

BYLAW NO. 10025

The Zoning Amendment Bylaw, 2024 (No. 21)

The Council of the City of Saskatoon enacts:

Short Title

1. This Bylaw may be cited as *The Zoning Amendment Bylaw, 2024 (No. 21)*.


Purpose

2. The purpose of this Bylaw is to authorize the Rezoning Agreement which is annexed hereto as Appendix "B".

Zoning Bylaw Amended

3. The Zoning Bylaw No. 8770 is amended in the manner set forth in this Bylaw.

IL1 to MX1 by Agreement

4. The Zoning Map, which forms part of Bylaw No. 8770, is amended by rezoning the lands described in this section and shown as  on Appendix "A" to this Bylaw from a IL1 District to a MX1 District by agreement:

Civic Address: 321 Avenue C North

Surface Parcel No.: 119870039

Legal Land Description: Lot 13 Blk/Par 19 Plan No G582 Extension 0
As described on Certificate of Title 70S18791

Surface Parcel No.: 119870028

Legal Land Description: Lot 14 Blk/Par 19 Plan No G582 Extension 0
As described on Certificate of Title 70S18791

Surface Parcel No.: 119870017

Legal Land Description: Lot 15 Blk/Par 19 Plan No G582 Extension 0
As described on Certificate of Title 70S18791

Surface Parcel No.:	119870006
Legal Land Description:	Lot 16 Blk/Par 19 Plan No G582 Extension 0 As described on Certificate of Title 70S18791
Surface Parcel No.:	119869992
Legal Land Description:	Lot 17 Blk/Par 19 Plan No G582 Extension 0 As described on Certificate of Title 70S18792
Surface Parcel No.:	119869981
Legal Land Description:	Lot 18 Blk/Par 19 Plan No G582 Extension 0 As described on Certificate of Title 70S18792
Surface Parcel No.:	119869868
Legal Land Description:	Lot 19 Blk/Par 19 Plan No G582 Extension 0 As described on Certificate of Title 70S18793
Surface Parcel No.:	119869857
Legal Land Description:	Lot 20 Blk/Par 19 Plan No G582 Extension 0 As described on Certificate of Title 70S18793
Surface Parcel No.:	119869846
Legal Land Description:	Lot 21 Blk/Par 19 Plan No G582 Extension 0 As described on Certificate of Title 70S18793
Surface Parcel No.:	119869835
Legal Land Description:	Lot 22 Blk/Par 19 Plan No G582 Extension 0 As described on Certificate of Title 70S18793
Surface Parcel No.:	119869824
Legal Land Description:	Lot 23 Blk/Par 19 Plan No G582 Extension 0 As described on Certificate of Title 70S18794
Surface Parcel No.:	119869813
Legal Land Description:	Lot 24 Blk/Par 19 Plan No G582 Extension 0 As described on Certificate of Title 70S18794
Surface Parcel No.:	119869879
Legal Land Description:	Lot 25 Blk/Par 19 Plan No G582 Extension 0 As described on Certificate of Title 65S25379
Surface Parcel No.:	119869880
Legal Land Description:	Lot 26 Blk/Par 19 Plan No G582 Extension 0 As described on Certificate of Title 65S25379

Surface Parcel No.:	119869891
Legal Land Description:	Lot 27 Blk/Par 19 Plan No G582 Extension 0 As described on Certificate of Title 65S25683
Surface Parcel No.:	119869903
Legal Land Description:	Lot 28 Blk/Par 19 Plan No G582 Extension 0 As described on Certificate of Title 65S25683
Surface Parcel No.:	119869914
Legal Land Description:	Lot 29 Blk/Par 19 Plan No G582 Extension 0 As described on Certificate of Title 66S07074
Surface Parcel No.:	119870523
Legal Land Description:	Lot 30 Blk/Par 19 Plan No G582 Extension 0 As described on Certificate of Title 66S07974
Surface Parcel No.:	119869970
Legal Land Description:	Lot 31 Blk/Par 19 Plan No G582 Extension 0 As described on Certificate of Title 70S18791
Surface Parcel No.:	119869969
Legal Land Description:	Lot 32 Blk/Par 19 Plan No G582 Extension 0 As described on Certificate of Title 70S18791
Surface Parcel No.:	119869958
Legal Land Description:	Lot 33 Blk/Par 19 Plan No G582 Extension 0 As described on Certificate of Title 70S18791
Surface Parcel No.:	119869947
Legal Land Description:	Lot 34 Blk/Par 19 Plan No G582 Extension 0 As described on Certificate of Title 70S18791
Surface Parcel No.:	119869936
Legal Land Description:	Lot 35 Blk/Par 19 Plan No G582 Extension 0 As described on Certificate of Title 70S18791
Surface Parcel No.:	119869925
Legal Land Description:	Lot 36 Blk/Par 19 Plan No G582 Extension 0 As described on Certificate of Title 70S18791
Surface Parcel No.:	119852220
Legal Land Description:	Lot A Blk/Par 19 Plan No G582 Extension 0 As described on Certificate of Title 70S18795

