

# Planning Justification Report

## 3195 East Bayshore Road

SkyDev Bayshore Owen Sound LP

City of Owen Sound

Holding Provision Removal

October 2022

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# 1. Introduction

## 1.1 Background and Context

GSP Group is the planning consultant to SkyDev Bayshore Owen Sound LP (the “Client”) with respect to the property known municipally as 3195 East Bayshore Road (the “Subject Site”). Our Client is proposing to develop the currently vacant property for a multi-family residential development consisting of 8 apartment style buildings (the “Proposed Development”). A Zoning By-law Amendment application (City file ZBA No. 38) was submitted June 20, 2022, and subsequently came into force and effect September 27, 2022.

Prior to the submission of the Zoning By-law Amendment and the acquisition of the Subject Site by our client, several development applications were submitted and approved for the property. The outcome of one such application implemented a Holding Provision, which remains in place after the adoption of ZBA No 38. The Holding Provision requires certain matters to be addressed to the satisfaction of the City, including completion of a land use compatibility study, an urban design brief, an archaeology study, compliance with the Environmental Protection Act and its regulations, the completion of Servicing Studies and agreements entered into with respect to infrastructure upgrades. With ZBA No. 38 now in force and effect, the Holding Provision must be removed in order to facilitate the Site Plan Approval process for the development of the Subject Site.

## 1.2 Subject Application

The Subject Site is designated “Residential” in the City of Owen Sound Official Plan (the “OP”), which permits a range of residential uses including those included in the Proposed Development. The current zoning, as implemented by ZBA No. 38, is MR(H) with special provision 14.55 and portions of Hazard Lands.

Through coordination with City staff, it is noted that a Planning Justification Report is required as part of the submission to remove the Holding Provision. This report is to address conformity with the Provincial Policy Statement, a public consultation strategy, and draft Zoning By-law Amendment text and schedule. An Urban Design Brief is also a noted requirement to remove the Holding Provision, and is provided as a separate document.

## 1.3 Purpose and Scope

This Report has been prepared in support of the Subject Application and will provide commentary on how the Proposed Development meets the planning policy framework in place on the Subject Site.

## 2. Site Location and Context

### 2.1 Site Description

The Subject Site is located along the eastern shore of Georgian Bay at 3195 East Bayshore Road, and is the location of the former RCA Factory (see **Figure 1**). The Subject Site is legally described as Plan 838, Lot 53 & 54, Part Lot 7. The Subject Site is 15.5 hectares (38.3 acres) in area, having a frontage of approximately 404 metres along East Bayshore Road and 348 metres along 32<sup>nd</sup> Street East. The Subject Site is currently vacant, having been the location of a former manufacturing building and its associated parking lots, which are now removed. Portions of the Subject Site include trees and open space, and a communication tower is located at the southeast corner of the property.

The Subject Site is located on the east side of East Bayshore Road, on the east side of the bay, and at the north end of the City. Current driveway access exists off of East Bayshore Road and 32<sup>nd</sup> Street East. East Bayshore Road is classified as a County road and is also known as Grey Road 15.

### 2.2 Surrounding Context

The Subject Site is located in the northeastern area of the City of Owen Sound (see **Figure 2**). The surrounding land uses generally include:

North: A commercial/industrial property, residential neighbourhood, and farther to the north is the Hibou Conservation Area.

East: An industrial property (McArthur Tire), as well as rural and agricultural lands, and the Kiwanis Soccer Fields.

South: Open space and the Kenny Drain, followed by limited industrial use, the Grey County CP Rail Trail, and urban residential uses.

West: Open space and Georgian Bay.

The Subject Site is located in an area of the City that is connected to transit, recreational trails, and has convenient road access to the greater City (see **Figure 3**). The Subject Site is located along East Bayshore Road, which is classified as a County Road in the Official Plan. The road provides one travel lane in each direction, providing direct access to downtown Owen Sound.

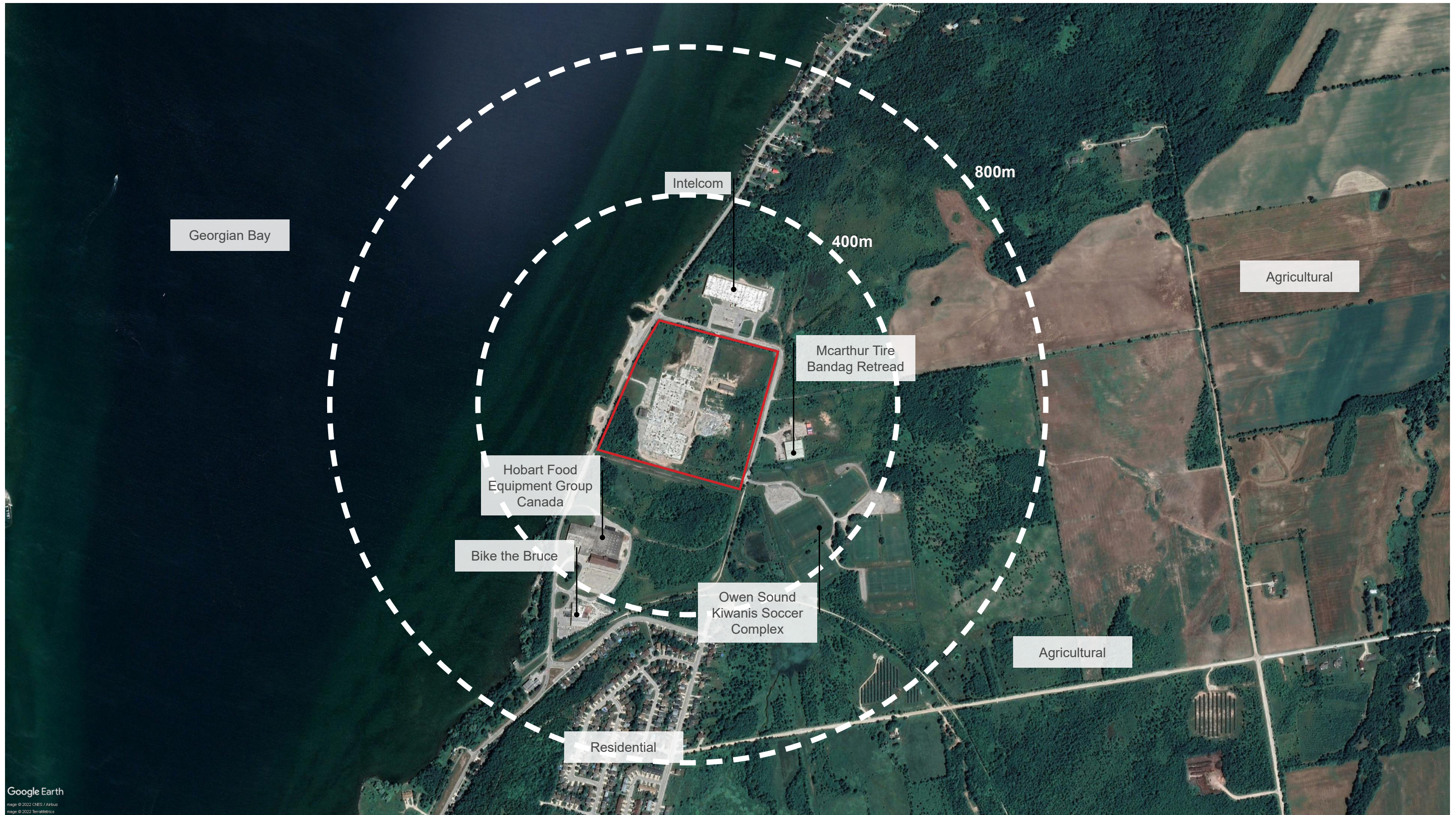
The Grey County CP Rail Trail is located near the Subject Site. This multi-use trail is 77 kilometres long, beginning near the Harry Lumley Bayshore Community Centre to the south of the Subject Site. A trail connection is located at the southeast corner of the Subject Site, linking to the formal trail. The trail follows a wide arc east of the city and runs parallel to Highway 6 to Chatsworth. In addition to this trail, Schedule 4 of the Owen Sound Official Plan designates the road network surrounding the Subject Site as bicycle routes, further demonstrating the future active transportation connectivity of the Subject Site as the City of Owen Sound Master Transportation Plan further defines these roadways as “Planned Bicycle Routes”.

