

TAKE NOTICE that the Council of The Corporation of the City of Owen Sound passed **By-law No. 2019-137** on the 12th day of August, 2019, 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 April 1, 2019.

PURPOSE AND EFFECT OF BY-LAW NO. 2019-137

The purpose of the Zoning By-law Amendment is to allow for development of a residential subdivision. The effect of the application is to provide for the development of an estimated 321 residential dwelling units in various development forms including semi-detached dwellings (10 units), street facing townhouses (17 units), condo townhouses (54 units), apartment (120 units) and a retirement residence (120 units). The remaining land will be divided into open space areas and walkways, a stormwater management pond and roadways.

The lands are zoned as Residential (R4), Multiple Residential (MR), and Special Provision 14.32 in the City of Owen Sound Zoning By-law 2010-078, as amended. Portions of the lands are proposed to be rezoned to:

- o "Medium Density Residential" with special provisions R4.119 to permit increased lot coverage;
- o "Medium Density Residential" with special provisions R4.120 to permit increased lot coverage and to require an increased minimum interior side yards;
- o General Residential (R5);
- o Open Space (OS); and
- o Hazard (ZH)

PROPERTY LOCATION:

The Zoning By-law Amendment relates to lands is located on the west side of 16th Avenue East, north of 10th Street East and south of 16th Street East and legally described as Part of Park Lots 4 and 5, East Garafraxa Road, Geographic Township of Sydenham in the City of Owen Sound, County of Grey.

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 16, 2019.

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.

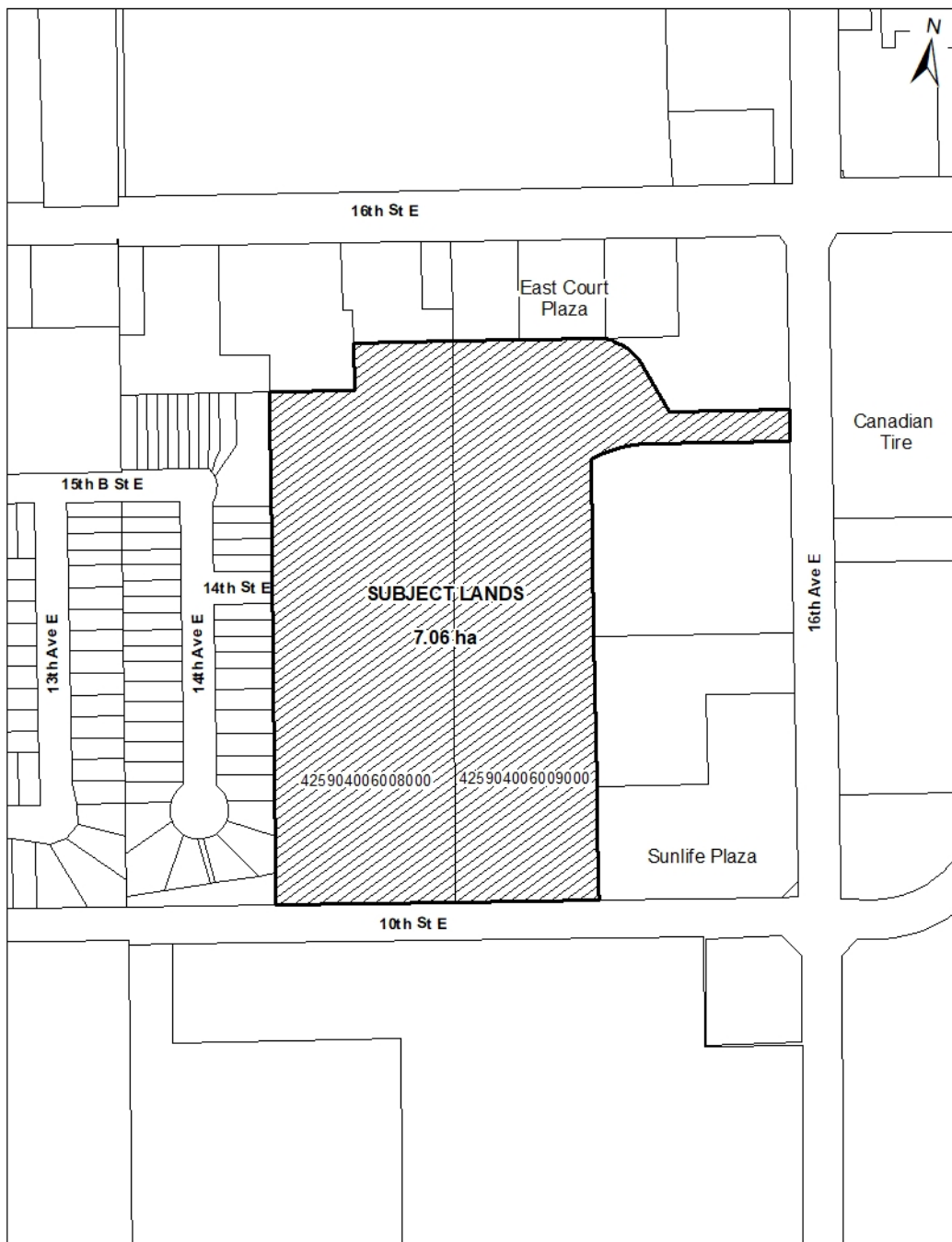
ADDITIONAL INFORMATION related to ZBA No. 27 and By-law No. 2019-137 is available for inspection at the City of Owen Sound in the Planning Office located at 808 2nd Avenue East, Owen Sound ON N4K 2H4, Monday to Friday between the hours of 8:30 a.m. and 4:30 p.m. and on the City's website at <http://www.owensound.ca/planning/whats-new>.

