

**TAKE NOTICE** that the Council of The Corporation of the City of Owen Sound passed **By-law No. 2019-163** on the 23rd day of September, 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 amendment No. 28 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. 2019-163**

The purpose of the application is to permit a commercial development. The effect of the Zoning By-Law Amendment is to modify the site specific zone regulations to allow for a number of reduced setback provisions and permit an increased height for the hotel. The amendment would also provide for a reduced number of required parking spaces on the site.

The lands comprise a total of 0.8 ha within the Sydenham Heights Phase I Planning Area. More specifically the subject lands are currently designated "East City Commercial" in the City of Owen Sound Official Plan.

The lands are currently zoned "Retail Commercial – Holding" (C2-H) in Zoning By-law 2010-078, as amended, subject to provision 14.79. The proposed zoning by-law amendment will permit the following site specific provisions:

- Permit a reduced supply of parking spaces.
- Permit a reduced setback from the proposed hotel patio to the adjacent residential zone and long term care facility.
- Permit a reduced number of loading spaces.
- Permit a reduced front yard setback.
- Permit an increased height for the hotel building.

**PROPERTY LOCATION:**

The Zoning By-law Amendment relates to lands is located at 1200 16<sup>th</sup> Avenue East and legally described as Park Lot 5, Range 5 EGR Park (RP 16R10545, Part 1), 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 October 15, 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.

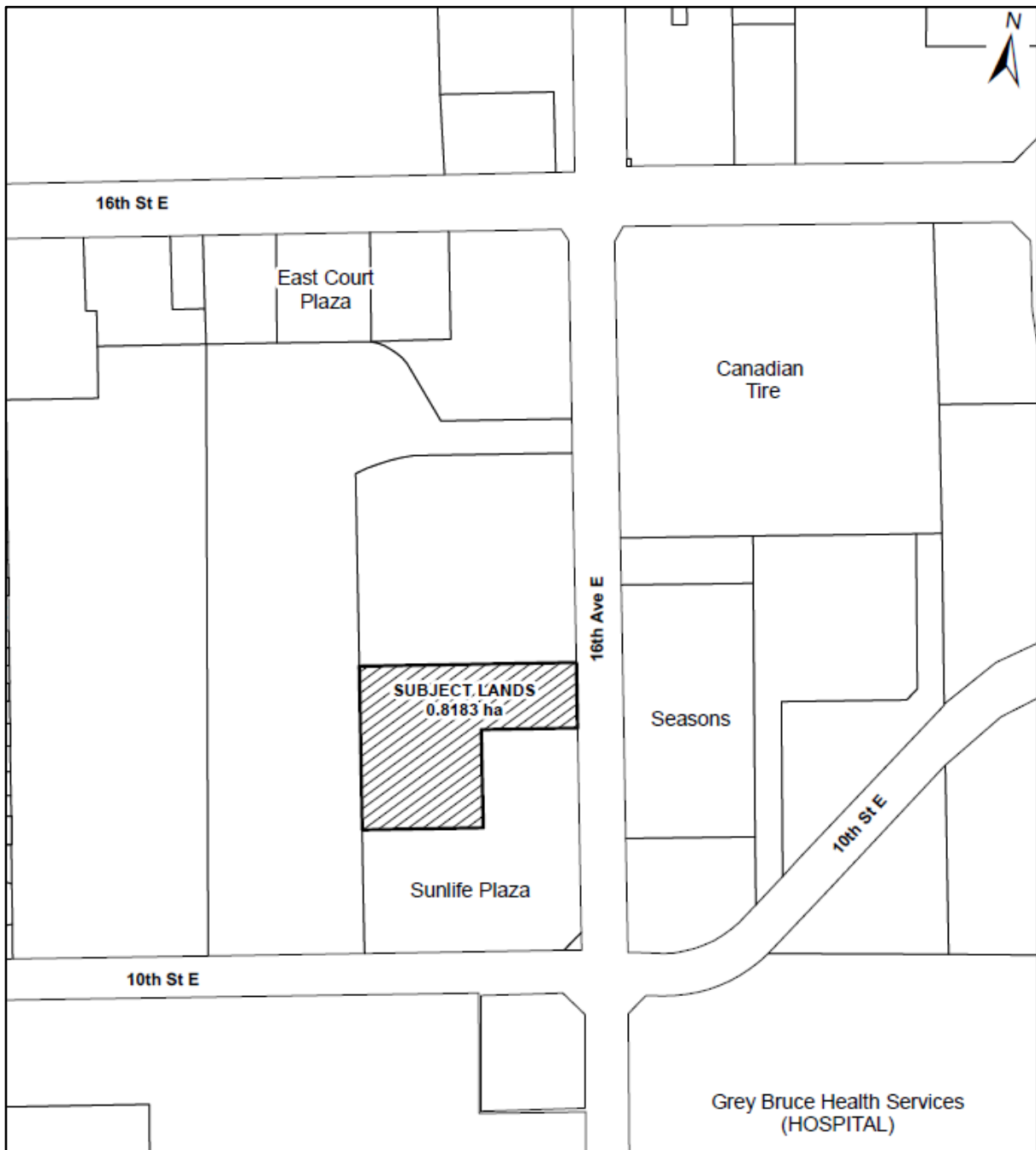
No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Local Planning Appeal Tribunal, there are reasonable grounds to add the person or public body as a party.