Surface Parcel No.: 119852231
Legal Land Description: Lot B Blk/Par 19 Plan No G582 Extension 0
As described on Certificate of Title 70S18795

Surface Parcel No.: 136292609
Legal Land Description: Lot C Blk/Par 19 Plan No G582 Extension 0
As described on Certificate of Title 73S30958

Execution of Agreement Authorized

- 5. The Mayor and City Clerk are authorized to execute the Rezoning Agreement annexed as Appendix "B" to this Bylaw.

Coming Into Force

- 6. This Bylaw shall come into force upon the registration of the Rezoning Agreement against title to the lands rezoned.

Read a first time this _____ day of _____, 2024.

Read a second time this _____ day of _____, 2024.

Read a third time and passed this _____ day of _____, 2024.

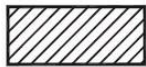
Mayor

City Clerk

Appendix "A"



PROPOSED ZONING AMENDMENT



From IL1 to MX1 by Agreement

File No. RZ15-2022

Appendix “B”

Rezoning Agreement

This Agreement made effective the 31st day of July, 2024.

Between:

City of Saskatoon, a municipal corporation pursuant to the provisions of *The Cities Act*, S.S. 2002, Chapter C-11.1 (the “City”)

- and -

102167142 Saskatchewan Ltd., a Saskatchewan business corporation carrying on business in the City of Saskatoon, in the Province of Saskatchewan (the “Owner”)

Whereas

A. The City is the registered owner of the land described as follows:

Civic Address:	321 Avenue C North
Surface Parcel No.:	119870039
Legal Land Description:	Lot 13 Blk/Par 19 Plan No G582 Extension 0 As described on Certificate of Title 70S18791
Surface Parcel No.:	119870028
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Surface Parcel No.: 119869969
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Surface Parcel No.: 119869958
Legal Land Description: Lot 33 Blk/Par 19 Plan No G582 Extension 0
As described on Certificate of Title 70S18791

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Surface Parcel No.: 119869936
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Surface Parcel No.: 119852220
Legal Land Description: Lot A Blk/Par 19 Plan No G582 Extension 0
As described on Certificate of Title 70S18795

Surface Parcel No.: 119852231
Legal Land Description: Lot B Blk/Par 19 Plan No G582 Extension 0
As described on Certificate of Title 70S18795

Surface Parcel No.: 136292609
Legal Land Description: Lot C Blk/Par 19 Plan No G582 Extension 0
As described on Certificate of Title 73S30958

(the "Land").

- B. The Owner is entitled to become the registered owner of the Land pursuant to a Sale Agreement between the City and the Owner, and upon transfer of the Land to the Owner it will, as registered owner, be subject to all of the terms and conditions of this Agreement.
- C. The City has applied for approval to rezone the Land from a IL1 to a MX1 District to allow for the development of the proposal specified in this Agreement.
- D. The City has approved the Official Community Plan, which pursuant to Section 69 of *The Planning and Development Act, 2007*, contains guidelines respecting the entering into of agreements for the purpose of accommodating requests for the rezoning of land.
- E. The City has agreed, pursuant to the provisions of Section 69 of *The Planning and Development Act, 2007*, to rezone the Land from a IL1 District to a MX1 District, subject to this Agreement.

Now therefore this Agreement witnesseth that the Parties hereto covenant and agree as follows:

Land to be Used in Accordance with Agreement

- 1. The Owner agrees that, upon the Land being rezoned from an IL1 District to an MX1 District, none of the Land shall be developed or used except in accordance with the terms and conditions set out in this Agreement.

Use of Land

- 2. The Company covenants and agrees that the use of the Land will be restricted to a mixed-use building which may include the following uses:
 - (a) alcohol establishment type 1;
 - (b) art galleries;
 - (c) bakeries;
 - (d) commercial school;
 - (e) community centres;
 - (f) health club;
 - (g) medical clinic;

- (h) multiple unit dwellings;
- (i) office;
- (j) personal service trades;
- (k) restaurants & lounges; and
- (l) retail store.