The Subject Site is in proximity to public transit. The East Bayshore bus route operates along 3<sup>rd</sup> Avenue East, where a stop is located within walking distance of the Subject Site via the Grey County CP Rail Trail. The bus route provides access to the major commercial centre along 16<sup>th</sup> Street East, hospital, and continues toward the downtown area of Owen Sound and the central transit terminal.

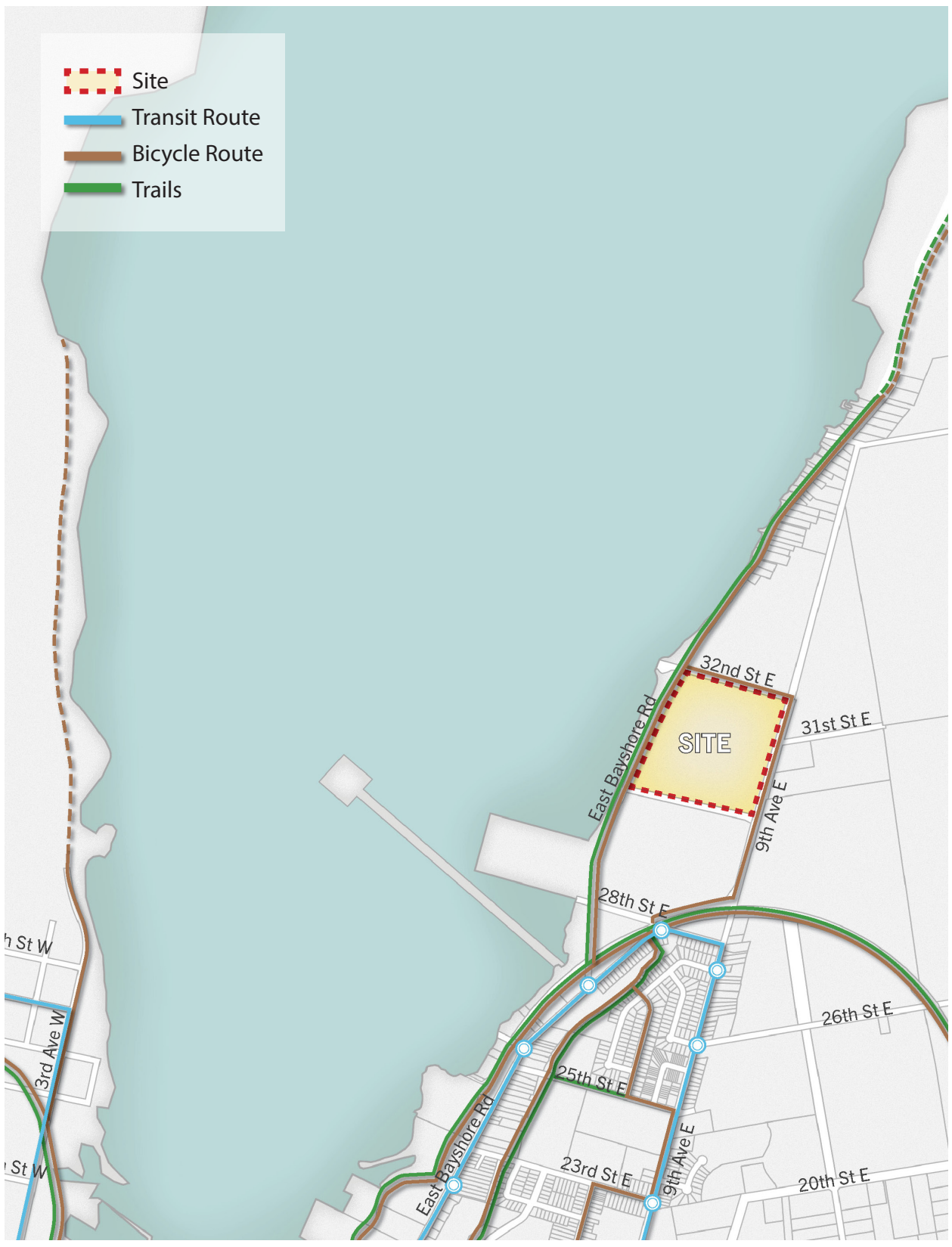


Site Aerial  
Source: Google Earth (2019)

Figure  
**1**







### Transportation Network

Source: City of Owen Sound Official Plan, Schedule D Active Transportation and Trails Master Plan (2012), Owen Sound Transit Map

