

TAKE NOTICE that the Council of The Corporation of the City of Owen Sound passed and enacted **By-law No. 2023-062** on May 29, 2023, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended and Ontario Regulation 545/06 for the purpose of adopting amendments to the City of Owen Sound’s Zoning By-law No. 2010-078, as amended.

City Council has considered all written submissions received to date and oral submissions made at the public meeting held on March 27, 2023, the effect of which helped to make an informed recommendation and decision as summarized in Staff Report CS-23-046.

PROPERTY DESCRIPTION:

The Zoning By-law Amendment relates to lands located at 1555 18th Avenue East and legally described as RANGE 5 EGR PT PK LOTS 7, 8 RP 16R-5510 PT 1 RP 16R-7308 PTS 7 TO 14 RP 16R-7779 PT PT 7, 23 PTS 3, 4, 5, 8, 9, 13, 15 TO 18, 20, 22 in the City of Owen Sound, County of Grey. The lands are shown more particularly on the Key Map below.

PURPOSE AND EFFECT:

The purpose of the Zoning By-law Amendment is to permit a two phased residential development including apartment and cluster townhouse dwellings with a total of 477 units and an overall density of 95 units per net hectare. The development includes the extension of 10th Street East as a 20.5 metre collector road.

The effect of the Zoning By-law Amendment is to amend the zone categories and special provisions applying to the subject lands generally in accordance with the following:

Current Zoning	Proposed Zoning
<ul style="list-style-type: none"> ▪ Low Density Residential with Special Provision 14.5 (R3 14.5) ▪ Low Density Residential Holding with Special Provision 14.5 (R3 (H) 14.5) 	<p>Phase 1</p> <ul style="list-style-type: none"> ▪ General Residential with Special Provision 14.137 (R5 14.137) <p>Phase 2</p> <ul style="list-style-type: none"> ▪ General Residential with Special Provision 14.138 (R5 14.138)

The special provisions are proposing to establish site specific zone regulations regarding building height, setbacks, parking ratios, density, temporary uses, and future buildout of the site, among other matters.

These lands are also the subject of Official Plan Amendment No. 12.

AND TAKE NOTICE that within 20 days after the Notice of Passing is given, an appeal to the Ontario Land Tribunal in respect of the decision of the Council of The Corporation of the City of Owen Sound may be made by filing a notice of appeal with Briana Bloomfield, City Clerk of The Corporation of the City of Owen Sound at the address noted below.

A notice of appeal must set out the reasons for the appeal and must be accompanied by the fee required by the Ontario Land Tribunal in the form of a certified cheque or money order payable to the Minister of Finance.

The last date for filing a notice of appeal is **June 19, 2023**.

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

The Corporation of the City of Owen Sound

By-law No. 2023-062

A By-law to amend Zoning By-law No. 2010-078,
respecting lands located at 1555 18th Avenue East
(ZBA No. 45 – Calloway REIT)

WHEREAS section 34(1) of the *Planning Act*, R.S.O. 1990, c. P.13 (the "Planning Act") provides that the council of a local municipality may pass by-laws for prohibiting the use of land and for prohibiting the erection, location or use of buildings and structures for or except for such purposes as may be set out in the by-law and for regulating the use of lands and the character, location and use of buildings and structures; and

WHEREAS on April 12, 2010, the Council of The Corporation of the City of Owen Sound (the 'City') passed Zoning By-law No. 2010-078 (the "Zoning By-law") to implement the City's Official Plan and to regulate the use of land in the City; and

WHEREAS City Council is desirous of adopting a zoning by-law amendment, pursuant to section 34 of the Planning Act, for lands located at 1555 18th Avenue East (the "subject lands"); and

WHEREAS such amendment to the Zoning By-law will maintain the terms and intent of the City of Owen Sound Official Plan; and

WHEREAS City Council has carefully considered all public comments throughout the process; and

WHEREAS on March 27, 2023, a public meeting was held under section 34 of the Planning Act to consider zoning for the subject lands; and

WHEREAS on May 29, 2023, City Council passed a resolution directing staff to bring forward a by-law to amend the Zoning By-law respecting the subject lands, in consideration of staff report CS-23-046;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

1. That schedule A, Zoning Map 20 forming part of Zoning By-law No. 2010-078, is hereby amended by changing the zoning category on those lands lying and being in the City of Owen Sound, being described generally as 1555 18th Avenue East, RANGE 5 EGR PT PK LOTS 7 8;16R5510 PT 1 16R7308 PTS 7;TO 14 16R7779 PT PT 7 23 PTS;3 4 5 8 9 13 15 TO 18 20 22, shown more specifically on Appendix 'A' attached to this by-law from Low Density Residential Holding with Special Provision 14.5 (R3 (H) 14.5) to General Residential with Special Provision 14.137 (R5 14.137) and General Residential with Special Provision 14.138 (R5 14.138).