These lands are also the subject of Official Plan Amendment No. 9 and Draft Plan of Subdivision 42T-18501.

NOTICE DATE: August 27, 2019

Ethan Robert, Deputy Clerk
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OWEN SOUND ON N4K 2H4
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KEY MAP



The Corporation of the City of Owen Sound

By-law No. 2019-137

A By-law to amend Zoning By-law No. 2010-078, respecting rezoning for the Andpet Subdivision lands located west of 16th Avenue East, north of 10th Street East (ZBA No. 27)

WHEREAS 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 section 36 of the Planning Act permits the council of a local municipality to pass a by-law to specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law; 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 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 property located west of 16th Avenue East, north of 10th Street East (the "Andpet Subdivision lands"); and

WHEREAS such amendment to Zoning By-law No. 2010-078 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 April 1, 2019, a public meeting was held under section 34 of the Planning Act to consider rezoning of the Andpet Subdivision lands; and

WHEREAS on July 15, 2019, City Council passed Resolution No. R-190715-004 directing staff to bring forward a by-law to amend Zoning By-law No. 2010-078 respecting the Andpet Subdivision lands, in consideration of staff report CS-19-100;

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

1. That Schedule A, Zoning Map 13 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 Part of Park Lots 4 and 5, East Garafraxa Road, Geographic Township of Sydenham, shown more specifically on Appendix 'A' attached to this by-law from 'Medium Density Residential' (R4) and 'Multiple Residential Holding 14.32' (MR(H) 14.32) to:
 - Medium Density Residential, Special Provision 14.119 (R4, 14.119)
 - Medium Density Residential, Special Provision 14.120 (R4, 14.120)
 - General Residential (R5)
 - Open Space (OS)
2. That Section 14 of Zoning By-law No. 2010-078 be amended by adding new Sections as follows:

"14.119 Notwithstanding the provisions of the Medium Density Residential (R4) Zone, and for lands shown on Schedule A, Zoning Map 13:

(a) No person shall use any lot or erect, alter or use any building or structure save and except for those uses permitted in the R4 Zone. The R4 zone provisions shall apply, save and except for the following:

i. Maximum Lot Coverage: 55%

14.120 Notwithstanding the provisions of the Medium Density Residential (R4) Zone, and for lands shown on Schedule A, Zoning Map 13:

i. No person shall use any lot or erect, alter or use any building or structure save and except for those uses permitted in the R4 Zone. The R4 zone provisions shall apply, save and except for the following:

i. Maximum Lot Coverage: 45%

ii. Minimum Interior Side Yard (West): 7.5m

iii. Minimum Interior Side Yard (East): 5.0 m"

3. That Schedule 'A', Zoning Map 13 forming part of Zoning By-law No. 2010-078 is further amended by removing the Holding ("H") symbol from the "Multiple Residential" with "Special Provisions 14.32" (MR(H) 14.32) Zone that was placed on the subject lands.
4. This by-law shall come into full force and effect upon the final passing thereof.

FINALLY PASSED AND ENACTED this 12th day of August, 2019.