Figure  
**3**

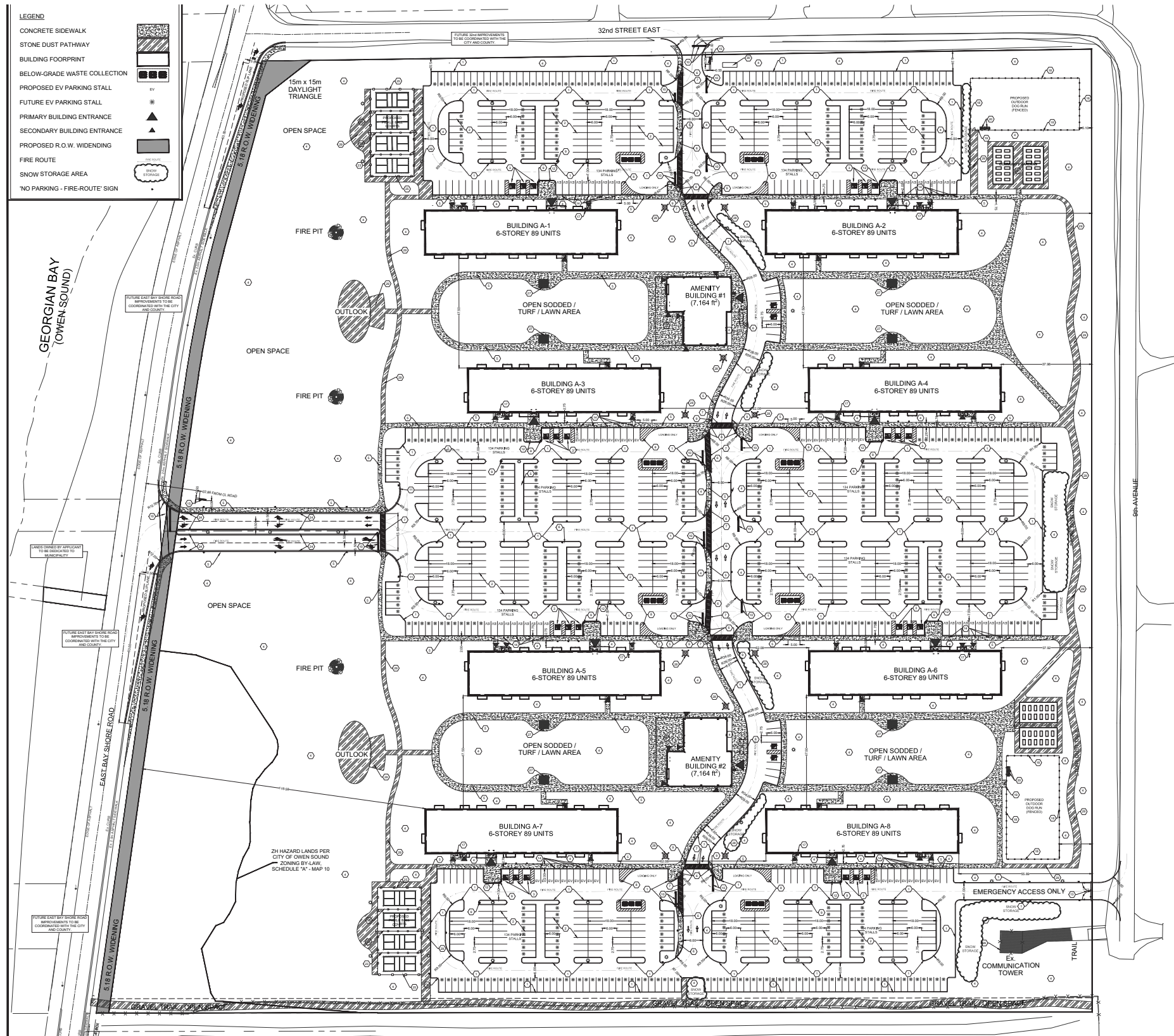
### 3. Proposed Development

The Proposed Development consists of eight, six storey apartment buildings (see **Figure 4**). Each building will contain 89 dwelling units for a total of 712 units. These apartment buildings are proposed to be rental in tenure, making a significant contribution to the supply of rental accommodations in the City which currently has a 1.8% vacancy rate (CMHC, 2020). The existing wooded area the southwestern corner of the Subject Site is to be retained, as is the existing communications tower in the southeastern corner.

The Proposed Development has a density of 46.32 units per hectare and an FSI of approximately 0.47. The buildings are oriented to the interior of the Subject Site. This is done to preserve the view to the Bay and creates a natural extension of the open space along this frontage to the open space next to the Bay.

The proposed access and egress points to the Subject Site are along each of the eastern, northern, and western frontages. The access points provide a direct connection to each of the three surface parking lots proposed. This arrangement ensures that each parking lot has at least two ways in and out. It should be noted that the western access and egress is intended for emergency access. While three lots are proposed, they are compartmentalized to have a functional lot of approximately 134 parking spaces oriented towards each apartment building. This layout minimizes walking distances to the apartments and increases the safety of the site circulation. Barrier-free spaces are conveniently located in close proximity to the entrances to each of the apartment buildings. Each of the apartment buildings also has one loading space, which is also located at the edge of the parking lot near the respective apartment building. In total 1,088 parking spaces are proposed, which exceeds the parking standards of the Zoning By-law and reflects the anticipated market needs for the development.

Extensive amenity uses are proposed across the Subject Site, including two amenity buildings, gravel walking trails, two dog run areas, two view overlooks towards the Bay, four turf areas, community gardens, pickle ball courts, fire pits, pergolas, and open space areas. In addition to these communal amenity spaces, each unit will have access to a private balcony.



SITE STATISTICS	PROPOSED
APARTMENT BLOCK SIZE	37.99 ACRES (15.37 Ha)
APARTMENT COUNT	
BUILDING A-1	89 UNITS
BUILDING A-2	89 UNITS
BUILDING A-3	89 UNITS
BUILDING A-4	89 UNITS
BUILDING A-5	89 UNITS
BUILDING A-6	89 UNITS
BUILDING A-7	89 UNITS
BUILDING A-8	89 UNITS
TOTAL	712 UNITS
DENSITY	46.32 UNITS / Ha.
PARKING REQUIRED (1.50 / UNIT)	
BUILDING A-1 (134 CARS)	134 CARS (1.50 / UNIT)
BUILDING A-2 (134 CARS)	134 CARS (1.50 / UNIT)
BUILDING A-3 (134 CARS)	134 CARS (1.50 / UNIT)
BUILDING A-4 (134 CARS)	134 CARS (1.50 / UNIT)
BUILDING A-5 (134 CARS)	134 CARS (1.50 / UNIT)
BUILDING A-6 (134 CARS)	134 CARS (1.50 / UNIT)
BUILDING A-7 (134 CARS)	134 CARS (1.50 / UNIT)
BUILDING A-8 (134 CARS)	134 CARS (1.50 / UNIT)
AMENITY BLDG. #1	8 CARS
AMENITY BLDG. #2	8 CARS
TOTAL (1,072 CARS)	1,088 CARS (1.53 / UNIT)

## 4. Policy and Regulatory Context

### 4.1 Provincial Policy Statement (2020)

The Provincial Policy Statement (“PPS”) provides land use planning policy on matters of provincial significance. The 2020 PPS came into effect on May 1, 2020. The overriding vision of the PPS states that *“the long-term prosperity and social well-being of Ontarians depends on maintaining strong, sustainable and resilient communities for people of all ages, a clean and healthy environmental, and a strong and competitive economy”*.

The following PPS policies are relevant to the Subject Site and the Proposed Development.

- Policy 1.1.1 states *“Healthy, liveable and safe communities are sustained by:*
  - a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
  - b) *accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
  - c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
  - d) *avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
  - e) *promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
  - g) *ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;”*
- Policy 1.1.2 directs planning authorities to ensure that sufficient land is made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. Within Settlement Areas, planning authorities are directed to make sufficient land available through intensification and redevelopment and, if necessary, designated growth areas.

- The preamble of Section 1.1.3 states that *“the vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities”* and that it is in the community interest *“to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures”*.
- Policy 1.1.3.1 directs planning authorities to make Settlement Areas the focus of growth and development.
- Policy 1.1.3.2 directs planning authorities to base land use patterns on a range of opportunities for intensification and redevelopment and of densities and a mix of uses which:
  - a) *“efficiently use land and resources;*
  - b) *are appropriate for and efficiently use the infrastructure and public service facilities which are planned or available;*
  - c) *minimize negative impacts on air quality and climate change and promote energy efficiency;*
  - d) *prepare for the impacts of climate change;*
  - e) *support active transportation;*
  - f) *are transit-supportive, where transit is planned, exists or may be developed;*
- Policy 1.1.3.3 states that *“Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.”*
- Policy 1.1.3.4 encourages planning authorities to promote appropriate development standards which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.
- Policy 1.1.3.5 requires planning authorities to establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.
- Policy 1.4.3 directs planning authorities to *“provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:*
  - a) *establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households;*
  - b) *permitting and facilitating:*

1. *all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
  2. *all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3*
- c) *directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
  - d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and*
  - e) *requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations;*
  - f) *establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.”*
- Policy 1.6.7.2 promotes making efficient use of existing and planned infrastructure, including transportation demand management strategies where feasible.
  - Policy 1.6.7.4 promotes land use patterns, densities and mixing of uses to minimize the length and number of vehicle trips and support the use of transit and active transportation.
  - Policy 1.7.1 encourages planning authorities to support long-term economic prosperity by:
    - a) *“promoting opportunities for economic development and community investment-readiness;*
    - b) *encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;*
  - Policy 1.8.1 requires planning authorities to *“support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions and climate preparing for the impacts of a changing climate through land use and development patterns which:*
    - a) *promote compact form and a structure of nodes and corridors;*

## 4.2 County of Grey Official Plan

The County of Grey Official Plan (“County OP”) was approved by the Province on June 6, 2019. It expresses the following vision for the county: *“to be the place where people feel*

*genuinely at home and naturally inspired – enjoying an exceptional blend of active healthy living and economic opportunity*”. To implement this vision, the County OP is structured around five key themes. Of particular relevance to the Proposed Development is “Develop Grey”, which promotes development focused within the designated Settlement Areas. “Live Grey” is also relevant as it promotes healthy communities, community inclusion, housing needs from an affordability standpoint.

### **Managing Growth**

Grey County is initiating an amendment to the County OP to update the residential and employment growth forecasts, and other housekeeping matters. Mapping and text changes are proposed to the County OP through Official Plan Amendment #11.

