

TAKE NOTICE that the Council of The Corporation of the City of Owen Sound passed and enacted **By-law No. 2023-063** 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 May 8, 2023, the effect of which helped to make an informed recommendation and decision as summarized in Staff Report CS-23-064.

PROPERTY DESCRIPTION:

The Zoning By-law Amendment relates to lands located at 1043 and 1057 3rd Avenue East and legally described as Part Lots 3 and 4, Bay Street E/S 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 mixed-use development consisting of a six storey, 40-unit apartment building providing purpose built rental housing for seniors together with a commercial component on the ground floor. The proposal also includes the construction of a parking area with 23 spaces, an internal drive aisle, landscaping, and a stormwater management system. The development is proposed to be accessed via two entrances from 3rd Avenue East, one of which is the entrance for St. Francis' Place.

The effect of the Zoning By-law Amendment is to amend the site-specific Core Commercial (C1) with Special Provision 14.90 (C1 14.90) to permit a reduced side yard setback to 0 m and an increased maximum height to 24.6 m in addition to the existing special provisions which permits a reduced parking ratio of 0.5 parking spaces per dwelling unit and an amended definition of Landscape Open Space to permit common balconies to count toward landscape open space.

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**.

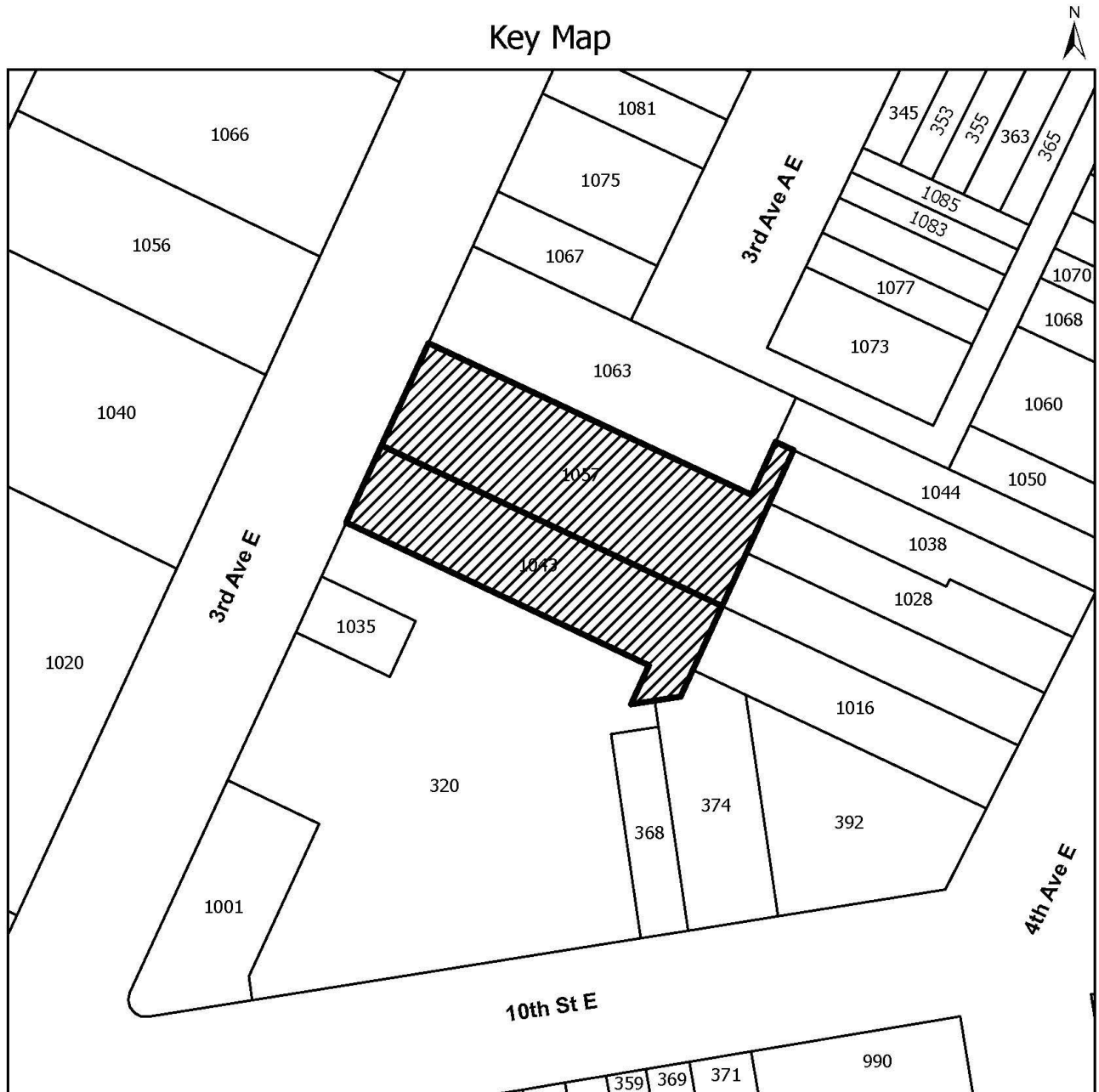
Only individuals, corporations and public bodies may appeal a by-law to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its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

For more information on making an appeal, please visit: <https://olt.gov.on.ca/>.

