

TAKE NOTICE that the Council of The Corporation of the City of Owen Sound passed **By-law No. 2022-103** on September 26, 2022, 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.

City Council has considered written submissions received to date and oral submissions made at the public meeting held on July 25, 2022.

PURPOSE AND EFFECT OF BY-LAW NO. 2022-103:

The purpose of the Zoning By-law Amendment is to permit a residential development consisting of eight (8), six-storey apartment buildings with 89 dwelling units in each building for a total of 712 units. The proposal also includes the construction of three surface parking areas, two amenity buildings, an internal road system, on-site recreational facilities, and landscaping.

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 Zone	Proposed Zone
<ul style="list-style-type: none"> ▪ Low Density Residential (R3) with Special Provision 14.55 and Holding Provision ▪ Multiple Residential (MR) with Holding Provision ▪ Hazard Lands (ZH) 	<ul style="list-style-type: none"> ▪ Multi Residential (MR) with Special Provision 14.XX and Holding ▪ Hazard Lands (ZH)

The Zoning By-law Amendment also proposes to amend the Zoning on the subject lands to permit additional accessory uses and to establish site and building regulations including to:

1. Permit accessory solar collector installations, accessory beehives and a sales/leasing office.
2. Permit an increased maximum building height.
3. Recognize that the development will be regarded as one lot for the purposes of zoning regulations if subject to future consent or plan of condominium applications.

PROPERTY LOCATION:

The Zoning By-law Amendment relates to lands located at 3195 East Bayshore Road and legally described as s PLAN 838 LOT 53, 54 & PT LT 7 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 **October 17, 2022**.

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.

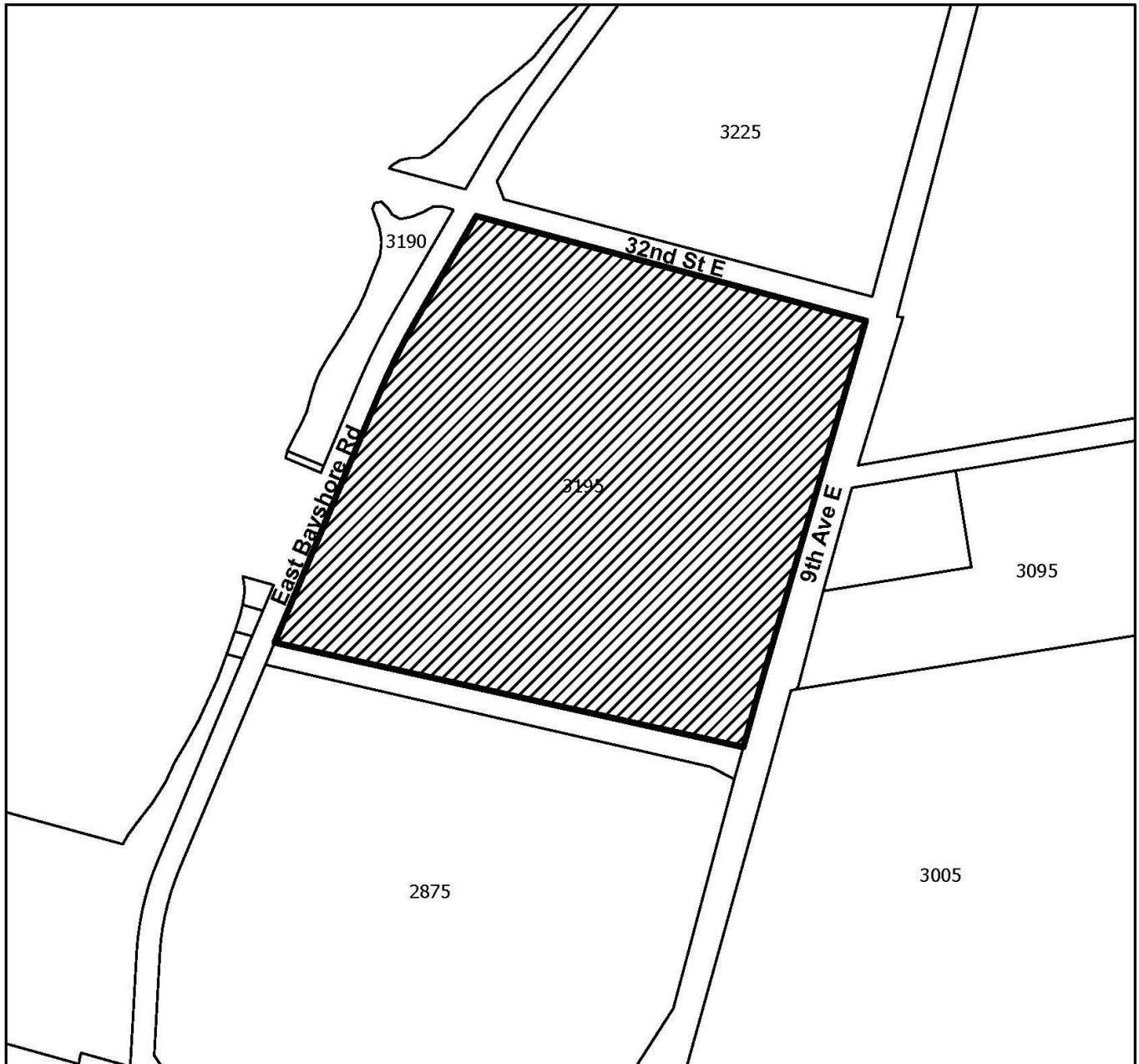
ADDITIONAL INFORMATION related to this Zoning By-law Amendment is available for inspection at the City of Owen Sound in the Planning Office located at 808 2nd Avenue East, Owen Sound ON N4K 2H4, Monday to Friday between the hours of 8:30 a.m. and 4:30 p.m. and on the City's website at www.owensound.ca/development

