

**TAKE NOTICE** that the Council of The Corporation of the City of Owen Sound passed **By-law No. 2023-045** on April 17, 2023, under Section 34 of the *Planning Act, R.S.O. 1990, c.P.13* 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 written submissions received to date and oral submissions made at the public meeting held on January 30, 2023.

**PURPOSE AND EFFECT OF BY-LAW NO. 2023-045:**

The purpose of the Zoning By-law Amendment is to permit a mixed-use development which includes three multi-unit commercial buildings, two single purpose commercial buildings, and three 3-storey (40 unit) multi-unit residential buildings with a total of 120 residential units. The proposal includes the construction of parking areas, an internal road system, landscaping, and a stormwater management system. The development is proposed to be accessed via an extension of 22<sup>nd</sup> Avenue East, south of 16<sup>th</sup> Street East.

The effect of the application is to amend the zone categories and special provisions applying to the subject lands generally in accordance with the following:

<b>Current Zone</b>	<b>Proposed Zone</b>
Rural (RUR) Hazard Lands (ZH)	Retail Commercial Holding with Special Provisions 14.XXX [C2(H) 14.XXX]

The proposed special provisions will address Section 3.5.2.5 East City Commercial – General Policies of the City’s Official Plan (2021), among other matters.

**PROPERTY LOCATION:**

The Zoning By-law Amendment relates to lands located at 2275 16th Street East and legally described as RANGE 5 EGR PT PARK LOTS 9 AND 10 in the City of Owen Sound, County of Grey. The lands are shown in the **Key Map** below.

**AND TAKE NOTICE** that any person or public body under Section 34 of the *Planning Act, R.S.O. 1990, c.P.13* may within 20 days after the Notice of Passing is given, appeal to the Ontario Land Tribunal in respect of the decision of The Corporation of the City of Owen Sound by filing with the Clerk of The Corporation of the City of Owen Sound, a notice of appeal setting out the reasons for the appeal. An appeal must be accompanied by the fee prescribed 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 **May 8, 2023**.

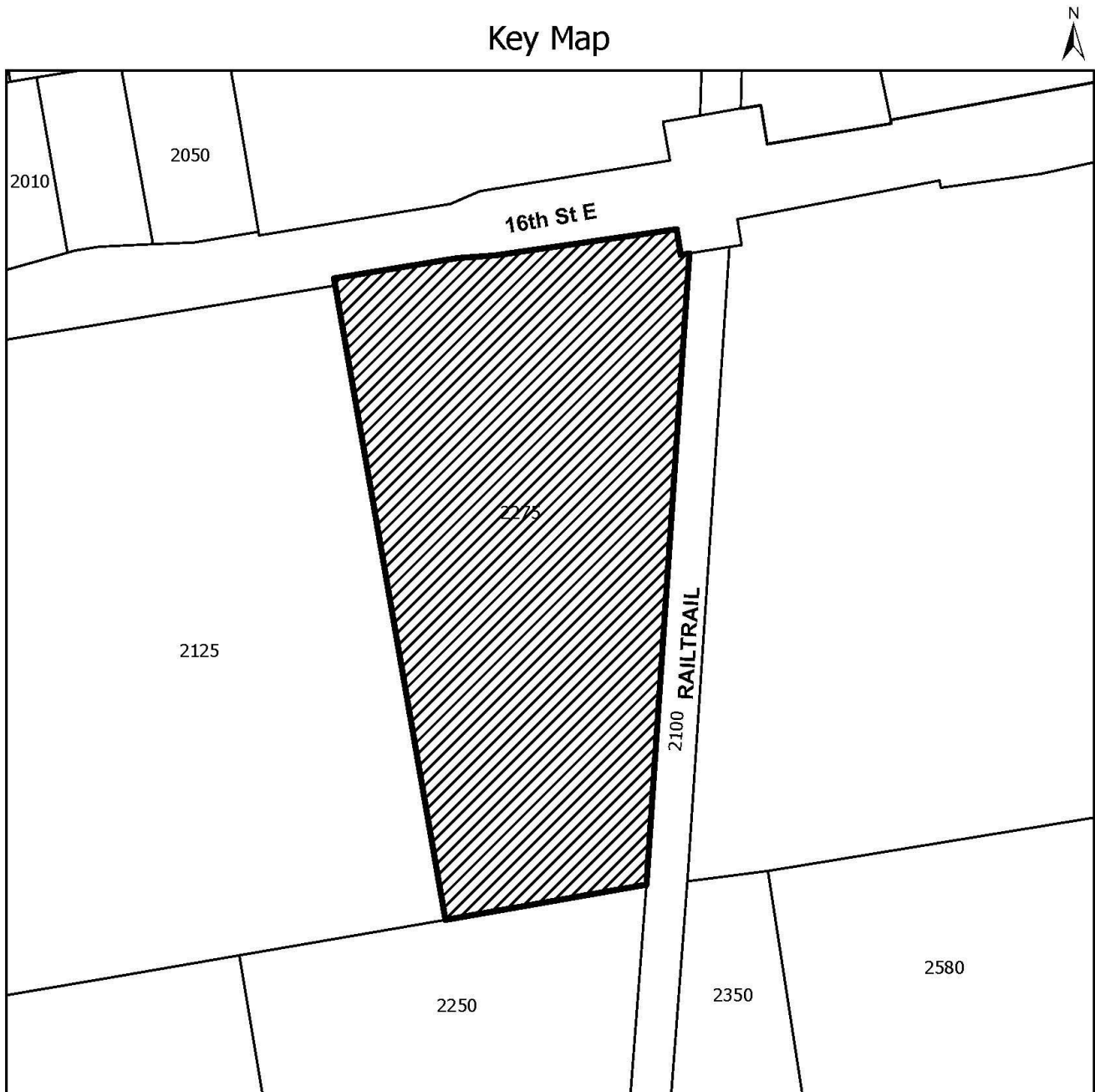
Only individuals, corporations and public bodies may appeal a by-law to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its 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 Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