NOTICE DATE: May 30, 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
E-mail: notice@owensound.ca



The Corporation of the City of Owen Sound

By-law No. 2023-063

A By-law to amend Zoning By-law No. 2010-078,
respecting lands located at 1043 and 1057 3rd Avenue East
(ZBA No. 46 – St. Clare Place)

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 1043 and 1057 3rd 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 May 8, 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-23-064;

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

1. That schedule A, Zoning Map 7 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 71043 and 1057 3rd Avenue East, PT LOT 3, PT LOT 4, BAY E/S, shown more specifically on Appendix 'A' attached to this by-law from 'Core Commercial' (C1) with Special Provision 14.90 (C1 14.90) to Core Commercial' with Special Provision 14.90 (C1 14.90) revised.
2. That Special Provision 14.90 is deleted and replaced as follows:
Special Provision 14.90
 - a. Notwithstanding Section 5.18.3 for any dwelling units in combination with a non-residential use where such dwelling units are geared toward affordable housing the minimum required number of vehicle parking stalls shall be 0.5 spaces for each dwelling unit.
 - b. Notwithstanding the provisions of the Core Commercial (C1) Zone the definition of Landscaped Open Space for any dwelling units in

combination with a non-residential use shall be permitted to include common balconies as landscaped open space.

- c. Notwithstanding the provisions of the Core Commercial (C1) Zone no person shall use any lot or erect, alter or use any building or structure for any permitted use except in accordance with the following provisions:
- i. Minimum Interior Side Yard Setback – 0.0 m for the south side yard only
 - ii. Maximum building height – 24.6 m
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 2023-063

Being a By-Law to adopt Amendment No. 46 to Zoning By-Law 2010-078 for the City of Owen Sound.


Appendix A

Amendment to Zoning By-Law 2010-078 Zoning Map 7

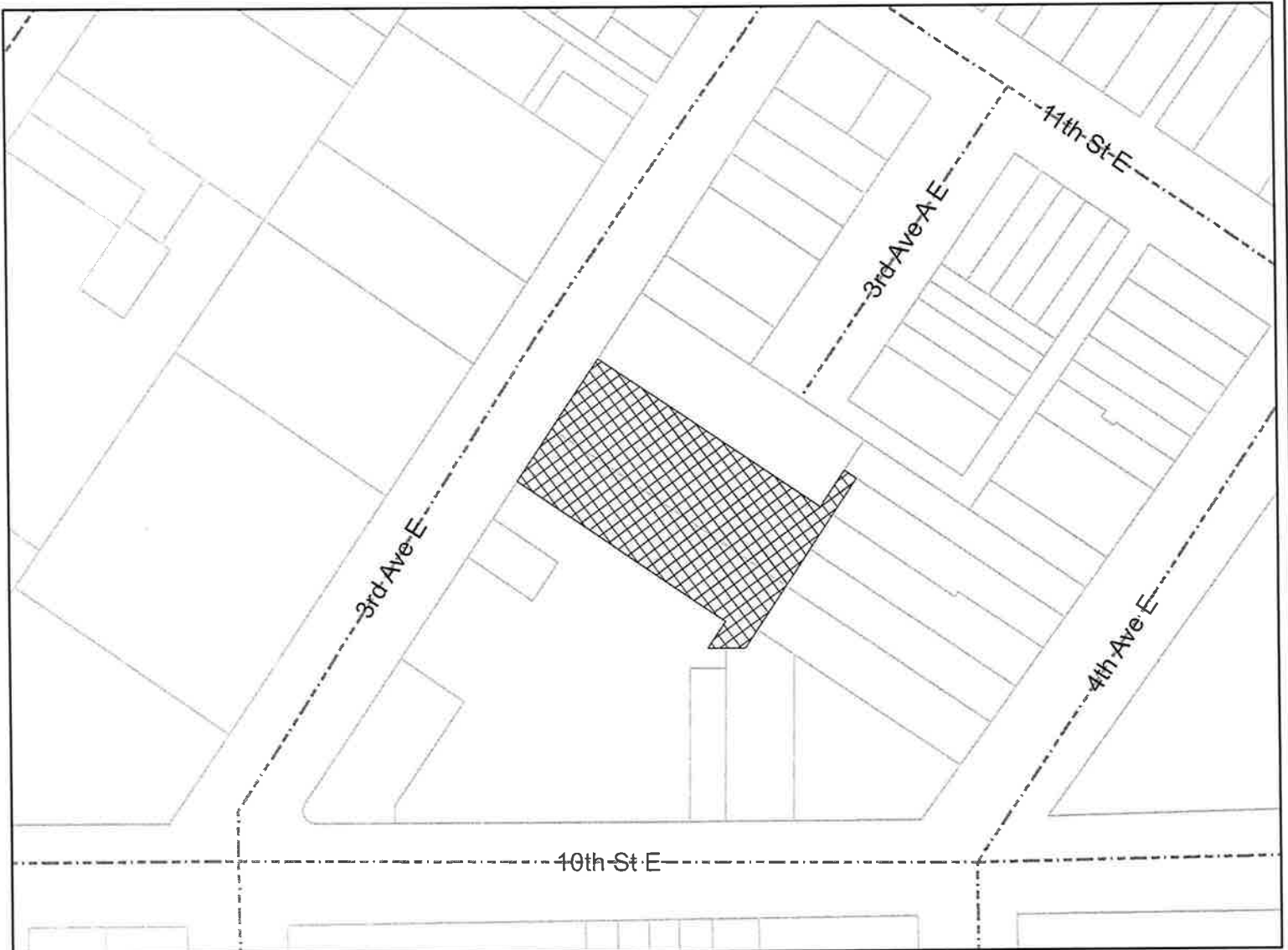
Passed on this 29th day of May, 2023




Mayor Ian C. Boddy



Briana M. Bloomfield, City Clerk



LEGEND

 Lands to be zoned from C1 14. 90 to C1 14.90 (amended via ZBA 46)



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