NOTICE DATE: September 27, 2022

Jamie Eckenswiller, AMP
Deputy Clerk

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Key Map



The Corporation of the City of Owen Sound

By-law No. 2022-103

A By-law to amend Zoning By-law No. 2010-078,
respecting lands located at 3195 East Bayshore Road (ZBA No. 38)

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; and

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

WHEREAS on July 25, 2022, a public meeting was held under section 34 of the Planning Act to consider zoning for the subject lands; and

WHEREAS on September 26, 2022, 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-22-119;

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 changing the zoning category 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 'Low Density Residential' Holding (R3(H)) with Special Provision 14.55, 'Multiple Residential' Holding (MR(H)) with Special Provision 14.55 and 'Hazard Lands' (ZH) to 'Multi Residential' Holding (MR(H)) with Special Provision 14.55 and Hazard Lands (ZH).
2. That the following provisions be added to Zoning By-law Section 14:
Special Provision 14.55
 - a. So long as the "Holding" symbol is affixed to the MR (14.55) lands no person shall use any lot or erect, alter or use any building or structure for any purpose except uses existing on September 1, 2022.
 - b. The City of Owen Sound shall not remove the "Holding" provision until such time as the matters outlined below are satisfied and,

notwithstanding the provisions of the 'Multiple Residential' (MR) with Special Provision 14.55, for those lands shown on Schedule A, Zoning Map 10:

- i. 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;
 - ii. That any future plan of subdivision or site plan application include 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;
 - iii. Compliance with the Environmental Protection Act and its regulations;
 - iv. Archaeological Study;
 - v. Servicing Studies and entering into agreements with the City with respect to the implementation of these upgrades;
 - vi. 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 or 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.
- c. At the time when the "Holding (H)" Symbol is removed by the City and 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.
3. This by-law shall come into full force and effect on the date it is passed.

FINALLY PASSED AND ENACTED this 26th day of September 2022.



Mayor Ian C. Boddy



Briana M. Bloomfield, City Clerk

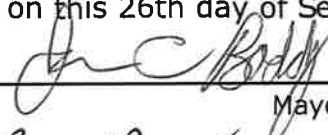
By-Law 2022-103

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

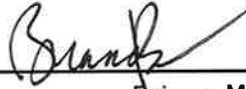
Appendix A

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