**ADDITIONAL INFORMATION** related to this Zoning By-law Amendment is available for inspection at the City of Owen Sound in the Planning Office located at 808 2nd Avenue East, Owen Sound ON N4K 2H4, Monday to Friday between the hours of 8:30 a.m. and 4:30 p.m. and on the City's website at [www.owensound.ca/development](http://www.owensound.ca/development).

**NOTICE DATE: April 18, 2023**

Staci Landry, Deputy Clerk  
The Corporation of the City of Owen Sound  
808 2nd Avenue East  
Owen Sound, ON N4K 2H4  
Telephone: 519-376-4440 ext. 1235  
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# The Corporation of the City of Owen Sound

## By-law No. 2023-045

### A By-law to amend Zoning By-law No. 2010-078, respecting lands located at 2275 16<sup>th</sup> Street East (ZBA No. 44 – Telfer Creek Square)

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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 2275 16<sup>th</sup> Street 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 January 30, 2023, a public meeting was held under section 34 of the Planning Act to consider zoning for the subject lands; and

WHEREAS on March 27, 2022, City Council passed Resolution No. R-230327-005 directing staff to bring forward a by-law to amend the Zoning By-law respecting the subject lands, in consideration of staff report CS-23-037;

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 amended by changing the zoning category on those lands lying and being in the City of Owen Sound, being described generally as 2275 16<sup>th</sup> Street East, Part Park Lots 9 and 10, Range 5 EGR, shown more specifically on Appendix 'A' attached to this by-law from 'Rural' (RUR) and 'Hazard Lands' (ZH) to 'Retail Commercial' Holding (C2(H)) with Special Provision 14.136, Hazard Lands (ZH) and 'Open Space' (OS).
2. That the following provisions be added to Zoning By-law Section 14:  
Special Provision 14.136
  - a. Notwithstanding the C2 (H)(14.136) Zone, legal existing uses as of the date of this By-law, may continue on the lands.
  - b. The City of Owen Sound shall not remove the "Holding" provision for use of any lot or erect, alter or use any building or structure on the lands, until such time as the matters outlined below are satisfied and


notwithstanding the provisions of the 'Retail Commercial' (C2) with special provision 14.136, for those lands shown on Schedule A, Zoning Map 20:

- i. Proof that site access can be designed, constructed, used and maintained to the satisfaction of City of Owen Sound.
- c. The City of Owen Sound shall not remove the "Holding" provision for use of any lot or erect, alter or use any building or structure on the lands for any retail or commercial use that is less than 465 square metres and greater than 1,400 square metres until such time as the matters outlined below are satisfied and notwithstanding the provisions of the 'Retail Commercial' (C2) with special provision 14.136, for those lands shown on Schedule A, Zoning Map 20:
  - i. The completion of a retail market analysis, in accordance with section 3.5.2.5 of the Official Plan, to the satisfaction the City of Owen Sound.
  - d. At the time when the "Holding (H)" Symbol, identified in (b) or with (b) and (c) together, is removed by the City and notwithstanding the provisions of the Retail Commercial (C2) Zone and for lands shown on Schedule A, Zoning Map 20 the Retail Commercial (C2) zone provisions shall apply save and except for the following:
    - i. Minimum Exterior Side Yard Setback: 2.0 metres
    - ii. Notwithstanding the provisions of Section 5.18 regulating Off-street Parking Requirements:
      - 1. 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 17<sup>th</sup> day of April 2023.

