

Take notice that the Council of The Corporation of the City of Owen Sound passed and enacted **By-law No. 2023-082** on June 26, 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, the effect of which helped to make an informed recommendation and decision as summarized in Staff Report CS-23-071. No oral submissions were made at the public meeting held on June 12, 2023.

Property Description:

The Zoning By-law Amendment relates to lands located at 2125 16th Street East and legally described as Range 5 EGR Park Part Lots 8 and 9; RP 16R-9039 Part 1 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 the construction of additional buildings to complete the buildout of the multi-building commercial development on the subject lands. A new 3,252 square metre grocery store is proposed together with an attached 1,310 square metre retail unit in the northeast quadrant of the site. The proposal includes the construction of parking areas, an internal road system, landscaping, and a stormwater management system.

The effect of the Zoning By-law Amendment is to amend the current zone categories and special provisions applying to the subject lands consistent with the Official Plan for the East City Commercial area generally in accordance with the following:

Current Zone	New Zone
<ul style="list-style-type: none"> • Retail Commercial with Special Provision 14.89 (C2 14.89) 	<ul style="list-style-type: none"> • Retail Commercial Holding with Special Provisions 14.139 [C2 (H) 14.139]

Special Provision 14.89 shall be deleted and replaced with Special Provision 14.139.

Special Provision 14.139

No person shall use any lot or erect, alter or use any building, or structure for any purpose save and except for those uses permitted in the Retail Commercial (C2) zone.

The C2 zone provisions shall apply save and except for the following:

- i. Minimum building setback from 16th Street East: 4 m for Building ‘H’;
- ii. Minimum building setback from any street line: 6 m for all other buildings;
- iii. Minimum building setback from any other lot line: 8 m;
- iv. Minimum planting strip adjacent to 16th Street East: 1.5 m;
- v. Maximum building heights for Hotels, Clinics and Laboratories: 19 m;
- vi. Restaurants with a unit size of 325.5 square metres or smaller: Maximum aggregate total of 1,250 square metres;
- vii. Permit one drive-through restaurant, which shall not be subject to the 1,250 square metre restaurant aggregate regardless of size; and
- viii. The buildings, structures and uses existing on June 26, 2023 shall be deemed to comply with this By-law.

The City of Owen Sound shall not remove the "Holding(H)" Symbol until such time as the matters outlined below are satisfied and notwithstanding the provisions of the 'Retail Commercial' (C2) with Special Provision 14.139, for those lands shown on Schedule A, Zoning Map 20:

- i. The completion of a retail market analysis to the satisfaction of City of Owen Sound Staff. The analysis must satisfy section 3.5.2.5 of the Official Plan; and
- ii. Proof that site access can be designed, constructed, used, and maintained to the satisfaction of the City of Owen Sound.

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 **July 17, 2023 by 4:30 p.m.**

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.

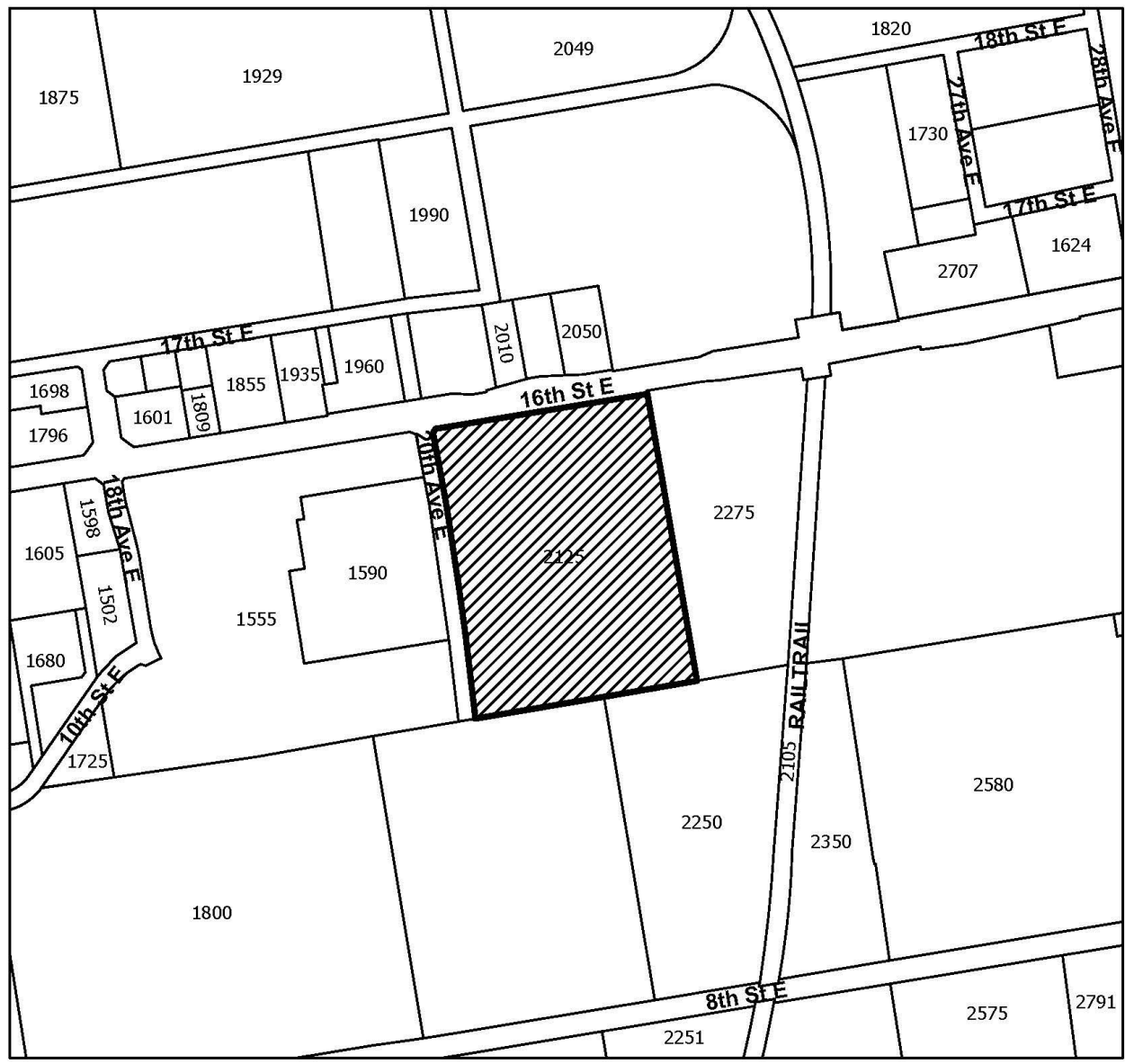
No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds 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: June 27, 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

