

TAKE NOTICE that the Council of The Corporation of the City of Owen Sound passed **By-law No. 2021-099** on August 30, 2021, 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 March 29, 2021.

PURPOSE AND EFFECT OF BY-LAW NO. 2021-099:

The purpose of the Zoning By-law Amendment is to permit a multi-unit commercial development, including a mix of restaurants and retail/service commercial uses tentatively contained in four (4) detached buildings. The proposal facilitates the future construction of shared surface parking area, internal road system, landscaping and the extension of 20th Avenue East north of 16th Street East. Site Plan Approval will apply to the development of the lands.

The effect of the Zoning By-law Amendment is to amend the Zoning By-law from 'General Industrial' (M1) with Special Provision 14.88 to apply the 'Retail Commercial' (C2) zone provisions to the subject property and to provide for site specific zone regulations.

PROPERTY LOCATION:

The Zoning By-law Amendment relates to lands is located at 1960 16th Street East, and is legally described as RANGE 6 EGR PT PARK LOT 8; RP 16R-1883 PART OF PART 1, PART OF PART 2, PARTS 3 & 4; RP 16R-712 PART OF PART 1; RANGE 6 EGR PT LOT 8 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 Local Planning Appeal 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 Local Planning Appeal 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 September 22, 2021.

Only individuals, corporations and public bodies may appeal a by-law to the Local Planning Appeal 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 Local Planning Appeal 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 2, 2021