This proposed amendment provides population, household, and employment projection to 2026:

#### Population

	2021	2026	2031	2036	2041	2046	Growth
Owen Sound	22,510	23,100	23,590	24,080	24,540	24,910	2,400
Grey County	103,320	108,650	113,450	118,150	122,680	127,130	23,810

#### Households

	2021	2026	2031	2036	2041	2046	Growth
Owen Sound	10,140	10,480	10,750	11,000	11,220	11,270	1,130
Grey County	43,530	46,550	49,160	51,550	53,650	55,570	10,040

### **Settlement Area Land Use Types**

Section 3.3 of the County OP establishes the land use types of the County. According to Schedule A, the City of Owen Sound is classified as a Primary Settlement Area (see **Figure 5**).





This section promotes efficient development patterns and growth in primary settlement areas, stating:

- *Policies of this Plan will promote development forms and patterns which minimize land consumption and servicing costs. This will help ensure development is compact in form and promotes the efficient use of land and provision of water, sewer and transportation, and other services*
- *Settlement areas include cities, towns, villages, and hamlets, as well as, growth areas along our shorelines and in our recreational areas. Settlement areas within the County vary in terms of size, density, population, economic activity, diversity, and intensity of land uses, service levels, and types of infrastructure available.*
- *Primary Settlement Areas – larger settlements with full municipal servicing, and a wide range of uses, services, and amenities which are intended to be the primary target for residential and non-residential growth*

### **General Policies Affecting Settlement Area Land Use Types**

Section 3.4 provides further policy direction for Settlement Areas. Policy 3.4.1 establishes an overall intensification target for new growth at 15%. This target is further confirmed for Owen Sound on Table 6 of the County OP.

- Policy 3.4.6 directs that development within growth areas should occur adjacent to the existing built-up area and will have a compact form, mix of uses, and densities that allow for the efficient use of land, infrastructure, and public service facilities.
- Policy 3.4.14 encourages that development of communities occur with a wide range of housing types, including detached, semi-detached, townhouse, and apartment units, be provided, along with a mix of affordable housing, including second units and special needs housing, range of alternative locations, forms and densities of housing, and price ranges to meet a variety of housing needs.
- Policy 3.4.15 establishes that development within the built-up areas may be of higher density to achieve the policy directives of this Plan but should be compatible with adjacent residential areas. The local municipalities may explore means to ensure compatibility through measures such as transitional densities, built form, and land uses.
- Policy 3.4.16 directs that settlement form and building design must consider conservation in energy, water and wastewater management, the current use or eventual introduction of public transit, the integration of paths and trails, bicycle routes, a compact and convenient design which encourages walking, the incorporation of natural heritage features and areas, public safety including the impact on crime prevention, and the preservation of public access to shorelines.

## Primary Settlement Areas

Section 3.5 provides further policy direction specific to the Primary Settlement Areas of the County. The preamble of this section states:

*“Primary Settlement Areas are areas suitable for high intensification targets, public transit services, and have full municipal services. Municipalities with primary settlement areas will, in their official plans, identify and plan for intensification within these areas. The development of high quality urban form and open public spaces within these areas is also encouraged through site design, and urban design standards, to create attractive and vibrant places that support walking and cycling for everyday activities and are transit-supportive.”*

- Policy 3.5.2 directs that Primary Settlement Areas will have land use policies and development standards in accordance with local official plans.
- Policy 3.5.3 promotes the development of Primary Settlement Area land use types for a full range of residential, commercial, industrial, recreational, and institutional land uses. These areas will be the focus of the majority of growth within the County.
- Policy 3.5.5 establishes a minimum development density of 25 units per net hectare for new development in the City of Owen Sound.
- Policy 3.5.6 directs that intensification opportunities are strongly encouraged within Primary Settlement Areas. Municipalities must develop and adopt intensification strategies to ensure that the residential intensification targets identified in Section 3.4.1 of the Official Plan are met. Intensification strategies in Primary Settlement Areas shall enable:
  - a) Brownfield redevelopment;
  - b) ‘As-of-right’ permissions in official plans and zoning by-laws for second units;
  - c) The development of vacant and/or underutilized lots within previously developed areas;
  - d) The expansion or conversion of existing buildings.

New construction through intensification should occur in a manner that takes into account the existing built and physical environment and is compatible with the surrounding land uses.

## Housing Policy

Section 4.1 of the County OP establishes the County’s housing policies. The preamble of this section provides direction on both the supply and variety of housing anticipated for the County. The housing variety section states:

*“The County will aim to provide a variety of housing types to satisfy the present and future social, health, safety, and well-being requirements of residents. In doing so, we want to prioritize housing accessibility and affordability.*

*This plan encourages housing opportunities that address the needs of seniors and persons with physical, sensory, and mental health disabilities. We want people to be able to remain in a neighbourhood as housing needs change over time. It will be important to consider experimental housing types (i.e. life lease, cooperative housing, or “life-style” communities). These neighborhoods and facilities should be oriented as being age-friendly and encouraged within urban settings with appropriate services.*

*New residential developments will be promoted at densities which efficiently use available servicing (subject to Section 8.9) and are appropriate to site conditions and existing patterns of development.”*

Further to the housing variety direction, residential intensification policies are also provided. The policies pertinent to the Proposed Development include:

- Policy 4.1.1 directs for the support of increased densities in newly developing areas with a broad mix of housing types and integrated mixed-use developments, accessible housing and integrated services, and housing forms.
- Policy 4.1.2 directs for intensification in all areas within settlement areas including adaptive re-use or redevelopment of sites that previously had development and underutilized lands.
- Policy 4.1.4 encourages intensification within Primary Settlement Areas along major roadways and arterial roads.
- Policy 4.1.6 encourages intensification which results in new rental accommodation.
- Policy 4.1.9 directs for development to be cost effective, environmentally sound, sustainable, and compatible with existing uses.
- Policy 4.1.10 establishes that adequate infrastructure is, or will be, established to serve the anticipated development.

### **4.3 City of Owen Sound Official Plan**

The City of Owen Sound Official Plan (the “City OP”) reflects the policy direction of the County OP and contains further policy direction for land use and development at the localized scale. The City OP contains goals, objectives and policies to manage and direct physical development within the context of social, economic, built and natural environmental matters in the City. The City OP was first adopted in 1984 and was subsequently amended in 2006 and 2012. In 2019 the City initiated a review of the Official Plan that included

analysis of existing policy, trends and issues; consideration of recommendations from City-approved Master Plans; and, public consultation. The process led to the preparation of an amended Official Plan in 2021.

Section 3 contains the policies for the land use designations of the City OP. As noted on Schedule A of the City OP, the Subject Site is primarily designated “Residential” (see **Figure 6**). Small portions of the Subject Site are designated as Hazard Lands; however, these areas are not planned for development.

The preamble of this section states that “*Residential uses may include single detached, semi-detached, various forms of townhouse, and apartment buildings. Residential uses shall be permitted at low, medium and high density*”. The density of the Proposed Development is 46.32 units per hectare, which is noted as being within the medium-density residential bracket according to policy 3.1.2.1.

