

Take notice that the Council of The Corporation of the City of Owen Sound passed and enacted **By-law No. 2024-108** on September 9, 2024, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended and Ontario Regulation 545/06 for the purpose of adopting amendments to the City of Owen Sound's Zoning By-law No. 2010-078, as amended.

City Council has considered all written submissions received to date and oral submissions made at the public meeting held on July 22, 2024, the effect of which helped to make an informed recommendation and decision as summarized in Staff Report CS-24-073.

Property Description:

The Zoning By-law Amendment relates to lands located at the eastern end of 10th Avenue East and legally described as RANGE 9 EGR PT LOT 7 (RP 16R8804 PT PART 1) in the City of Owen Sound, County of Grey. The lands are shown more particularly on the Key Map below.

Purpose and Effect:

The purpose of the Zoning By-law Amendment is to permit an 85-unit residential development consisting of 22 cluster townhouse dwellings and two (2) apartment buildings; one (1), three-and-a-half storey building containing 29 units and one (1) four-storey building containing 34 units, for a total of 63 apartment dwellings. As part of the development, 10th Avenue East is proposed to terminate in a cul-de-sac bulb in its current location and the development would front onto a private road network approximately 7.0 m in width.

The lands are currently zoned 'Medium Density Residential' (R4), with a Special Provision 14.76 and 'Hazard lands' (ZH) by the City's Zoning By-law (2010-078, as amended). Townhouses are among the uses permitted in the R4 Zone. Special Provision 14.76 permits and provides site building regulations for a School.

The effect of the Zoning By-law Amendment is to rezone the lands to permit Apartment buildings. The existing site-specific zoning provisions (14.76) that permit and provide site and building regulations for a School are proposed to be removed and replaced with site-specific site and building regulations required to facilitate the development including, among other matters, provisions for a maximum building height of 13.5m for Apartments.

Appeal Information:

And take notice that within 20 days after the Notice of Passing is given, an appeal to the Ontario Land Tribunal in respect of the decision of the Council of The Corporation of the City of Owen Sound may be made by filing a notice of appeal with Briana Bloomfield, City Clerk of The Corporation of the City of Owen Sound at the address noted below.

A notice of appeal must set out the reasons for the appeal and must be accompanied by the fee required 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 **September 30, 2024 by 4:30 p.m.**

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.

For more information on making an appeal, please visit: <https://olt.gov.on.ca/>.

If no notice of appeal is filed within 20 days after the giving of notice, the by-law shall be

deemed to have come into force on the day it was passed and notice to that effect will be issued to the applicant by the Deputy Clerk.

City of Owen Sound Ontario Land Tribunal Processing Fee: \$500.00 per application

*Please note that all fees are subject to change.