**ADDITIONAL INFORMATION** related to ZBA No. 28 and By-law No. 2019-163 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>.

**NOTICE DATE: September 25, 2019**

Ethan Robert, Deputy Clerk  
The Corporation of the City of Owen Sound 808 2<sup>nd</sup> Avenue East  
OWEN SOUND ON N4K 2H4  
Telephone: (519) 376-4440  
Facsimile: (519) 371-0511  
E-mail: [erobert@owensound.ca](mailto:erobert@owensound.ca)

### KEY MAP



# The Corporation of the City of Owen Sound

## By-law No. 2019-163

### A By-law to amend Zoning By-law No. 2010-078, respecting rezoning for the API Hotel lands located at 1200 16<sup>th</sup> Avenue East (ZBA No. 28)

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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 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 at 1200 16<sup>th</sup> Avenue East (the "API Hotel 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 API Hotel lands; and

WHEREAS on August 26, 2019, City Council passed Resolution No. R-190826-006 directing staff to bring forward a by-law to amend Zoning By-law No. 2010-078 respecting the API Hotel lands, in consideration of staff report CS-19-107;

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 1200 16<sup>th</sup> Avenue East, Part of Park Lot 5, Range 5, East Garafraxa Road (Part 1, RP 16R10545), shown more specifically on Appendix 'A' attached to this by-law from 'Retail Commercial (C2), Special Provision 14.79, subject to a Holding' to 'Retail Commercial (C2), Special Provision 14.121'.
2. That Section 14 of Zoning By-law No. 2010-078 be amended by adding a new subsection as follows:
  - "**14.121** Notwithstanding the provisions of the Retail Commercial (C2) Zone, and for lands shown on Schedule A Zoning Map 13, the following provisions shall apply:
    - (a) No person shall erect, alter or use any building or structure for any purpose except for those outlined in the table in 14.121 (c)(ii).


- (b) No person shall establish a use in the basement of the commercial building other than storage accessory to the permitted uses.
- (c) Notwithstanding the provisions of Section 5.18.2 regulating Off-street Parking Requirements:
  - i. Minimum Site Parking Requirement 131 spaces  
 The number of parking spaces required by Sec. 5.18.2 as-of-right is 146 spaces to serve the site. Notwithstanding this requirement, a reduced number of parking spaces to 131 spaces is permitted to serve all uses on the lands subject to 14.121.
  - ii. The following table outlines the uses permitted on site and specifies the minimum number of vehicle parking stalls (131) required by ratio:

Land Use Category	Permitted Use	Min. Number Parking Stalls Required (131)
Commercial Uses	Hotel	1.0 space per guest room
	Commercial school, financial institution, laundromat, personal service use, retail store, service shop, studio	1 space per 40.5 m <sup>2</sup> of gross floor area
	Wholesale Establishment	
	Business or professional office and government administrative office	

- iii. No person shall erect, alter or use any building or structure in a manner that has the effect of increasing the parking required on the lands subject to 14.121 above the 146 stalls required as-of-right by Sec. 5.18.2.
- (d) The provisions of Section 5.10 regulating Outdoor Patios shall apply, save and except for the following:
  - a. An outdoor patio located on the lands subject to 14.121 shall have a minimum setback of 43 m from a Long Term Care Facility.
  - b. An outdoor patio located on the lands subject to 14.121 shall have a minimum setback of 35 m from a Residential Zone boundary.
- (e) The provisions of Section 5.22.1 regulating Loading Space Requirements shall apply, save and except for the following:
  - a. The number of loading spaces required is reduced from two (2) loading spaces for the Hotel, which is >3000 m<sup>2</sup> to one (1) loading space for the Hotel.
- (f) The C2 zone provisions shall apply, save and except for the following:
  - i. Minimum Front Yard Setback: 7.7 m

- ii. Notwithstanding the definition of 'Building, Height' in Sec. 4, the maximum height of a Hotel shall be as follows:
  - Maximum 18.5 m for a flat roof
  - Maximum 23.3 m for the top tallest parapetAll other buildings shall be subject to the maximum height applicable in the C2 zone.
- 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 subject lands.
- 4. This by-law shall come into full force and effect upon the final passing thereof.