Further to this density policy, policy 3.1.2.5 states that “*density shall be allocated in residential areas in accordance with the following:*

- a. *Lands shall have access to hard services at sufficient capacity for the intended density.*
- b. *Adequate soft services such as parks, schools, emergency services, transit and similar shall be available as required to support the intended density.*
- c. *Lands intended for medium and high-density uses should have direct access to collector or arterial roads and proximity to compatible land uses including but not limited to local institutional and neighbourhood commercial uses.”*

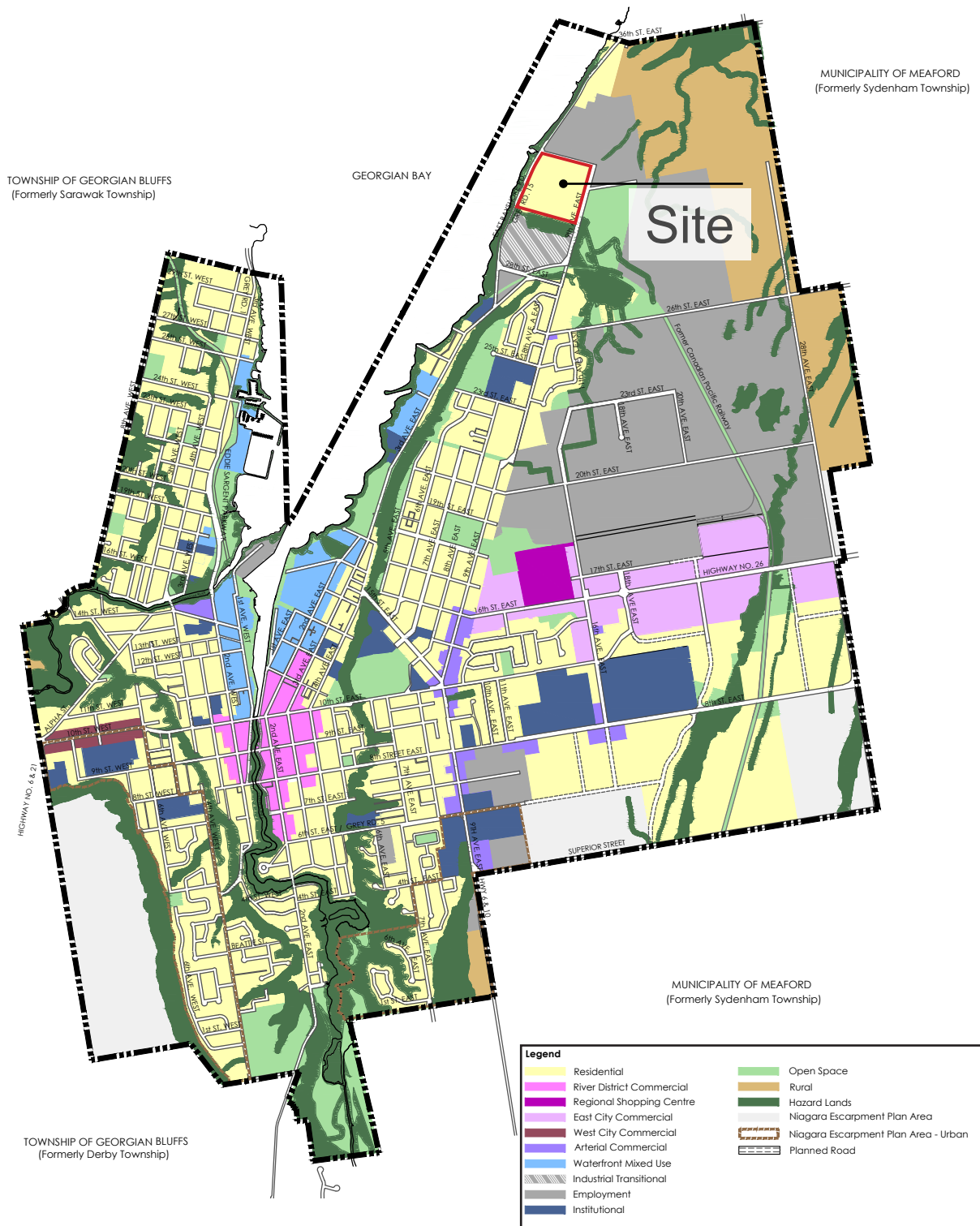
- Policy 3.1.3.1 establishes that residentially designates land shall have access to full municipal services, including piped water supply, storm drainage and sanitary sewer systems, installed according to requirements of the City and other applicable agencies.
- Policy 3.1.4.1 establishes that an objective of the City OP is to provide for a full range of housing types and densities required to meet projected requirements of current and future residents of the regional market area. Regional market area refers to an area, generally broader than a lower-tier municipality that has a high degree of social and economic interaction.
- Policy 3.1.5.1 directs that the City will support a range of attainable housing development in proximity to transit and amenities to increase mobility and accessibility to goods and services, healthy food retailers, commercial areas, employment, medical and health facilities, recreation, transit, and trails.
- Policy 3.1.8.1 establishes that the City will support innovative residential development that meets the City’s housing objectives.

- Policy 3.1.8.2 directs that housing intensification is supported subject to the following policies:
  - a. *“The proposed development meets locational and other criteria of this Plan.*
  - b. *The type, size and scale of the proposed development is compatible with adjacent development and planned land use.*
  - c. *The existing infrastructure, including sewer and water services, can support additional development.*
  - d. *The existing community and recreational facilities, such as schools and parks are adequate to meet the additional demand.*
  - e. *Required parking can be accommodated.*
  - f. *The local road network can accommodate any additional traffic.”*

The Proposed Development includes a walking trail through the portion of the Subject Site designated as Hazard Lands. Under this designation, passive and active outdoor recreation uses, including trails for walking, cycling or cross-country skiing provided they can operate without adversely affecting the hazardous conditions of Hazard Lands or be subject to excessive damage due to potential hazardous conditions, are permitted.

Section 4 of the City OP contains secondary plans for certain areas of the City identified as Planning Areas, as shown on Schedule B (see **Figure 7**). The Subject Site is identified as being within the East Waterfront Study Area. At this time, no secondary plan is in place for this area.

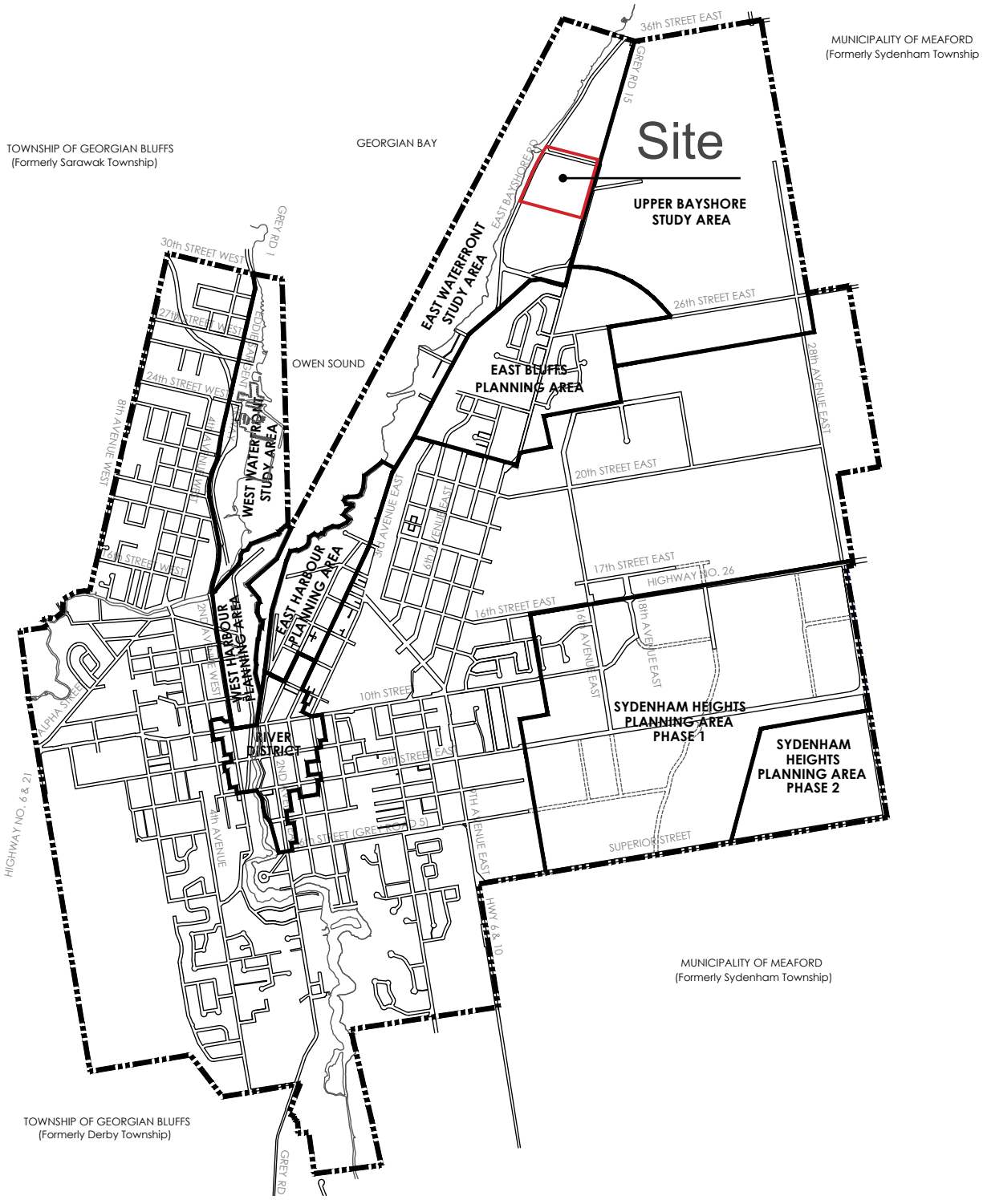
- Policy 5.1.5.1 directs that new development will be designed to be walkable and bike friendly by including multi-use trails, sidewalks, and/or paved shoulders where appropriate to integrate with the overall complete transportation system.