Mayor Ian C. Boddy



Briana M. Bloomfield, Deputy Clerk

By-law No. 2019-137

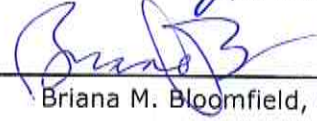
Being a By-law to adopt Amendment No. 27 to Zoning By-Law 2010-078 for the City of Owen Sound

Appendix A

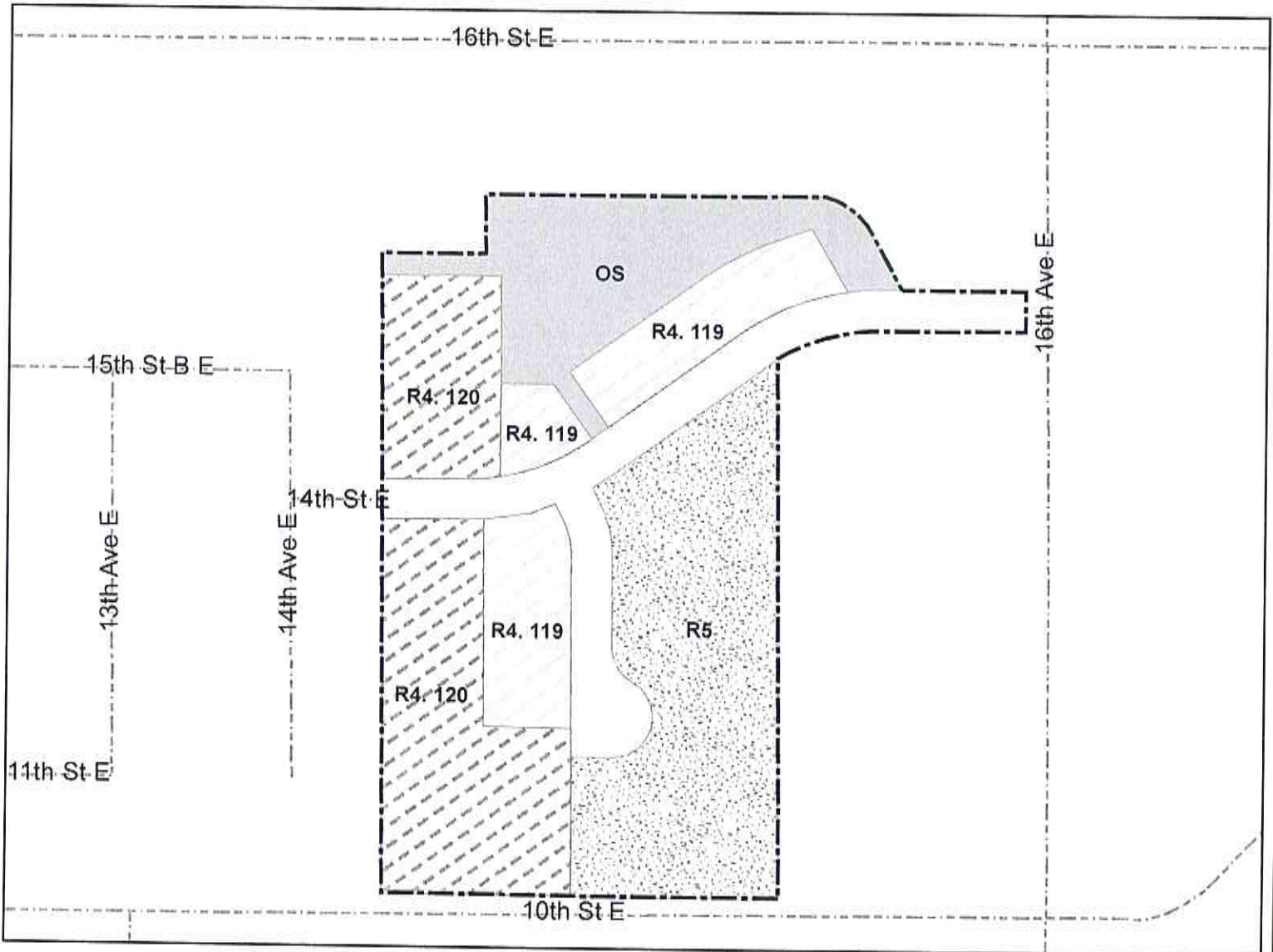
Amending Zoning By-law No. 2010-078 Zoning Map 13
Passed on this 12th day of August, 2019








Mayor Ian C. Boddy



Briana M. Bloomfield, City Clerk



LEGEND

-  Subject Lands
-  Lands to be rezoned from R4 to R4. 119
-  Lands to be rezoned from R4 to R4. 120
-  Lands to be rezoned from R4 to OS
-  Lands to be rezoned from R4 to R5

