;</p> <p>Daycare facilities provided that such uses are internally integrated as a component of an office, hotel, institutional or mixed use building; and</p> <p>Commercial fitness centre;</p> <p>Live-work units</p>		<p><i>Parking Lot, Retail, Personal Service Shop, Personal Service Office</i></p>	<ul style="list-style-type: none"> • The <i>front lot line</i> for the mixed use buildings shall be deemed to be the <i>lot line</i> abutting North Service Road • The <i>front lot line</i> for Block Townhouse buildings K to N as shown on Schedule 75 and 76 shall be deemed to be the <i>lot line</i> abutting Winston Road • The <i>front lot line</i> for Block Townhouse buildings H to J as shown on Schedule 75 and 76 shall be deemed to be the private condominium road. • A <i>lot, unit, building or structure</i> may be erected on a <i>lot</i> that does not have frontage on a public <i>street</i> but has frontage on a <i>private street</i> as described in a registered Plan of Condominium or illustrated on an approved site plan; • Internal <i>lot lines</i> created by Part Lot Control or registration of a Plan of Condominium or Plan(s) of a Condominium registered on all or a portion of a <i>lot</i> which is part of a comprehensively planned development subject to a Development Agreement pursuant to Section 41 of the Planning Act shall not be construed to be <i>lot lines</i> for the purpose of zoning regulations provided that all applicable regulations of this by-law relative to the whole lot and its external <i>lots lines</i>, prior to any Plan of Condominium registration are strictly observed. • Maximum <i>Lot Coverage</i>: No Maximum • Minimum <i>Front Yard</i>: distance as shown on Schedule 75 and 76 • Minimum <i>Exterior Side Yard, Block Townhouse</i>: distance as shown on Schedule 75 and 76 • Minimum <i>Exterior Side Yard, residential uses</i> in an <i>apartment</i> or mixed use <i>building</i>: distance as shown on Schedule 75 and 76 • Minimum <i>Exterior Side Yard, non-residential uses</i> in a mixed use <i>building</i>: distance

							<p>as shown on Schedule 75 and 76</p> <ul style="list-style-type: none"> • Minimum <i>Interior Side Yard, residential uses</i> in an <i>apartment</i> or <i>mixed use building</i>: distance as shown on Schedule 75 and 76 • Minimum <i>Interior Side Yard, non-residential uses</i> in a <i>mixed use building</i>: distance as shown on Schedule 75 and 76 • Minimum <i>rear yard</i>: distance as shown on Schedule 75 and 76 • Minimum <i>ground floor height</i> where <i>ground floor commercial uses</i> are provided: 4.5 metres (floor to floor, and not affected by a mezzanine space) • Maximum <i>building width</i>: No maximum • Minimum <i>gross floor area</i> of employment generating uses: 7,000 square metres • Minimum <i>gross floor area</i> of employment generating uses within the Employment Overlay Area as shown on Schedule 76: 6,500 square metres • Employment generating uses shall include: bank, banquet facility, <i>restaurant, hotel, institutional uses</i> (including government services, research and training facilities), <i>commercial fitness centre</i>, building supply, <i>commercial school, custom workshop, office, place of entertainment</i>, printing establishment, and <i>specialty home product warehouse</i>. • <i>Gross Floor Area</i> shall be calculated using the aggregate of Area 'A' and 'B', as shown on Schedule 75 and 76 • Minimum permitted <i>gross floor area</i>: 1 times the <i>lot area</i> • Maximum permitted <i>gross floor area</i>: 3 times the <i>lot area</i> • Required <i>parking spaces</i> may be provided in a tandem configuration within an underground parking garage provided that those tandem parking spaces shall be for the exclusive use of the owner of the same <i>parking space</i> in front of said tandem space • Minimum <i>parking space</i> setback from <i>residential zone</i>: 0 metres
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						<ul style="list-style-type: none">• Required <i>parking spaces</i> for <i>block townhouse dwellings</i> may be located within an underground parking garage• Parking shall be permitted in any <i>front yard</i> or <i>exterior side yard</i>, except for the storage of <i>vehicles</i> and no <i>vehicle</i> is to encroach onto any road allowance.• Minimum <i>pedestrian perception step-back</i>: distance as shown on Schedule 75 and 76• <i>Balconies</i> shall be permitted to encroach into the <i>step-backs</i> as shown on Schedule 75 and 76• Maximum Building Height: as shown on Schedule 75 and 76
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Table 'B' to By-law 21-97

Zone	By-law #	Address	Requirement to lift the hold provision:
MHD O2	21-97	362 and 398 North Service Road	<ul style="list-style-type: none">• The owner/applicant provides a Copy of the Ministry of the Environments acknowledgement of the filing of a Record of Site Condition or its equivalent to the Town of Grimsby and the Niagara Region Planning and Development Services Department; and• The owner/applicant submits a detailed noise study to the satisfaction of the Niagara Region Planning and Development Services Department.