

TAKE NOTICE that the Council of The Corporation of the City of Owen Sound passed **By-law No. 2019-122** on the 15th day of July, 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 February 8, 2016. Written submissions were received from internal departments and commenting agencies which had no objection to the application. Oral and written submissions made by the public were not opposed, but suggested in summary: that the applicant consider emergency and affordable housing and tree preservation and maintenance at the southern end of property. City Council considered the comments received and found that the applications are consistent with the Provincial Policy Statement and the goals and objectives and intent of the Official Plan and approved By-law No. 2019-121 to amend the City of Owen Sound Official Plan (OPA 6) and approved By-law No. 2019-122 (ZBA 18) to amend Zoning By-law No. 2010-078. A draft plan of subdivision application was approved on June 24, 2019 and is necessary to implement the policy direction and facilitate the development of the lands.

PURPOSE AND EFFECT OF BY-LAW NO. 2019-122

The purpose of the amendment is to permit a residential subdivision. The effect of the applications is to provide for the development of an estimated 366 dwelling units in a mix of housing forms including single detached dwellings (36 units), street fronting townhouses (12 units), cluster townhouses (54 units) and three multi-residential apartment buildings (264 units). The proposal also includes a storm water management pond, construction of new internal streets and services, and a vacant retained parcel on the southeast side of the Bothwell's Creek tributary.

PROPERTY LOCATION:

The subject lands are legally described as follows: Range 3 EGR Park Lot 7 (RP 16R805 Part 1), Range 3 EGR Park Pt Lot 8 (RP 16R805 Part 2) and Range 3 EGR Park Pt Lot 8 (RP 16R805 Part 3). The subject lands are shown more particularly on the **Key Map** below. The lands comprise a total of 25 ha (62 acre) in the southeast portion of the City within the Sydenham Heights Phase I Planning Area.

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 appeal is August 4, 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. 18 and By-law No. 2019-122 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. 6 and Draft Plan of Subdivision 42T-15501.

NOTICE DATE: July 25, 2019

Ethan Robert, Deputy Clerk
The Corporation of the City of Owen Sound 808 2nd Avenue East
OWEN SOUND ON N4K 2H4
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KEY MAP



The Corporation of the City of Owen Sound

By-law No. 2019-122

A By-law to amend Zoning By-law No. 2010-078, respecting rezoning for the Redhawk Subdivision lands located on the south side of 8th Street East, between 16th Avenue East and the future extension of 20th Avenue East (ZBA No. 18)

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 on the south side of 8th Street East, between 16th Avenue East and the future extension of 20th Avenue East (the "Redhawk 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 February 8, 2016, a public meeting was held under section 34 of the Planning Act to consider rezoning of the Redhawk Subdivision lands; and

WHEREAS on June 24, 2019, City Council passed Resolution No. R-190624-004 directing staff to bring forward a by-law to amend Zoning By-law No. 2010-078 respecting the Redhawk Subdivision lands, in consideration of staff report CS-19-088;

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

1. That Schedule A, Zoning Map 21 forming part of By-law 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 Range 3 EGR Park Lot 7 (RP 16R805 Part 1), Range 3 EGR Park Pt Lot 8 (RP 16R805 Part 2) and Range 3 EGR Park Pt Lot 8 (RP 16R805 Part 3), shown more specifically on Schedule 'A' attached hereto and forming part of this By-law, from 'Rural' (RUR) and 'Hazard Lands' (ZH) to:
 - Multiple Residential, Special Provision 14.113 (MR, 14.113)
 - Multiple Residential, Special Provision 14.114 (MR, 14.114)
 - Medium Density Residential, Special Provision 14.115 (R4, 14.115)
 - Medium Density Residential, Special Provision 14.116 (R4, 14.116)
 - Single Residential, Special Provision 14.117 (R4, 14.117)
 - Holding Rural, Special Provision 14.118 (RUR(H),14.118)
 - Open Space (OS)

- Hazard Lands (ZH)

