



NOTICE OF REFUSAL OF A ZONING BY-LAW AMENDMENT THE CORPORATION OF THE TOWN OF GRIMSBY

File Number: 26Z-16-2104

TAKE NOTICE that on **March 21, 2022**, the Council of the Corporation of the Town of Grimsby defeated a resolution to approve a Zoning By-law Amendment for 13 Mountain Street and 19 Elm Street, pursuant to Section 34 of the Planning Act, RSO., 1990.

THE PURPOSE AND EFFECT of the Zoning By-law Amendment is to establish site specific zoning regulations for the lands shown on Appendix 'A' to the draft By-law attached. The site specific provisions are identified in detail in Table 'A' to maintain the existing Downtown Intensification (DI) zoning designation.

OTHER RELATED PLANNING APPLICATIONS: 26OP-16-2101 (Official Plan Amendment application)

PUBLIC CONSULTATION on the proposed By-law was provided prior to Council making a decision. As a result of public consultation, the Town received 18 comments at the statutory Public Meeting on December 16, 2021. The Town also received 16 letters/emails from members of the public. All comments received were considered as part of Planning Report PA 22-06 and Council's decision-making process.

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
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: April 4, 2022
Last Day for Filing a Notice of Appeal: April 24, 2022

APPENDIX 'A'

THE CORPORATION OF THE TOWN OF GRIMSBY

DRAFT BY-LAW NO. 22-XX

A BY-LAW TO AMEND BY-LAW NO. 14-45, AS AMENDED

(13 Mountain Street & 19 Elm Street)

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

THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF GRIMSBY ENACTS AS FOLLOWS:

1. Schedule "12-B" of Zoning By-law No. 14-45, as amended, is hereby further amended by adding the site specific exception number XXX to the lands as identified on Schedule 'A' to the By-law.
2. Table 15: Permitted Use, Lot, Building and Structure Exceptions of Section 8.0 Downtown Zones of By-law 14-45, as amended, is hereby further amended by adding the rows identified on Table 'A' to this By-law.

Read a first time this ___ day of _____, 2022.

Read a second and third time and finally passed this ___ day of _____, 2022.

Mayor

Clerk

Table 'A' to By-law No. XX-XX

Site Specific	By-law #	Address	Zone	Additional Permitted Uses	Lot, Building and Structure Exemptions
XXX	XX-XX	19 Elm and 13 Mountain Streets	DI	<p>Community Hub, meaning a premises or facility providing non-residential and/or community-based activities and services, such as arts and crafts, technology and multimedia, food and beverage, recreational, social and charitable and educational activities</p> <p>Dwelling units at or above the first storey</p>	<ul style="list-style-type: none"> • The <i>front lot line</i> shall be deemed to be the <i>lot line</i> abutting Elm Street • Maximum Lot Coverage: 55% • Minimum <i>Interior Side Yard</i>: 1.3 metres • Minimum building setback between Woolverton House and Woolverton Hall from Mountain Street – 15.5 m • Minimum setback of 5th floor from Mountain Street – 11.5 m • Minimum setback of 7th floor from Mountain Street – 16 m • Minimum setback of 5th floor from Elm street – 7 m • Minimum setback of 7th floor from elm street – 11 m • Minimum setback of 7th floor from easterly side lot line – 3.5 m • Maximum <i>Height</i> excluding mechanical penthouse 26 m (7 storeys) • The provisions of Section 8.3.2.2 shall not apply. • The provisions of Section 8.3.2.4. b), d) and f) shall not apply. • Minimum resident parking spaces requirement: 1.0 spaces per dwelling unit. • Minimum visitor parking space requirement: 0.15 spaces per dwelling unit. • Minimum non-resident parking space requirement: 1.0 spaces per 30 square metres of Community Hub GFA and 1.0 spaces per 28 square metres of Retail Use GFA • Visitor and non-resident parking spaces may be provided in a common area and available on a non-exclusive basis. • Exception 115 with respect to a parking reduction where a road

					widening has been dedicated and continues to apply.
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