Key Map



The Corporation of the City of Owen Sound

By-law No. 2023-082

A By-law to amend Zoning By-law No. 2010-078,
respecting lands located at 2125 16th Street East
(ZBA No. 48 – Heritage Grove)

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 2125 16th 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 June 12, 2023, a public meeting was held under section 34 of the Planning Act to consider zoning for the subject lands; and

WHEREAS on June 26, 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-23-076;

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 2125 16th Street East, SYDENHAM RANGE 5 EGR PT PARK LOTS 8 AND 9 RP 16R9039 PT PART 1 RP 16R11134 PARTS 1 AND 3, shown more specifically on Appendix 'A' attached to this by-law from 'Retail Commercial' (C2) with Special Provision 14.89 and 'Rural' (RUR) to 'Retail Commercial' Holding (C2(H)) with Special Provision 14.139, and 'Rural' (RUR).
2. That Special Provision 14.89 shall be deleted.
3. That the following provisions be added to Zoning By-law Section 14:
Special Provision 14.139
 - a. So long as the "Holding(H)" Symbol is affixed to the C2 (14.139) lands no person shall use any lot or erect, alter or use any building or structure for any purpose except uses existing on June 26, 2023.

- b. The City of Owen Sound shall not remove the "Holding(H)" Symbol until such time as the matters outlined below are satisfied and notwithstanding the provisions of the 'Retail Commercial' (C2) with Special Provision 14.139, for those lands shown on Schedule A, Zoning Map 20:
- i. The completion of a retail market analysis to the satisfaction the City of Owen Sound Staff. The analysis must satisfy section 3.5.2.5 of the Official Plan.
- c. The City of Owen Sound shall not remove the "Holding(H)" Symbol until such time as the matters outlined below are satisfied and notwithstanding the provisions of the 'Retail Commercial' (C2) with Special Provision 14.139, 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.
- d. At the time when the "Holding(H)" Symbol is removed by the City and for lands shown on Schedule A, Zoning Map 20, no person shall use any lot or erect, alter or any building, or structure save and except for those uses permitted in the Retail Commercial (C2) zone. The C2 zone provisions shall apply save and except for the following:
- i. Minimum building setback from 16th Street East: 4 m for Building 'H';
 - ii. Minimum building setback from any street line: 6 m for all other buildings;
 - iii. Minimum building setback from any other lot line: 8 m;
 - iv. Minimum planting strip adjacent to 16th Street East: 1.5 m;
 - v. Maximum building heights for Hotels, Clinics and Laboratories: 19 m;
 - vi. Restaurants with a unit size of 325.5 square metres or smaller: Maximum aggregate total of 1,250 square metres;
 - vii. Permit one drive-through restaurant, which shall not be subject to the 1,250 square metre restaurant aggregate regardless of size; and
 - viii. The buildings, structures and uses existing on June 26, 2023 shall be deemed to comply with this By-law.
4. This by-law shall come into full force and effect on the date it is passed.