Development Standards

3. The development standards applicable to the Land, and specific to Lots X, Y and Z as shown on Schedule "A" to his Agreement, shall be those applicable to an MX1 District except as follows:

- (a) Lot X:
 - (i) minimum building setbacks:
 - (A) North - 0m;
 - (B) South - 0m;
 - (C) East - 0m; and
 - (D) West – 0m;
 - (ii) building height:
 - (A) maximum of 15m from grade on the south elevation;
- (b) Lot Y:
 - (i) minimum building setbacks:
 - (A) North – 1.0m;
 - (B) South - 0m;
 - (C) East – 0m; and
 - (D) West – 0m;

- (ii) building height:
 - (A) maximum of 15m from grade on the west elevation to the top of mechanical penthouse;
- (iii) maximum number of dwelling units: 30;
- (iv) minimum number of parking stalls including accessible: 32;
- (c) Lot Z:
 - (i) minimum building setbacks:
 - (A) North – 1.0m;
 - (B) South - 0m;
 - (C) East – 4.0m; and
 - (D) West – 1.0m;
 - (ii) building height:
 - (A) maximum of 15m from grade on the east elevation to top of mechanical penthouse.

Parking

4. Parking shall be provided in substantial accordance with the Site Plan, attached as Schedule “B” to this Agreement, and as per Section 6 of the Zoning Bylaw No. 8770.

Landscaping

5. (1) Landscaping shall be provided on areas between property lines and building lines and is subject to the approval of the Development Officer. Landscaping plans are to be endorsed by a qualified Landscape Architect.
- (2) All other landscaping regulations shall be provided as per section 7 of the Zoning Bylaw.

Site Plan

6. The Company covenants and agrees that the site must be developed substantially in accordance with the Site Plan attached as Schedule "B" to this Agreement.

Application of Zoning Bylaw

7. The Owner covenants and agrees that, except to the extent otherwise specified in this Agreement, the provisions of the City of Saskatoon Zoning Bylaw No. 8770 shall apply.

Compliance with Agreement

8. The Owner covenants and agrees not to develop or use the Land unless such development, use and construction complies with the provisions of this Agreement.

Dispositions Subject to Agreement

9. The Owner covenants and agrees that any sale, lease or other disposition or encumbrance of the Land or part thereof shall be made subject to the provisions of this Agreement.

Definitions

10. Any word or phrase used in this Agreement which is defined in Zoning Bylaw No. 8770 shall have the meaning ascribed to it in that Bylaw.

Departures and Waivers

11. No departure or waiver of the terms of this Agreement shall be deemed to authorize any prior or subsequent departure or waiver, and the City shall not be obliged to continue any departure or waiver or permit subsequent departure or waiver.

Severability

12. If any covenant or provision of this Agreement is deemed to be void or unenforceable in whole or in part, it shall not be deemed to affect or impair the validity of any other covenant or provision of this Agreement.

Governing Law

13. This Agreement shall be governed and interpreted in accordance with the laws of the Province of Saskatchewan.

Effective Date of Rezoning

14. It is understood by the Owner that the Land shall not be effectively rezoned from a IL1 District to a MX1 District until:
 - (a) the Council of the City of Saskatoon has passed a Bylaw to that effect; and
 - (b) this Agreement has been registered by the City, by way of Interest Registration, against the titles to the Land.

Use Contrary to Agreement

15. (1) The Council of the City of Saskatoon may declare this Agreement void where any of the Land or buildings thereon are developed or used in a manner which is contrary to the provisions of this Agreement, and upon the Agreement being declared void, the Land shall revert to the respective zoning district and corresponding development standards to which the Land was subject prior to the rezoning contemplated by this Agreement.
- (2) If this Agreement is declared void by the Council of the City of Saskatoon, the City shall not, by reason thereof, be liable to the Owner or to any other person for any compensation, reimbursement or damages on account of loss or profit, or on account of expenditures, or on any other account whatsoever in connection with the Land.

Registration of Interest

16. (1) The Parties hereto acknowledge that this Agreement is made pursuant to Section 69 of *The Planning and Development Act, 2007* and the Owner agrees that this Agreement shall be registered by way of an Interest Registration against the Title to the Land. As provided in Section 236 of *The Planning and Development Act, 2007*, Section 63 of *The Land Titles Act, 2000* does not apply to the Interest registered in respect of this Agreement.

- (2) This Agreement shall run with the Land pursuant to Section 69 of *The Planning and Development Act, 2007*, and shall bind the Owner, its successors and assigns.