Jamie Eckenswiller, AMP

Deputy Clerk

The Corporation of the City of Owen Sound 808 2nd Avenue East

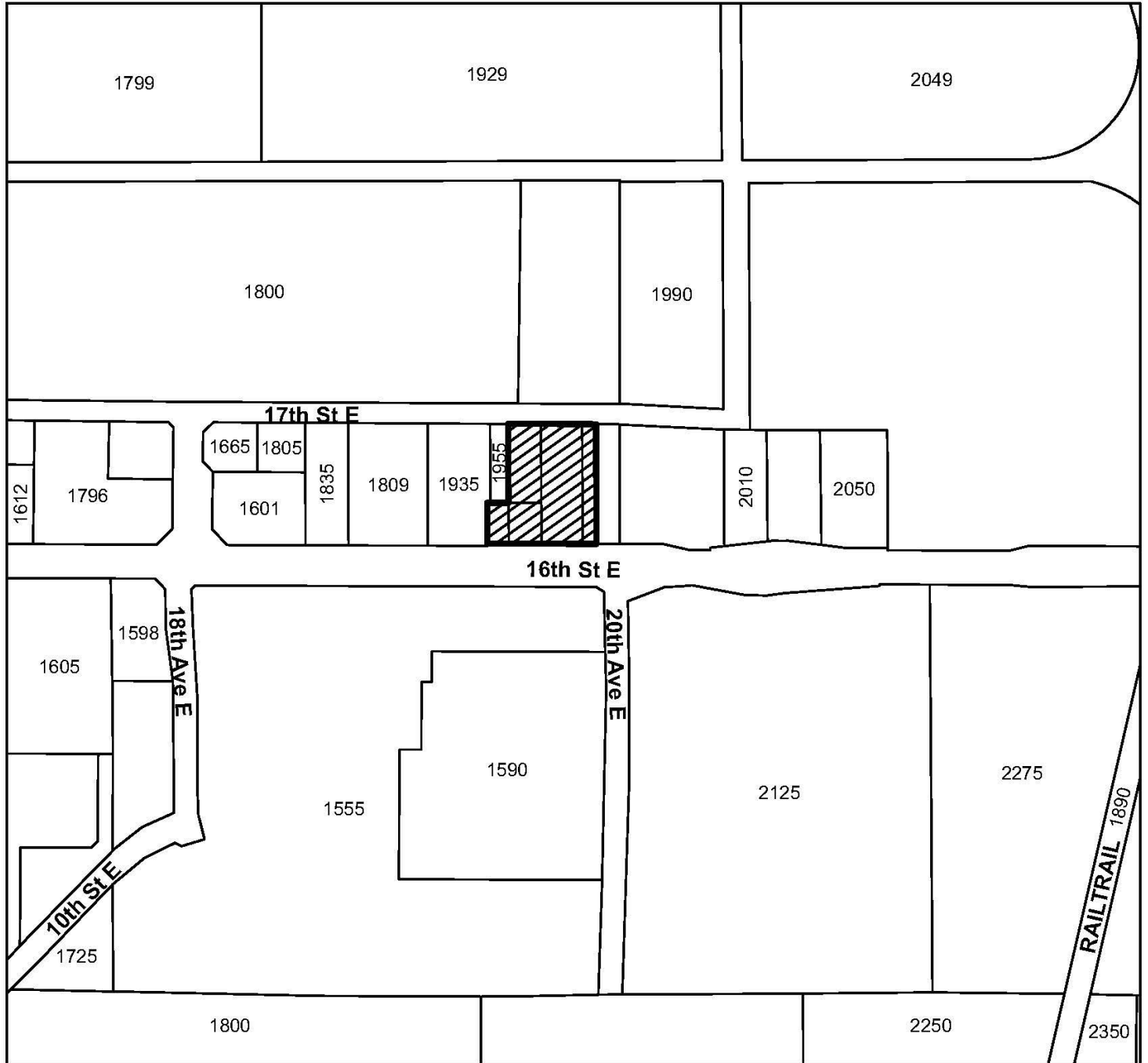
OWEN SOUND ON N4K 2H4

Telephone: (519) 376-4440

Facsimile: (519) 371-0511

E-mail: jeckenswiller@owensound.ca

Key Map



The Corporation of the City of Owen Sound

By-law No. 2021-099

A By-law to amend Zoning By-law No. 2010-078 respecting lands located at 1960 16th Street East (ZBA No. 33 Sydenham Heights Centre)

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 1960 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 March 29, 2021, a public meeting was held under section 34 of the Planning Act to consider zoning for the subject lands; and

WHEREAS on July 19, 2021, City Council passed Resolution No. R-210719-007 directing staff to bring forward a by-law to amend the Zoning By-law respecting the subject lands, in consideration of staff report CS-21-107;

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

1. That 'Schedule A, Zoning Map 19' 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 1960 16th Street East, RANGE 6 EGR PARK PT LOT 8 including RP 16R712 PART OF PART 1, RP 16R1883 PART OF PART 2, RP 16R1883 PART OF PART 1 and RP 16R1883 PARTS 3 & 4, shown more specifically on Appendix 'A' attached to this by-law from 'General Industrial' (M1) with 'Special Provision 14.88' to 'Retail Commercial' (C2) with 'Special Provision 14.125'.
2. That the following provision be added to Zoning By-law Sec. 14:

Special Provision 14.125

Notwithstanding the provisions of the Retail Commercial (C2) and for lands shown on Schedule A, Zoning Map 13, the Retail Commercial (C2) zone provisions shall apply save and except for the following:

- i. Min. front yard (16th St E) setback: 8 m
- ii. A minimum of nine (9) queuing spaces and one (1) space at the pickup window for a total of 10 spaces in the drive thru lane is permitted for Building A (the drive thru restaurant located in the western corner of the lot) as shown on the Site Plan dated June 30,

2021. All other drive thru restaurants on site will be required to meet the queuing requirements of the Zoning By-law.
- iii. Notwithstanding Sec. 5.18 of the Zoning By-law, the following parking ratio shall apply to 'Shopping Centre' uses:
 - a. One (1) parking space is required per 19.3 square meters of 'Area, Gross Floor'.
 - iv. All restaurant uses on site are subject to the following:
 - a. The total gross floor area for all restaurants, including drive thru restaurants, shall not exceed 50% of the total gross floor area on the site at buildout.
 - b. The minimum unit size for restaurants shall be 325 square metres, excluding drive thru restaurants.
 - c. Notwithstanding the minimum restaurant unit size, restaurants (excluding drive thru restaurants) less than 325 square metres may be permitted to a maximum aggregate gross floor area not to exceed 464 square metres.
3. This by-law shall come into full force and effect on the date it is passed at which time all by-laws, policies and resolutions that are inconsistent with the provisions of this by-law are hereby amended or repealed insofar as it is necessary to give effect to the provisions of this by-law.

FINALLY PASSED AND ENACTED this 30th day of August, 2021.



Mayor Ian C. Boddy



Briana M. Bloomfield, City Clerk

By-Law 2021-099

Being a By-Law to adopt Amendment No. 33
to Zoning By-Law 2010-078
for the City of Owen Sound.