## City of Owen Sound Official Plan Land Use

Source: City of Owen Sound Official Plan, Schedule A Land use (2017)

Figure  
**6**



Planning Areas and Study Areas  
 Source: City of Owen Sound Official Plan, Schedule B Planning Areas (2012)

Figure  
**7**

#### 4.4 City of Owen Sound Zoning By-law

As indicated above, the Subject Site is currently zoned MR (H) with special provision 14.55 and portions of hazard land (see **Figure 8**). The Proposed Development meets the requirements of this zoning:

Zone Provision	Requirement (MR Zone)	Proposed Development
Minimum Lot Frontage	25 m	348 m
Minimum Lot Area	1,000 m <sup>2</sup>	153,700 m <sup>2</sup>
Maximum Lot Coverage	40%	9%
Minimum Front Yard Setback	10 m	79 m
Minimum Rear Yard Setback	10 m	66 m
Minimum Interior Side Yard Setback	6 m	N/A
Minimum Exterior Side Yard Setback	6 m	58 m
Maximum Building Height	20 m	> 20 m
Minimum Gross Floor Area	35 m <sup>2</sup> /unit	> 35 m <sup>2</sup> /unit
Maximum Density	1.5 FSI	0.47 FSI
Minimum Landscaped Open Space	30%	~ 59%

Parking requirements are provided in Section 5.18 of the Zoning By-law. For apartment dwellings, parking is required at a rate of 1.25 spaces per unit with an additional 1 space per 10 required parking spaces for visitor use. Section 5.20 provides the required bicycling parking spaces, which is 10% of the required vehicle parking spaces.

Based on the Proposed Development providing 712 dwelling units, a total of 890 vehicle spaces are required and 89 bicycle parking spaces. These parking requirements are met by the Proposed Development. Bicycle parking will be provided in dedicated areas for each building.



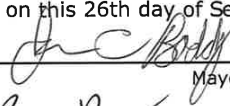
# By-Law 2022-103

Being a By-Law to adopt Amendment No. 38 to Zoning By-Law No. 2010-078 for the City of Owen Sound.

## Appendix A

Amendment to Zoning By-Law 2010-078 Zoning Map 10





Passed on this 26th day of September, 2022

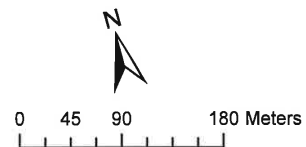
  
Mayor Ian C. Boddy

  
Briana M. Bloomfield, City Clerk



### LEGEND

-  Lands to be zoned from MR(H) to MR(H) 14.55
-  Lands to be zoned from R3(H) 14.55 to MR(H) 14.55
-  Lands to be zoned from R3(H) 14.55 to ZH
-  Lands to remain ZH



City of Owen Sound Zoning By-Law Appendix A

Figure  
**8**

## 5. Public Consultation Strategy

As part of the Planning Justification Report, it is noted that the City requires a public consultation strategy. Unlike Zoning By-law and Official Plan Amendment applications, the *Planning Act* does not require a public meeting for Holding Provision removal or Site Plan Approval applications. In accordance with the relevant section of the Planning Act, further public engagement is not anticipated to occur.

A statutory public meeting was held on July 25, 2022 as part of ZBA No. 38. In addition, written comments were received from the public. These comments were addressed as through the approvals process.

## 6. Subject Application and Planning Justification

### 6.1 Holding Provision Removal Application

The purpose of the Holding Provision is to restrict development on a property until the listed technical studies have been undertaken. As noted in the Zoning By-law, the studies required to the satisfaction of the City to lift the Holding Provision on the Subject Site include:

- The completion of land use compatibility studies, such as stationary noise, dust and odour studies at the time of any future site plan or plan of subdivision application to understand the need for specific mitigation measures, as may be required;
- That any future plans of subdivision or site plan application includes the submission and approval of an urban design brief to address: overall plan design and layout; land use compatibility considerations such as implementation of recommended mitigation measures from approved noise/dust/odour study; lot/building orientation and interface with existing industrial uses, built form and location of driveways; architectural design and control; and, pedestrian connections.
- Compliance with the Environmental Protection Acts and its regulations;
- Archaeological Study;
- Servicing Studies;
- That those portions of the subject property located in the southwest quadrant, subject to periodic flooding, and as shown in the attached Schedule are subject to a holding provision. The City of Owen Sound shall not remove the “Holding” provision until such time as the flooding hazard has been removed through the regrading of the site. These works will be carried out with appropriate permits to the satisfaction of the City of Owen Sound and the Grey Sauble Conservation Authority.

The following studies have been completed to fulfil the Holding Provision:

- Land Use Compatibility and Noise Study: This Study concludes that no specific noise control measures are required, and typical Ontario Building Code facade constructions are sufficient to achieve the indoor sound level criteria.
- Archeological Study: This study did not identify any archeological sites that require further assessment or mitigation of impacts and it is recommended that no further archeological assessment of the property be required.

- Urban Design Brief: The Brief provides an extensive analysis of the various design considerations of the Proposed Development.
- Servicing Studies: A Functional Servicing and Stormwater Management Report, including grading plan, have been completed. The reports finds sufficient capacity is available to the service the Proposed Development, and outlines how the storm flows will be controlled and there is no need for water balance mitigation.
- Record of Site Condition: A Phase II Environmental Site Assessment was completed, finding that the Subject Site is suitable for residential use.

In addition, the GSCA was consulted with through the ZBA No. 38 process to ensure that appropriate environmental protection was maintained. Based on these results, sufficient information has been provided to permit the removal of the Holding Provision.

## 6.2 Planning Justification

### **The Proposed Development is consistent with the PPS**

The Proposed Development represents the efficient use of the Subject Site, contributing a density of 46 units per hectare. Public health and safety, and environmental are contemplated through the design of the Proposed Development, which maintains the woodlot at the southwest of the Subject Site and provides significant outdoor amenity areas for the enjoyment of the future residents.

The Subject Site is located within a settlement area, which are areas that are to be the focus of growth and development. The intensification of the Subject Site meets the PPS direction to provide a mix of housing types and densities.

The Proposed Development is supportive of current and future active transportation network. The Subject Site is adjacent to the Grey County CP Rail Trail and each of East Bayshore Road, 32<sup>nd</sup> Street East, and 9<sup>th</sup> Avenue East are noted as being bicycle routes on Schedule D of the City OP. The East Bayshore bus route has a stop approximately 500 metres from the Subject Site via the connecting trail, providing transit connections to key nodes in the City.