2. That Section 14 of the By-law be amended by adding new Sections as follows:

- 14.113** Notwithstanding the provisions of the Multiple Residential (MR) Zone, and for lands shown on Schedule A, Zoning Map 21:
- (a) No person shall use any lot or erect, alter or use any building or structure except for those uses permitted in the MR Zone. The MR zone provisions shall apply, save and except for the following:
 - i) Minimum Front Yard Setback: 9 m
 - ii) Maximum Height: 13.12 m
 - (b) Notwithstanding the definitions in Section 4, the lot line abutting and parallel to 8th Street East is considered the 'Lot Line, Front' for the purposes of Subsection 14.113.
- 14.114** Notwithstanding the provisions of the Multiple Residential (MR) Zone, and for lands shown on Schedule A, Zoning Map 21:
- (a) No person shall use any lot or erect, alter or use any building or structure except for those uses permitted in the MR Zone. The MR zone provisions shall apply, save and except for the following:
 - i) Minimum Front Yard Setback: 9 m
 - ii) Maximum Height: 16.2 m
 - (b) Notwithstanding the definitions in Section 4, the lot line abutting and parallel to 8th Street East is considered the Lot Line, Front for the purposes of Subsection 14.114.
- 14.115** Notwithstanding the provisions of the Medium Density Residential (R4) Zone, and for lands shown on Schedule A, Zoning Map 21:
- (a) No person shall use any lot or erect, alter or use any building or structure except for those uses permitted in the R4 Zone.
 - (b) The regulations for a 'Dwelling, Townhouse' in the R4 Zone shall apply to a 'Dwelling, Townhouse' use save and except for the following:
 - (i) Minimum Lot Frontage: 15 m for the total development parcel
Notwithstanding the provisions of this Section or Section 5.12.2, a minimum lot frontage of 15 m may be provided via an easement to 8th Street East only until such time as Street 'A' is upgraded to an improved street.
 - (ii) Maximum Density: 1 unit per 250 m² of lot area for total development parcel
 - (c) For all other uses permitted in the Medium Density Residential (R4) Zone, the Medium Density Residential (R4) Zone regulations shall apply.
- 14.116** Notwithstanding the provisions of the Medium Density Residential (R4) Zone, and for lands shown on Schedule A, Zoning Map 21:
- (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.

- (b) The regulations for a 'Dwelling, Street Fronting Townhouse' in the R4 Zone shall apply to a 'Dwelling, Street Fronting Townhouse' use except for the following:
 - i) Maximum Lot Coverage: 53%
 - ii) Maximum Density: 1 unit per 250 m² of lot area for total development parcel
- (c) For all other uses permitted in the Medium Density Residential (R4) Zone, the Medium Density Residential (R4) Zone regulations shall apply.

14.117 Notwithstanding the provisions of the Single Residential (R1) Zone, and for lands shown on Schedule A, Zoning Map 21:

- (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 R1 Zone.
- (b) The regulations for a 'Dwelling, Single Detached' in the R1 Zone shall apply to a 'Dwelling, Single Detached' use except for the following:
 - i) Minimum Lot Area: 440 m²
 - ii) Minimum Front Yard Setback: 6.5 m
 - iii) Maximum Lot Coverage: 45%

14.118 Notwithstanding the provisions of the Rural (RUR) Zone, and for lands shown on Schedule A, Zoning Map 21 no person shall use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following provisions:

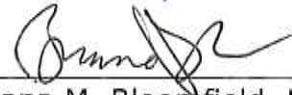
- (a) So long as the 'Holding' symbol is affixed to the RUR (14.118) lands, permitted uses shall be limited to:
 - i) Agricultural uses limited to the growing of crops and pasturing livestock.
 - ii) Habitat maintenance and enhancement as per the Development Plan developed for the block through the Environmental Impact Study submitted for OPA 6 and ZBA 18.
- (b) The 'Holding' provision may be removed at such time as the matters outlined below are satisfied:
 - i) The required habitat maintenance and enhancement consistent with the Development Plan developed for the parcel through the Environmental Impact Study submitted for OPA 6 and ZBA 18 has been completed.
 - ii) It is demonstrated through an Environmental Impact Study that development will not negatively impact significant natural heritage and environment features to the satisfaction of the City of Owen Sound.
 - iii) It is demonstrated that the lot can be provided with adequate servicing and physical frontage to a public road."

This by-law shall come into full force and effect upon the final passing thereof.

FINALLY PASSED AND ENACTED this 15th day of July, 2019.