Appendix A

Amendment to Zoning By-Law 2010-078 Zoning Map 19

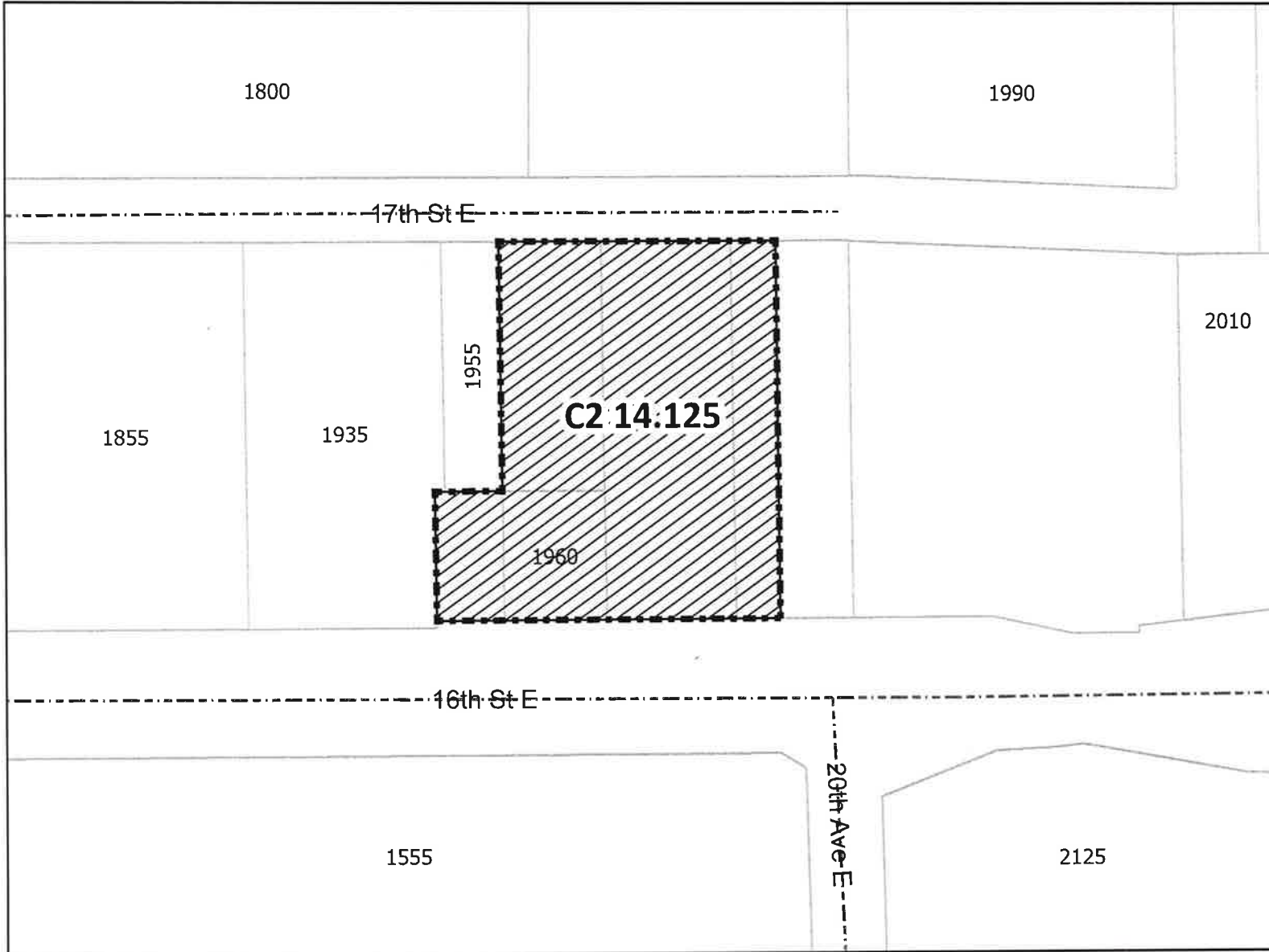
Passed on this 30th day of August, 2021





Mayor Ian C. Boddy



Briana M. Bloomfield, City Clerk



LEGEND

-  Subject Property
-  Lands to be rezoned from 'General Industrial' (M1), Special Provision 14.88 to Retail Commercial (C2), Special Provision 14.125