Enurement

17. This Agreement shall enure to the benefit of and be binding upon the Parties hereto and their respective heirs, executors, administrators, successors and assigns.

City of Saskatoon

Mayor

c/s

City Clerk

102167142 Saskatchewan Ltd.

c/s

Affidavit Verifying Corporate Signing Authority

(No corporate seal)

Canada

Province of Saskatchewan

To Wit:

I, _____, of _____, in the Province of
(name of corporate officer/director) (place)
Saskatchewan, make oath and say:

1. That I am an officer or director of the corporation named in the within instrument.
2. That I am authorized by the corporation to execute the instrument without affixing a corporate seal.

Sworn before me at _____,
in the Province of Saskatchewan, this
_____ day of _____, _____.

A Commissioner for Oaths for Saskatchewan
My Commission expires _____.
(or) Being a Solicitor

(signature of corporate officer/director)

Schedule "A"

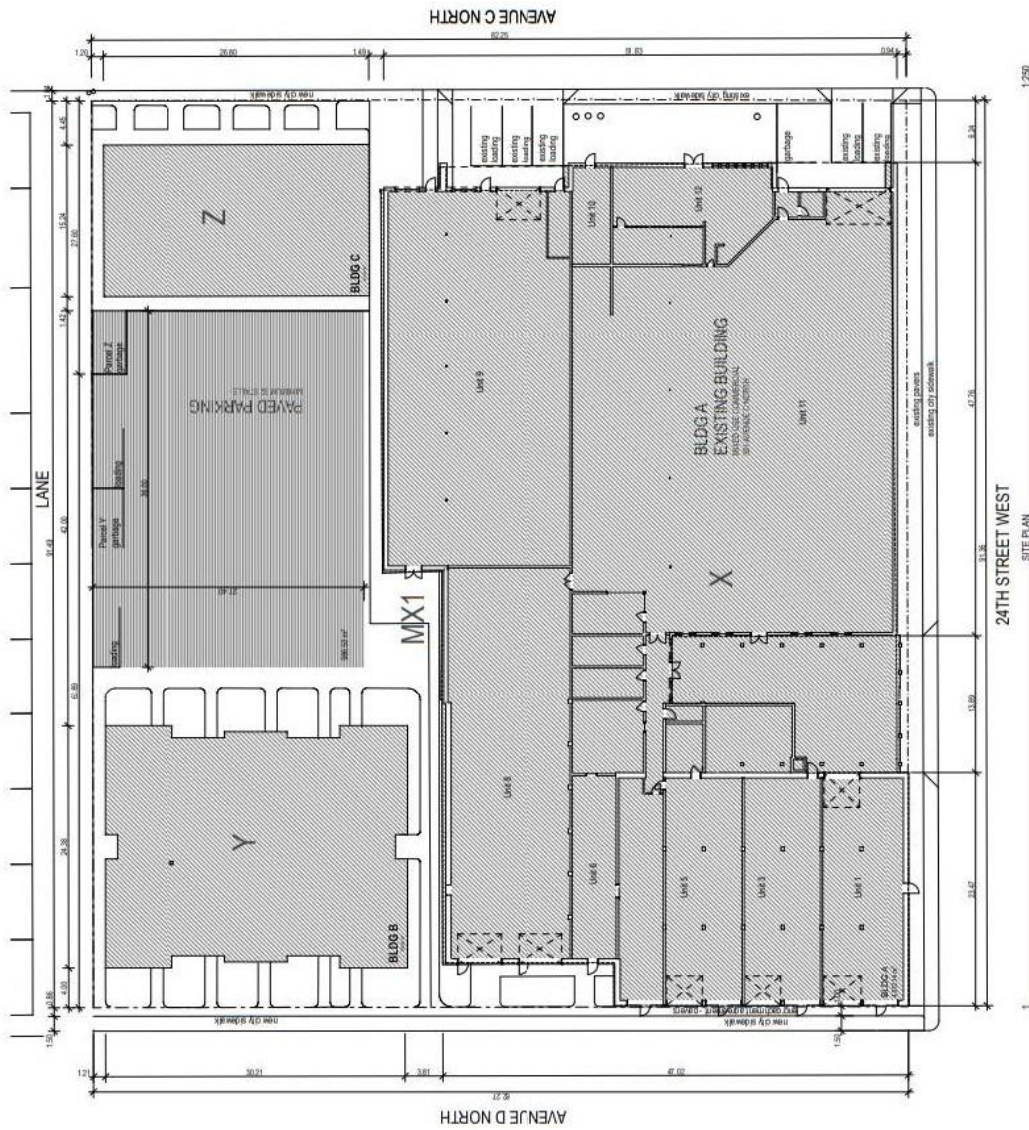


ENCROACHMENT
 The building on proposed lot 29 encroaches a maximum of 0.1 onto 24th Street.