### **The Proposed Development is in conformity to the County OP**

The County OP establishes that the County is expected to grow by 23,810 people over the next 30 years, with 2,400 people anticipated in the City of Owen Sound. The Proposed Development makes a significant contribution to the anticipated households required to accommodate this growth.

Subject Site is located within a Prime Settlement Area, which the County OP directs are to be the primary target for residential and non-residential use. The Subject Site is within the existing built-up area, and the apartment buildings proposed as compact built form. Policy 3.4.14 encourages a range of alternative locations, forms, and densities, which is implemented by the Proposed Development, offering a style of development not commonly observed in the City.

The Proposed Development, and SkyDev as a developer, considers environmentally conscious building elements. Included in this is the proposed site-specific permission for bee hives and solar panels, making a positive contribution to the local environment. Building considerations such as EV charging stations and efficient appliances are commonplace in SkyDev developments.

The Proposed Development provides a density of 46 units per hectare, exceeding the minimum of 25 provided in Policy 3.5.5. Additionally, the Subject Site is currently vacant and is an underutilized property within the Primary Settlement Area. The redevelopment of the Subject Site implements Policy 3.5.6 that directs for the development of these types of properties. This is further directed through the housing policies of the County OP.

Policy 4.1.6 explicitly encourages intensification that results in new rental accommodation. As indicated through this Report, the Proposed Development is rental in tenure.

### **The Proposed Development is in conformity to the City OP**

The Subject Site is designated as Residential in the City OP. This designation permits the proposed residential development. The density of the Proposed Development is 46 units per hectare, which is noted as being within the medium-density residential bracket according to policy 3.1.2.1. As noted in Policy 3.1.2.5.c) medium-density uses are to have direct access to an Arterial Road, which is accomplished by East Bayshore Road. Further, medium-density uses are to be in proximity to compatible land uses. Complimentary uses such as the Kiwanis Soccer Complex, Notre Dame Catholic School, and the Wooden Hill Childcare Centre are a short distance from the Subject Site. Further non-residential, complimentary uses are located approximately four kilometres away along 16<sup>th</sup> Street East. These uses are located a short drive or transit ride away.

The size of the property presented an opportunity to propose an innovative development, as encouraged in Policy 3.1.8.1. The significant amenity, recreational, and open space areas of the Proposed Development are uncommon in developments of this nature. The provision of these spaces, while having a rental tenure, is a largely unseen development in southern Ontario.

The type, size, and scale of the Proposed Development is compatible with adjacent development and planned land use. The uses to the north are generally non-residential, commercial/light industrial uses including a fitness centre and self-storage facility. These uses are complimentary to the residential uses. To the south of the Subject Site is a warehouse or light industrial use. The built form on this parcel is over 200 metres away from the southernmost apartment buildings, a significant distance to avoid any land use conflicts. To the east of the Subject Site is another light industrial use. Similarly, to the southern use, the eastern apartment buildings are more than 100 metres from this existing business, a large enough distance to avoid land use conflicts. The height of the Proposed Development is spread evenly across the Subject Site and is set back significantly from the edges of the Subject Site, ensuring that height concerns such as shadows or overwhelming built forms do not impact the surrounding uses.

The Proposed Development is walkable and bike friendly. This is accomplished by the extensive pedestrian paths throughout the Proposed Development, as well as the connection to the Grey County CP Rail Trail.

#### **The Proposed Development meets the requirements of the Zoning By-law**

The Subject Application will remove the Holding Provision currently in place on the Subject Site. As noted in Section 5.4 of this Report, the Proposed Development meets all zone provision requirements of the in-effect MR special provision 14.55 zone.

#### **The Proposed Development will contribute to the housing mix in the City**

Section 3.1.5 of the OP provides policy direction on attainable and rental housing. This section directs that:

- The City will support a range of attainable housing development in proximity to transit and amenities to increase mobility and accessibility to goods and services, healthy food retailers, commercial areas, employment, medical and health facilities, recreation, transit, and trails (Policy 3.1.5.1).
- The City will support the integration of attainable housing units within the existing community fabric in all designations and Planning Areas, where residential uses are permitted (Policy 3.1.5.3).
- For the purpose of this Official Plan, attainable housing units are those that do not meet the provincial definition for ‘affordable’ rental rates but whose rental rates are less than the current market rate and attainable to the City’s residents and workforce (Policy 3.1.5.5).

Further to the OP policy regarding “attainable housing”, the Proposed Development will feature a variety of suite sizes to appeal to a wide range of potential tenants. Based on this

range, a variety of price points will be available. There is clear policy direction that attainable housing units and supported where residential uses are permitted, such as the Subject Site.

The Subject Site has access to a nearby transit route, trail, recreation facilities, and is a short drive from extensive commercial, institutional, and employment opportunities. As such, the Proposed Development is aligned with the OP direction regarding the location and provision of rental and attainable housing.

The PPS provides further policy direction on the mix of housing tenures and types:

- “Planning authorities are encouraged to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs. (Part IV Preamble)”
- “To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area: a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development” (Policy 1.4.1).
- “Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market” (Policy 1.4.3).
- “permitting and facilitating: 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3” (Policy 1.4.3.b).
- “establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety” (Policy 1.4.3.f).

The intent of the OP is not to have each property individually provide a mix of tenure and housing types. Objective d. under section 2.2.4 (Managing Growth) states: *“To increase housing supply by identifying and promoting opportunities for intensification and redevelopment where appropriate, and plan for a full range and mix of housing options in terms of dwelling types, densities and tenure.”* As indicated in the “Goal” of this section, this is an objective across the City, not on a site-by-site basis.

As indicated previously, the City of Owen Sound currently has a significant rental housing shortage (noted at less than 2% vacancy by the CMHC), and it is further noted that there is a lack of diversity in the housing types available in this area of the City. Statistics Canada provides City wide data on the housing type by structure. Of the roughly 9,840 dwellings in the City, more than half of these are single-family dwellings, and less than 8% are apartments 5-storeys or greater. The Proposed Development will contribute to the balance of the housing distribution within the City and align with policy directions for compact built forms and the efficient use of land within settlement areas. The provision of rental housing as the predominant housing typology on this site is appropriate to meet this shortage and aligns with OP direction to add to the housing tenure options available in the City.

Regarding the quality of the Proposed Development, the OP promotes *“a high standard of design in its public works and in the design of private and public development to achieve an appealing, comfortable, accessible, safe living and work environment for the residents and visitors of Owen Sound (Policy 8.1.1.2).”* Additionally, the PPS directs for the permission and facilitation of *“all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities (Policy 1.4.3.b).”*

The Proposed Development will be constructed with high quality materials, feature a variety of sustainable design variables such as EV Chargers, low flow fixtures, high efficiency appliances, rooftop bee hives, as well as contribute fully accessible units. Further, full-time, on-site management will be available, and the amenity and landscaped areas will be maintained by staff to ensure their upkeep. Overall, the high-quality construction and design of the development as proposed aligns with the OP.

The extensive amenity areas, proximity to recreational uses, and rental tenure type can appeal to a wide demographic, aligning with the direction of the PPS. Rent rates will be varied across the variety of unit sizes, leading to a development that will feature a range of rental rates to meet the needs of various families.



## 7. Summary and Conclusion

This Planning Report has been prepared in support of the submission of the Holding Provision removal application for the lands known municipally as 3195 East Bayshore Road in Owen Sound to facilitate redevelopment of the property as a rental residential development. In order to permit the redevelopment of the property, the removal of the current Holding Provision is required.

The Subject Site is within the County's Primary Settlement Area, which is planned to accommodate residential development. It is within walking distance of transit and the Grey County CP Rail Trail. The Subject Site is within a 5 minute drive of a significant commercial node and the downtown area, and is adjacent to the waterfront.