FINALLY PASSED AND ENACTED this 26th day of June 2023.



Mayor Ian Boddy



Briana M. Bloomfield, City Clerk

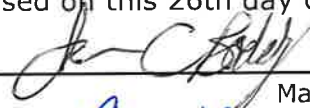
By-Law 2023-082

Being a By-Law to adopt Amendment No. 48
to Zoning By-Law 2010-078
for the City of Owen Sound.

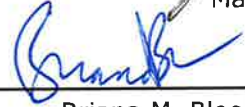
Appendix A

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

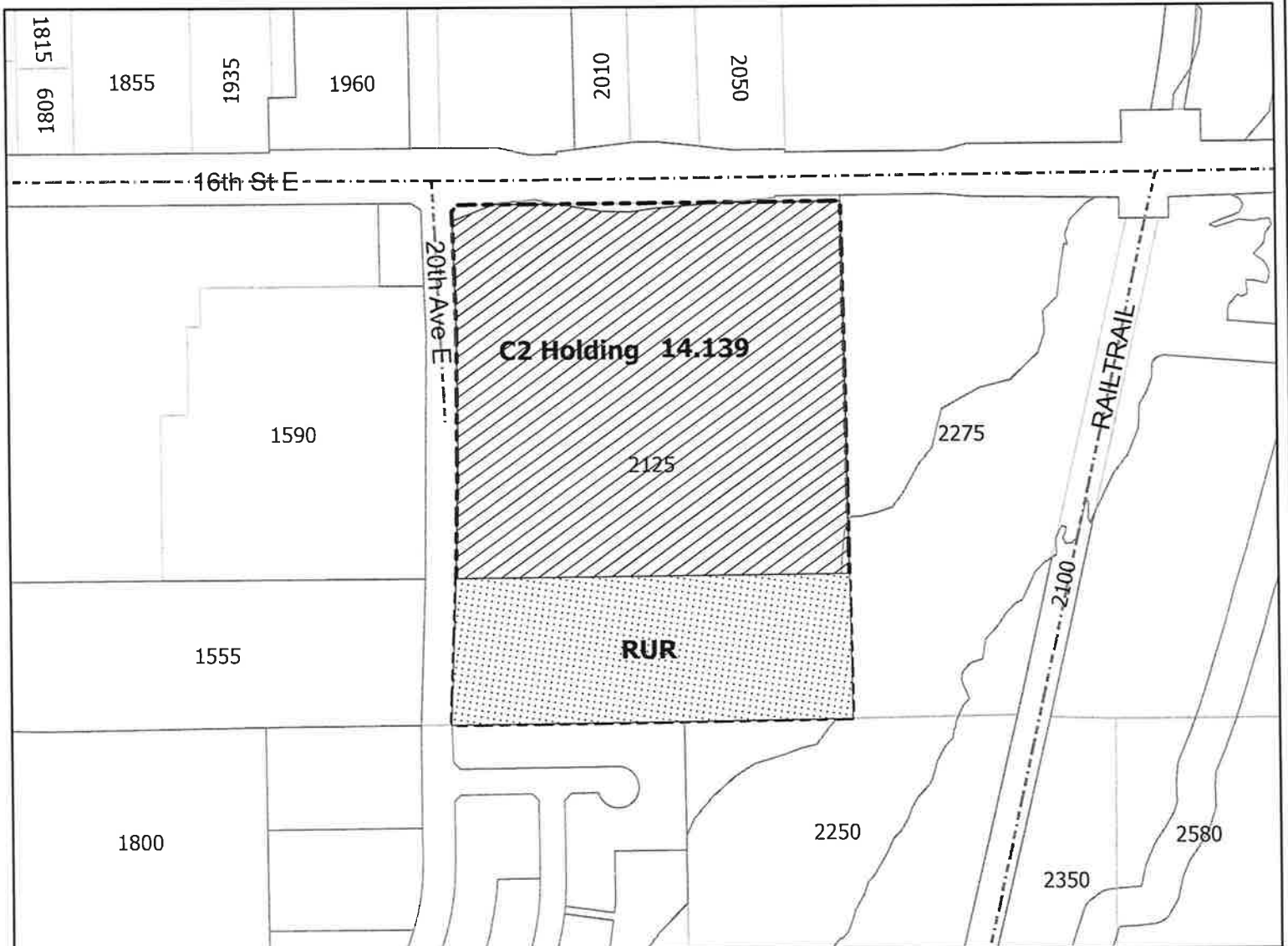
Passed on this 26th day of June, 2023



Mayor Ian C. Boddy



Briana M. Bloomfield, City Clerk



LEGEND

 Subject Property

 Lands to be rezoned to C2 Holding (14.139)



0 45 90 180 Meters