Mayor Ian C. Boddy



Briana M. Bloomfield, Deputy Clerk

By-law 2019-122

Being a By-law to adopt Amendment No. 18
to Zoning By-Law 2010-078 for the City of Owen Sound

Schedule 'A'

Passed on this 15th day of July, 2019

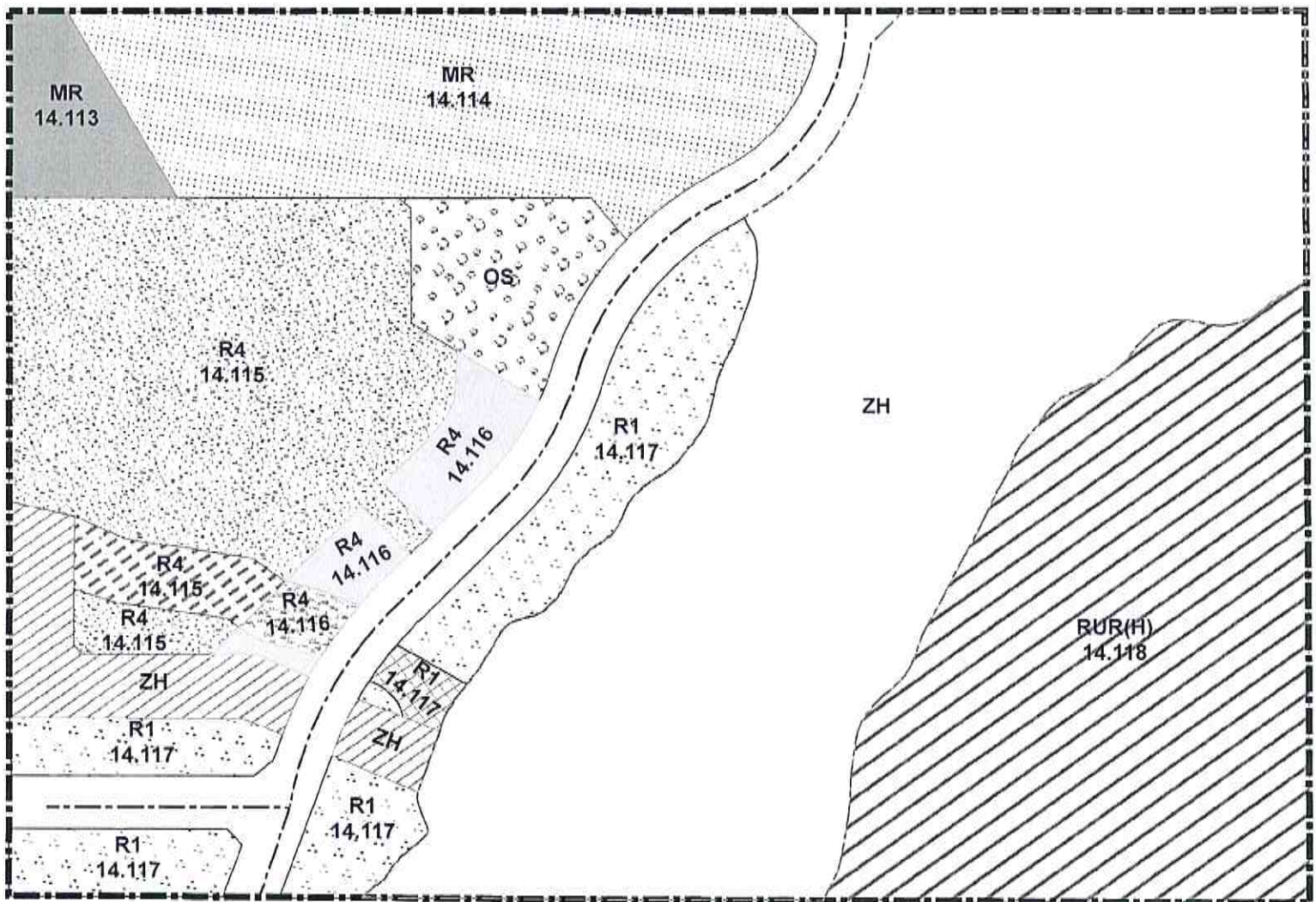


Mayor Ian C. Boddy















Briana M. Bloomfield, City Clerk

8th St E



LEGEND

-  Subject Lands
-  Lands rezoned from RUR to OS
-  Lands rezoned from RUR to ZH
-  Lands rezoned from RUR to MR 14.113
-  Lands rezoned from RUR to MR 14.114
-  Lands rezoned from ZH to R4 14.115
-  Lands rezoned from ZH to R4 14.115
-  Lands rezoned from RUR to R4 14.115
-  Lands rezoned from RUR to R4 14.116
-  Lands rezoned from RUR to R1 14.117
-  Lands rezoned from ZH to R1 14.117
-  Lands rezoned from RUR to RUR(H) 14.118



0 30 60 120 Meters