The Proposed Development contains eight, six storey buildings, with extensive amenity and open space areas. Parking for the proposed buildings is provided in surface parking lots throughout the Subject Site. This Report concludes the removal of the Holding Provision for the property is justified for the following reasons:

- The Proposed Development is consistent with the PPS
- The Proposed Development conforms to the County OP
- The Proposed Development conforms to the City OP
- The Proposed Development meets the requirements of the Zoning By-law
- The Proposed Development will contribute to the housing mix in the City

# Appendix A – Zoning By-law Amendment

The Corporation of the City of Owen Sound

By-law No. 2022-XXX

A By-law to amend Zoning By-law No. 2010-078, respecting lands located at 3195 East Bayshore Road

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 3195 East Bayshore Road (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;

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

1. That schedule A, Zoning Map 10 forming part of Zoning By-law No. 2010-078, is hereby amended by removing the holding provision on those lands lying and being in the City of Owen Sound, being described generally as 3195 East Bayshore Road, PLAN 838 LOT 53 & 54 PT LT 7, shown more specifically on Appendix 'A' attached to this by-law from 'Multi Residential' (MR) with Special Provision 14.55 and Hazard Lands (ZH).
- A. Notwithstanding the provisions of the Multiple Residential (MR) Zone and for lands shown on Schedule A, Zoning Map 10 the Multiple Residential (MR) zone provisions shall apply save and except for the following:
  - i. Maximum Building Height: 20 meters
  - ii. Notwithstanding the definition of 'Agricultural Use', beehives are permitted as accessory structures subject to the location criteria of the Bees Act.
  - iii. Notwithstanding Sec. 5.9 of the Zoning By-law, the site and building regulations applying to primary buildings on the lands shall also apply to 'management buildings, solar collectors and amenity buildings.
  - iv. Notwithstanding future land division (Consent, Plan of Subdivision or Condominium) applications, any development on the subject lands will be regarded as "One Lot" for the purposes of zoning regulations subject to all of the following provisions:
    - 1) A 'mutual easement & operating agreement' or subdivision/condominium agreement will be required as a condition of approval of any land division application.
    - 2) Any future land division shall comply with the 'Minimum Lot Frontage' and 'Minimum Lot Area' provisions in force and effect at the time.

- 3) Future lot lines shall not be located through any building or structure, but may be located through parking areas.
- 4) The front lot line ('Lot Line, Front') for both the "One Lot" and the future separately conveyable lots will be the lot line adjacent to East Bayshore Road. The rear lot line (Lot Line, Rear') will be the lot line adjacent to 9th Avenue East.
- 5) Any lots created by way of land division shall comply with the applicable zone regulations in force and effect, excepting however that the following shall be calculated for the whole lot as it exists on September 26, 2022:
  - Maximum Lot Coverage;
  - Maximum Density;
  - Minimum Landscaped Open Space; and,
  - Parking Regulations.

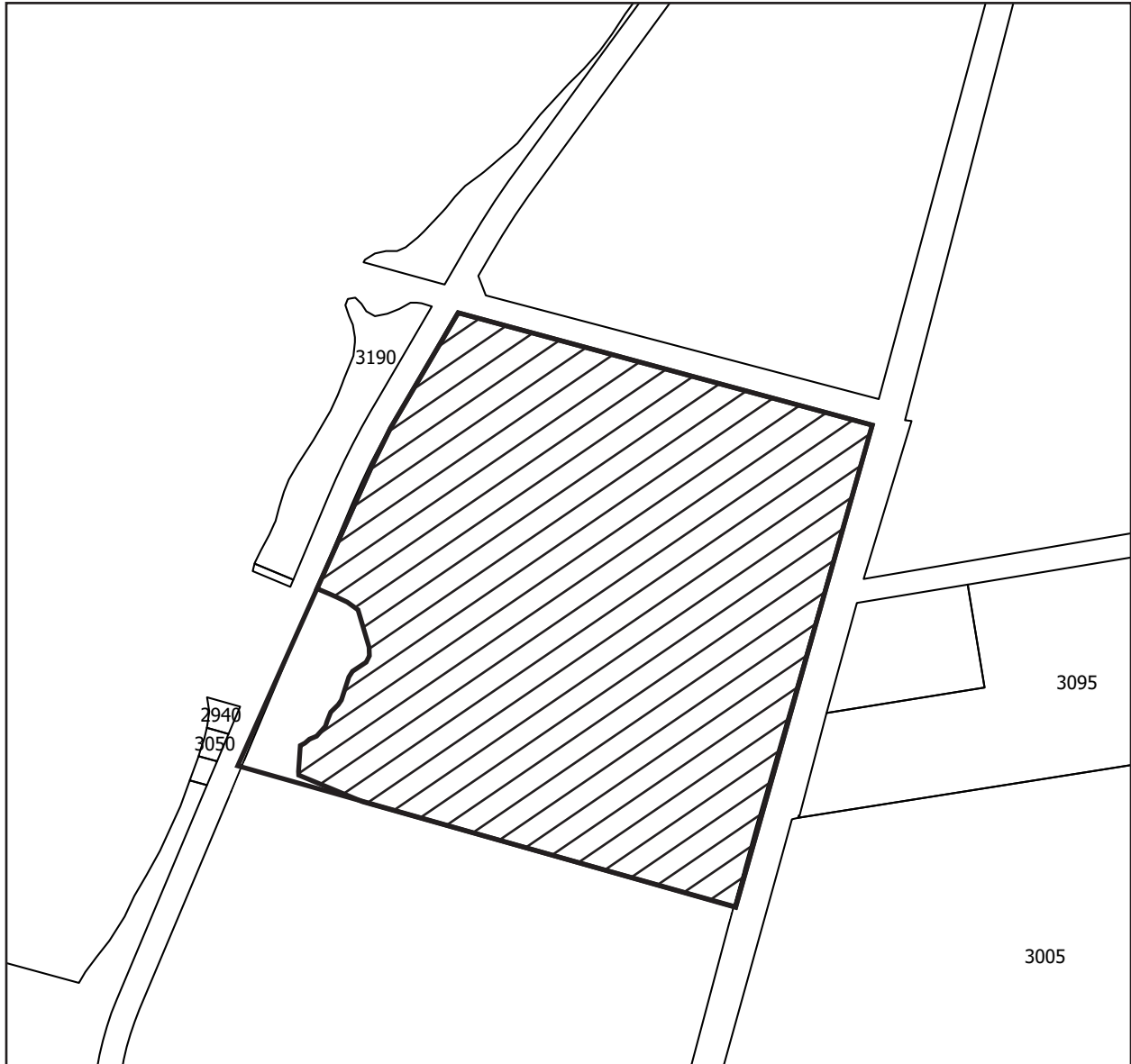
Maximum Lot Coverage, Maximum Density, Minimum Landscaped Open Space and Parking Regulations shall be applied to the entire development as "One Lot" both in terms of number and location.

- v. A 'Management Office' shall be a permitted use subject to the following provisions:
  - 1) A 'Management Office' shall mean a building or part thereof used for the purposes of:
    - The administration and management of activity related to the construction /buildout of the site;
    - Day to day operations on the lot; and,
    - The rental or lease of dwelling units to be erected on the lot.
  - 2) The 'Management Office' shall be connected to municipal water and wastewater services.
  - 3) The 'Management Building' shall not be used for human habitation but may contain kitchen and sanitary facilities.
  - 4) Notwithstanding the maximum building height of 20 m applying to 'Dwelling, Apartment' buildings, a standalone 'Management Office' shall have a maximum building height of 10 m.
  - 5) The 'Management 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.
  - 6) If the 'Management Office' is to be a standalone temporary use, the building shall be removed once occupancy for the last building has been achieved.

2. This by-law shall come into full force and effect on the date it is passed.

**CITY OF OWEN SOUND  
ZONING BY-LAW AMENDMENT No. \_\_\_\_\_**

**SCHEDULE 'A'**



 Land to be Rezoned MR 14.55