FINALLY PASSED AND ENACTED this 23<sup>rd</sup> day of September, 2019.



Mayor Ian C. Boddy




Briana M. Bloomfield, City Clerk

# By-Law No. 2019-163

Being a By-Law to adopt Amendment No. 28  
to Zoning By-law No. 2010-078  
for the City of Owen Sound

## Appendix A

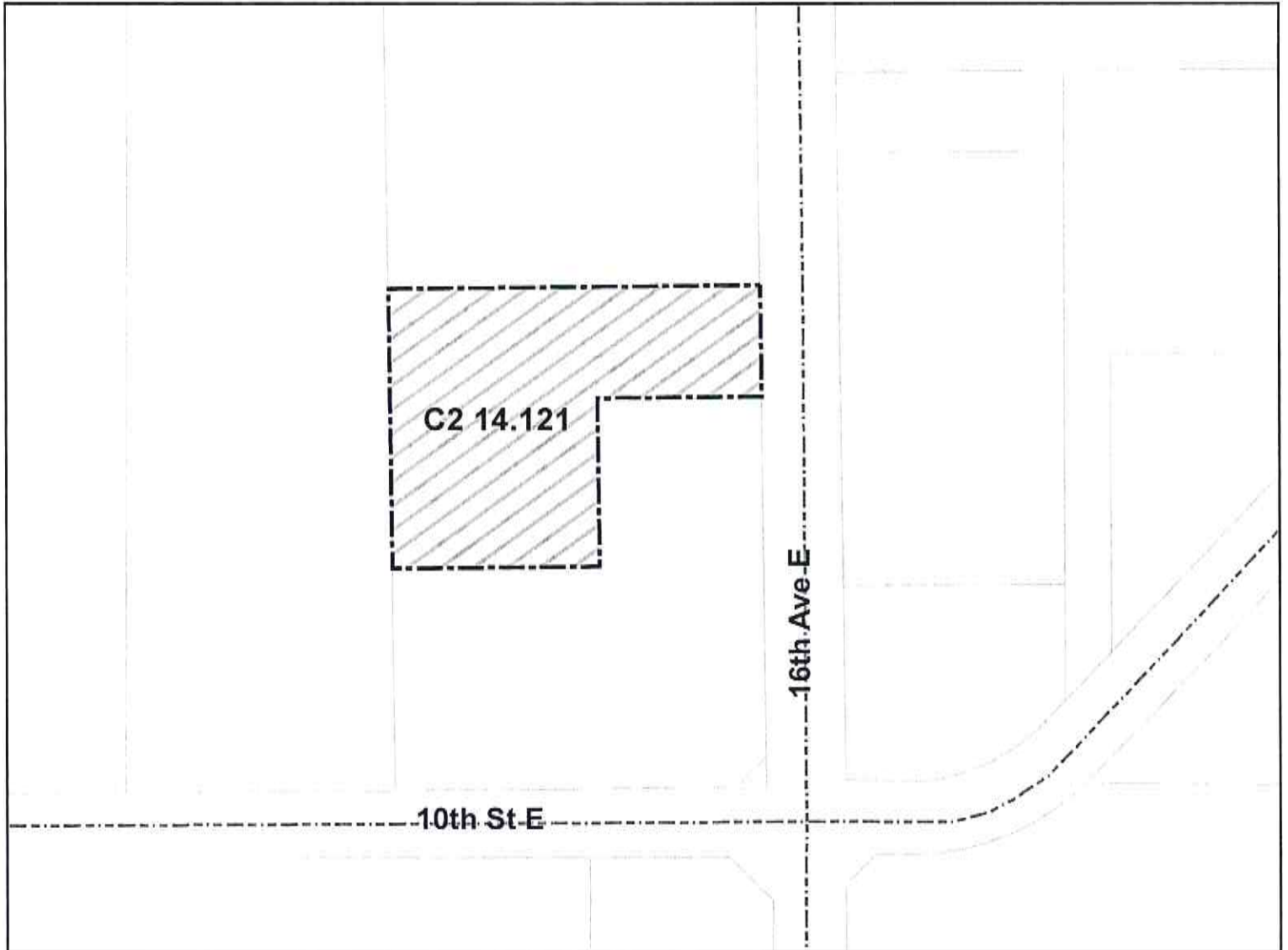
Amending Zoning By-law No. 2010-078 Zoning Map 13  
Passed on this 23rd day of September, 2019




Mayor Ian C. Boddy




Briana M. Bloomfield, City Clerk



### LEGEND

 Subject Property

 Lands to be rezoned from C2(H) 14.79 to C2 14.121



0 10 20 40 Meters