2. That the following provisions be added to Zoning By-law Section 14:

Special Provision 14.137

Notwithstanding the General Residential (R5) zone provisions shall apply save and except for:

- a. A Temporary Sales/Leasing Office defined as "a building or structure, facility or trailer on the lot used for the purpose of the sale or lease of dwelling units to be erected on the lot and/or the administration and management of construction activity related to the construction on the lot" shall be permitted subject to the following provisions:
 - i. The 'Temporary Sales/Leasing Office' shall be connected to municipal water and wastewater services.
 - ii. The 'Temporary Sales/Leasing Office' shall not be used for human habitation but may contain kitchen and sanitary facilities.
 - iii. Maximum building height of the 'Temporary Sales/Leasing Office' shall be 10 m.
 - iv. The 'Temporary Sales/Leasing Office' shall be shown on the approved Site Plan and integrated into the site design. The Site Plan agreement will include applicable provisions re the building construction and use.
 - v. If the 'Temporary Sales/Leasing Office' is to be temporary the building shall be removed within 60 days once occupancy for the last building has been achieved.
- b. The lots subject to Special Provision 14.137 and 14.138 shall be regarded as one lot for the purposes of meeting zoning regulations.
- c. Severances and lot divisions by way of consent are permitted without meeting minimum lot frontage, setbacks, lot coverage and area requirements to newly created lot lines and for newly created parcels, as these lands are considered one lot for planning purposes. A 'mutual easement and operating agreement' or subdivision/condominium agreement will be required as a condition of approval of any land division application.
- d. Parking, loading, and driveways providing access to parking shall not require a setback from interior property lines shared with properties zoned R5 14.137 or R5 14.138 on By-law 2010-078 Zoning Map 20.
- e. Maximum building height: 15 metres;
- f. Minimum exterior side yard of 1.5 metres for the Phase 1 portion of the Subject Site;
- g. Notwithstanding Section 5.14 Through Lots, an exterior side yard setback (10th Street East) of 1.5 m is permitted;
- h. Bicycle Parking 0 bicycle parking spaces per cluster townhouse dwelling where a garage is present;
- i. Maximum Density /Floor Space Index (FSI) of 1.0 across all the Phase 1 lands;
- j. Notwithstanding the provisions of Section 5.18 regulating Off-street Parking Requirements:
 - i. Electric Vehicle parking spaces with charging facilities shall be provided at the following ratios:

Number of Total Required Parking Spaces	Minimum Number of Electric Vehicles Parking Spaces with Charging Facilities
0-150	2
Greater than 150	3% of total required parking

Special Provision 14.138

Notwithstanding the General Residential (R5) zone provisions shall apply save and except for:

- a. A Temporary Sales/Leasing Office defined as “a building or structure, facility or trailer on the lot used for the purpose of the sale or lease of dwelling units to be erected on the lot and/or the administration and management of construction activity related to the construction on the lot” shall be permitted subject to the following provisions:
 - i. The ‘Temporary Sales/Leasing Office’ shall be connected to municipal water and wastewater services.
 - ii. The ‘Temporary Sales/Leasing Office’ shall not be used for human habitation but may contain kitchen and sanitary facilities.
 - iii. Maximum building height of the ‘Temporary Sales/Leasing Office’ shall be 10 m.
 - iv. The ‘Temporary Sales/Leasing Office’ shall be shown on the approved Site Plan and integrated into the site design. The Site Plan agreement will include applicable provisions re the building construction and use.
 - v. If the ‘Temporary Sales/Leasing Office’ is to be temporary the building shall be removed within 60 days once occupancy for the last building has been achieved.
- b. The lots subject to Special Provision 14.137 and 14.138 shall be regarded as one lot for the purposes of meeting zoning regulations.
- c. Severances and lot divisions by way of consent are permitted without meeting minimum lot frontage, setbacks, lot coverage and area requirements to newly created lot lines and for newly created parcels, as these lands are considered one lot for planning purposes. A ‘mutual easement and operating agreement’ or subdivision/condominium agreement will be required as a condition of approval of any land division application.
- d. Parking, loading, and driveways providing access to parking shall not require a setback from interior property lines shared with properties zoned R5 14.137 or R5 14.138 on By-law 2010-078 Zoning Map 20.
- e. Maximum building height: 15 metres;
- f. Notwithstanding the provisions of Section 5.18 regulating Off-street Parking Requirements:
 - i. A parking ratio for apartment dwellings of 1.0 spaces per dwelling unit for Phase 2; and,


- ii. Electric Vehicle parking spaces with charging facilities shall be provided at the following ratios:

Number of Total Required Parking Spaces	Minimum Number of Electric Vehicles Parking Spaces with Charging Facilities
0-150	2
Greater than 150	3% of total required parking

- 3. This by-law shall come into full force and effect on the date it is passed.
FINALLY PASSED AND ENACTED this 29th day of May 2023.



Mayor Ian Boddy



Briana M. Bloomfield, City Clerk

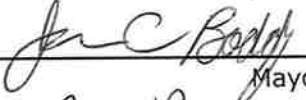
By-Law 2023-062

Being a By-Law to adopt Amendment No. 45 to Zoning By-Law 2010-078 for the City of Owen Sound.


Appendix A

Amendment to Zoning By-Law 2010-078, Zoning Map 20

Passed on this 29th day of May, 2023





Mayor Ian C. Boddy



Briana M. Bloomfield, City Clerk



LEGEND

-  Lands to be zoned from R3(H) 14.5 to R5 14.137
-  Lands to be zoned from R3(H) 14.5 to R5 14.138