  
 Deputy Mayor Scott Greig

  
 Briana M. Bloomfield, City Clerk

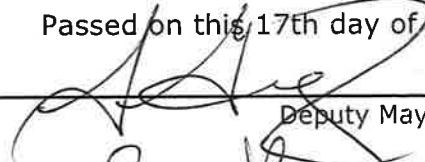
# By-Law 2023-045


Being a By-Law to adopt Amendment No.44 to Zoning By-Law 2010-078 for the City of Owen Sound.

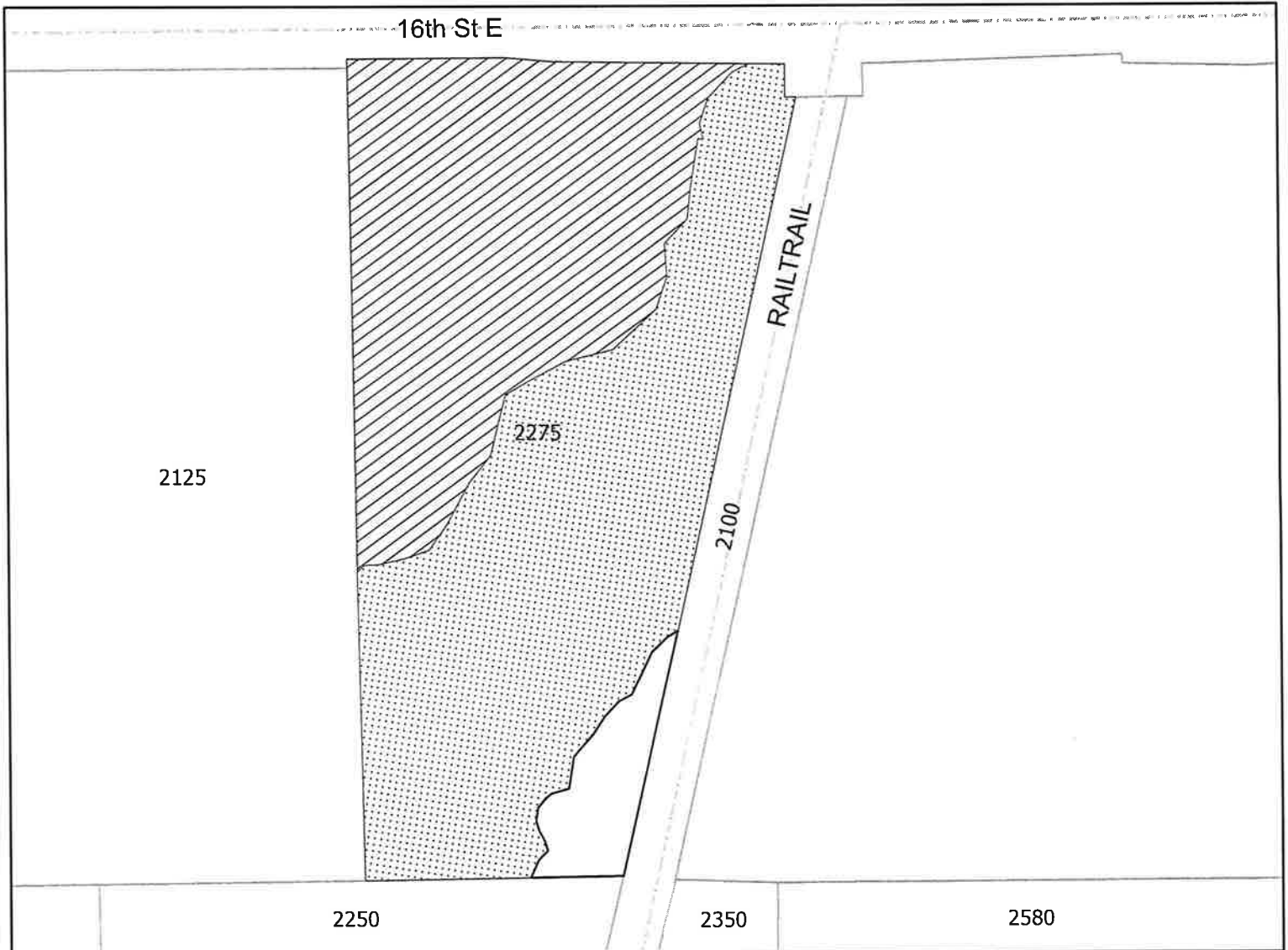
## Appendix A

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




Passed on this 17th day of April, 2023

  
Deputy Mayor Scott Greig

  
Briana M. Bloomfield, City Clerk



### LEGEND

-  Lands to be zoned from RUR to C2 (H) 14.136
-  Lands zoned ZH
-  Lands to be zoned from RUR to OS

