

	THE CORPORATION OF THE TOWN OF COBOURG
	BY-LAW NUMBER <u>016-2017</u>

A BY-LAW TO AMEND ZONING BY-LAW NUMBER 085-2003 (990-1000 Division Street).

WHEREAS Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, provides the Council of the Corporation of the Town of Cobourg with the authority to pass this By-law; and,

WHEREAS the Council of the Corporation of the Town of Cobourg has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and,

WHEREAS the Council of the Corporation of the Town of Cobourg deems it advisable to amend Bylaw Number 85-2003 as amended;

NOW THEREFORE the Council of the Corporation of the Town of Cobourg hereby enacts as follows:

1. That By-law No. 85-2003, Section 14 is hereby amended by the addition of the following subsection:

"14.2.28 District Commercial Exception 28 (DC-28) Zone – 990-1000 Division Street

14.2.28.1 Defined Area

(DC-28) as shown on Schedule 'A', Map 13 to this By-law

14.2.28.2 Permitted Uses

In addition to the uses permitted in Section 14.1.1 and notwithstanding the uses prohibited in Section 14.1.3, a supermarket or bulk food use shall be permitted on lands in the DC-28 Zone.

14.2.28.3 Permitted Buildings and Structures

The buildings and structures permitted in Section 14.1.4 shall be permitted on lands in the DC-28 Zone.

14.2.28.4 Regulations for Permitted Uses, Buildings and Structures in the DC-28 Zone

The General Use Regulations of Section 14.1 shall apply to the uses, buildings and structures permitted in the DC-28 Zone, with the exception of the following:

i) **Floor Area – Supermarket or Bulk Food Use**

The total floor area for a supermarket or bulk food use shall be 3,024 sq m (32,551 sq ft) and the maximum *gross floor area* (GFA) for a supermarket or bulk food use shall be 2,397 sq m (25,802 sq ft).

ii) **Nursery or Garden Centre Use**

A seasonal nursery or garden centre use is permitted as a temporary accessory use to the supermarket within the parking area of the lands in the DC-28 Zone and does not require additional parking for the subject use.

iii) **Parking and Loading**

Notwithstanding the provisions of Section 6, the minimum parking requirement for the DC-28 Zone shall be 4.0 spaces per 100 sq m of gross floor area or portion thereof.

iv) **Subsequent Land Subdivision**

Notwithstanding any other provisions of this By-law, the provisions of Section 14.1 and 14.2 shall continue to apply collectively to all of the lands in the DC-28 Zone despite any future subdivision of the lands into two or more parcels of land.

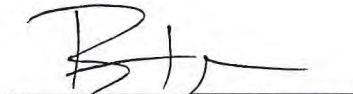
v) **Other By-law Provisions**

Except as amended in this By-law, all other provisions of By-law 85-2003 shall apply to the lands in the DC-28 Zone."

2. That Schedule 'A', Map 13, attached to and forming part of By-law No. 85-2003, is hereby amended by changing the zone category of the lands known municipally as 990-1000 Division Street from "District Commercial Holding (DC-H) Zone" to "District Commercial Exception 28 Holding (DC-28-H) Zone" as illustrated on Schedule "B" attached hereto.
3. The Holding (H) Symbol shall not be removed until the Owner(s) has received approval of all applicable plans, drawings, reports and other related documentation by the Municipality, and after a Development Agreement has been entered into, pursuant to the Municipality's Official Plan policies and Site Plan Control requirements. Without limiting the generality of the foregoing, the matters to be addressed and approved to the satisfaction of the Municipality shall include, but not be limited to: plans and/or other documentation pertaining to site servicing, grading, stormwater management and other infrastructure; architectural, building and urban/landscape design; noise mitigation, fencing and other buffering measures; traffic impacts, site access and related transportation improvements; pedestrian connections; accessibility; and, development performance measures (ie. regulations for construction, phasing and access, financial securities, etc.).
4. Notwithstanding the requirements and restrictions relating to this site specific By-law, and all of the general provisions of this By-law, a minor variance application, if required, may be applied for within two (2) years of the passing of this By-law for the lands in the DC-28 Zone as shown on Schedule "B" to this By-law.
5. That Schedule "B" attached hereto is hereby made part of this by-law as fully and to all intents and purposes as though recited in full herein.
6. THIS BY-LAW shall come into force and effect upon final passing hereof, subject to the provisions of the Planning Act, R.S.O. 1990, c. P. 13, as amended.

READ a first, second and third time and finally passed in Open Council this 13th day of March, 2017.


MAYOR


DEPUTY CLERK

Schedule "B"