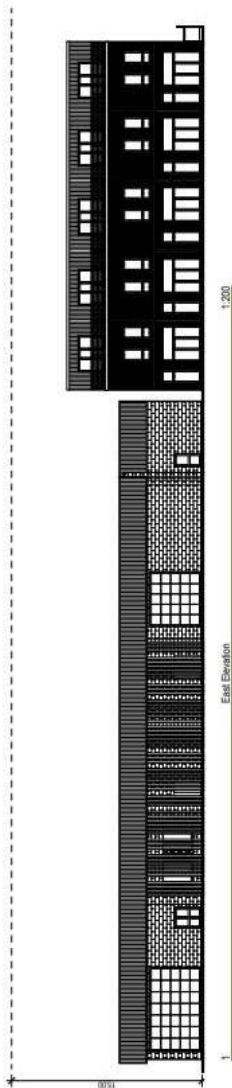
Schedule "B"



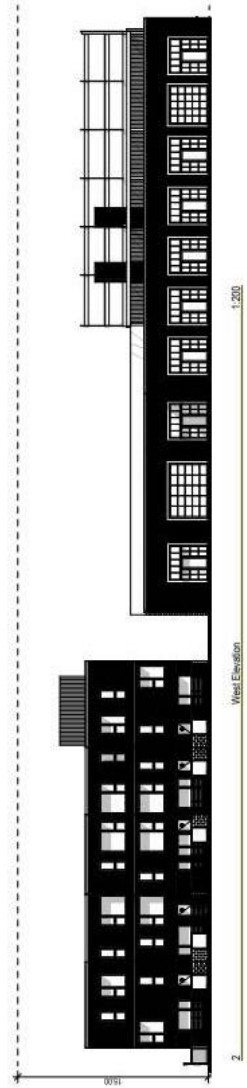
PROJECT INFORMATION:
 CITY: ALBANY
 DISTRICT: 1ST DISTRICT
 LEGAL DESCRIPTION:
 BLOCK 10.00
 BLOCK 10.01
 PLAT 1002



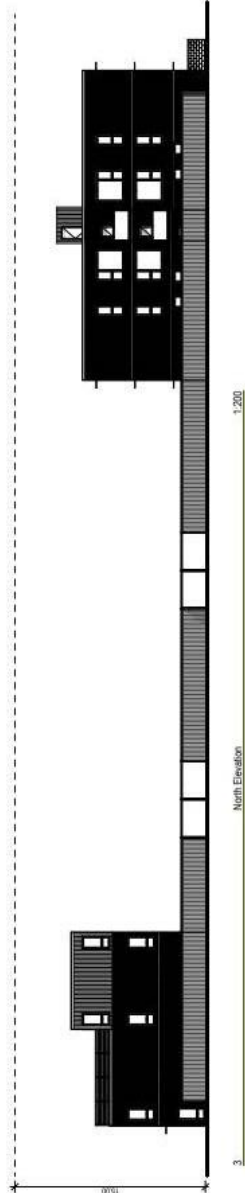
SITE PLAN
A1



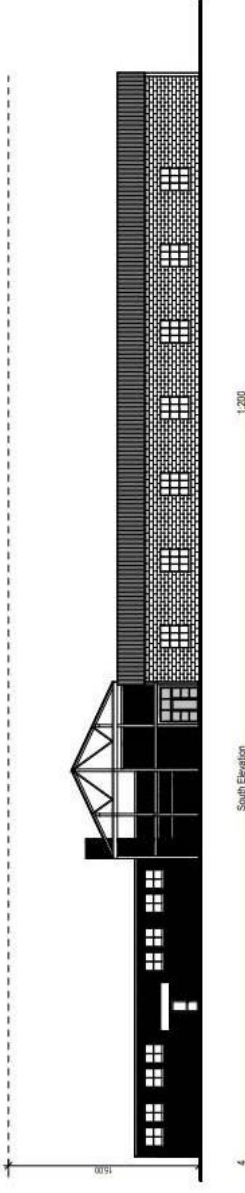
East Elevation 1,200



West Elevation 1,200



North Elevation 1,200



South Elevation 1,200