Notice Date: September 10, 2024

Allison Penner

Deputy Clerk

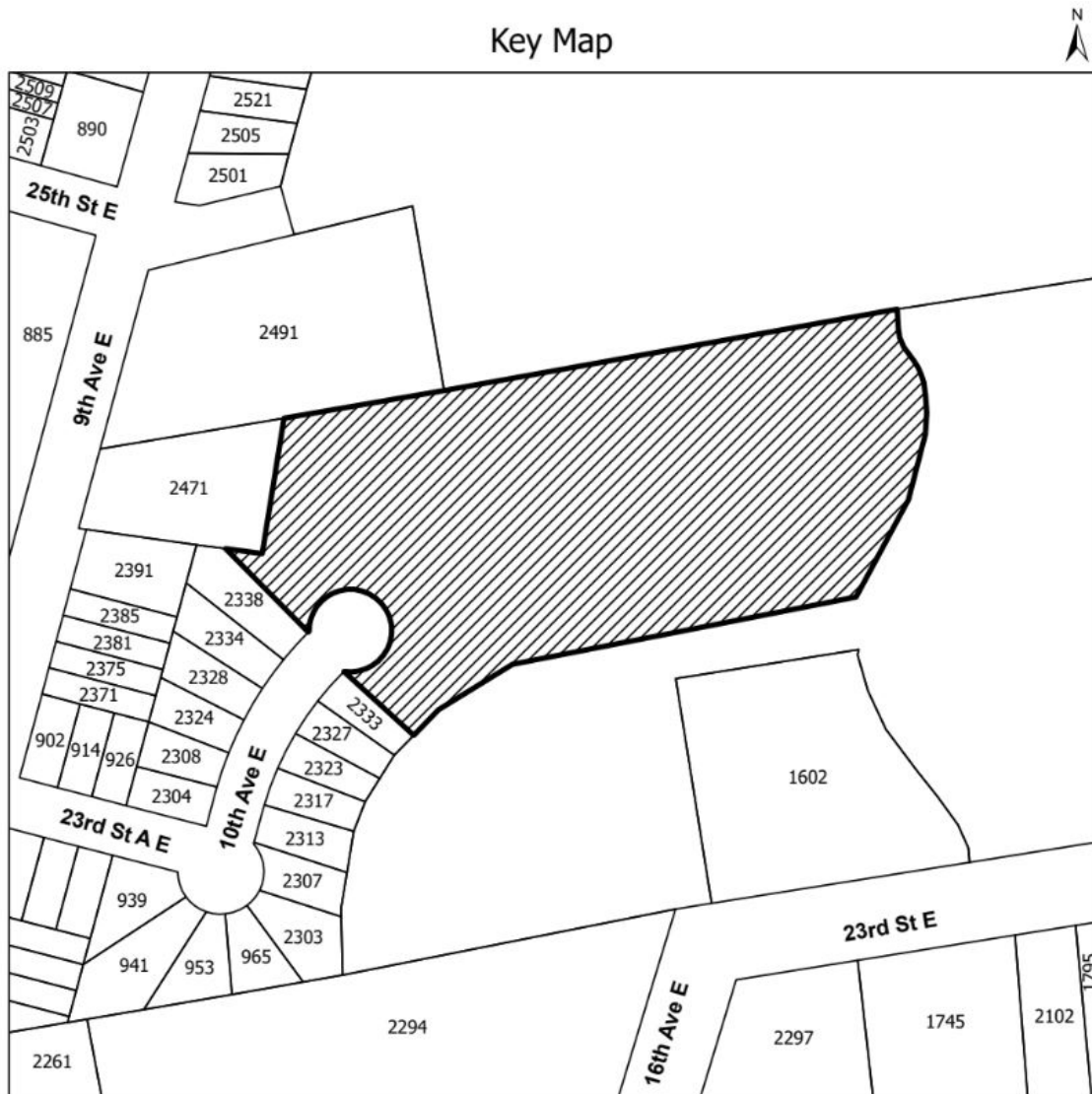
The Corporation of the City of Owen Sound

808 2nd Avenue East

Owen Sound, ON N4K 2H4

Telephone: 519-376-4440 ext. 1235

E-mail: notice@owensound.ca



The Corporation of the City of Owen Sound

By-law No. 2024-108

A By-law to amend Zoning By-law No. 2010-078, respecting
lands located at the eastern terminus of 10th Avenue East
(ZBA No. 53 – 10th Avenue Estates)

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 the eastern terminus of 10th Avenue 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 July 8, 2024, a public meeting was held under section 34 of the Planning Act to consider zoning for the subject lands; and

WHEREAS on September 9, 2024, 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-24-073;

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


1. That Schedule A, Zoning Map 17 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 all of PIN 37061-0182 described generally as RANGE 9 EGR PT PARK LOT 7; PLAN 16M16 BLKS 35 AND 36; AND RP 16R8804 PT PART 1, shown more specifically on Appendix 'A' attached to this by-law from 'Medium Density Residential (R4), with Special Provision 14.76 (R4 14.76) and 'Hazard Lands' (ZH) to 'General Residential' (R5), with Special Provision 14.76 (R5 14.76) and 'Hazard Lands' (ZH).
2. That Special Provision 14.76 is hereby deleted and replaced as follows:
Special Provision 14.90
 1. Notwithstanding the provisions of the General Residential (R5) Zone and for lands on Schedule A, Zoning Map 17:

- b. The maximum permitted floor space index (FSI) shall be 1.0.
- 2. Notwithstanding the requirements of Section 5.18, General Parking Regulations, electric vehicle parking spaces shall be provided at the following ratios:


Part II. Number of Total Required Parking Spaces	Part III. Minimum Number of Electric Vehicle Parking Spaces with Charging Facilities
0-150	2
Greater than 150	Three per cent (3%) of total required parking

- 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 9th day of September 2024.



Mayor Ian C. Boddy



Briana M. Bloomfield, City Clerk

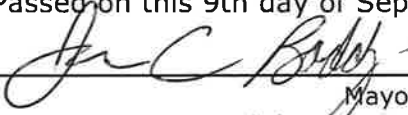
By-Law 2024-108

Being a By-Law to adopt Amendment No. 53
to Zoning By-Law 2010-078
for the City of Owen Sound.

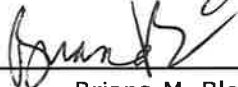
Appendix A

Amendment to Zoning By-Law 2010-078 Zoning Map 17

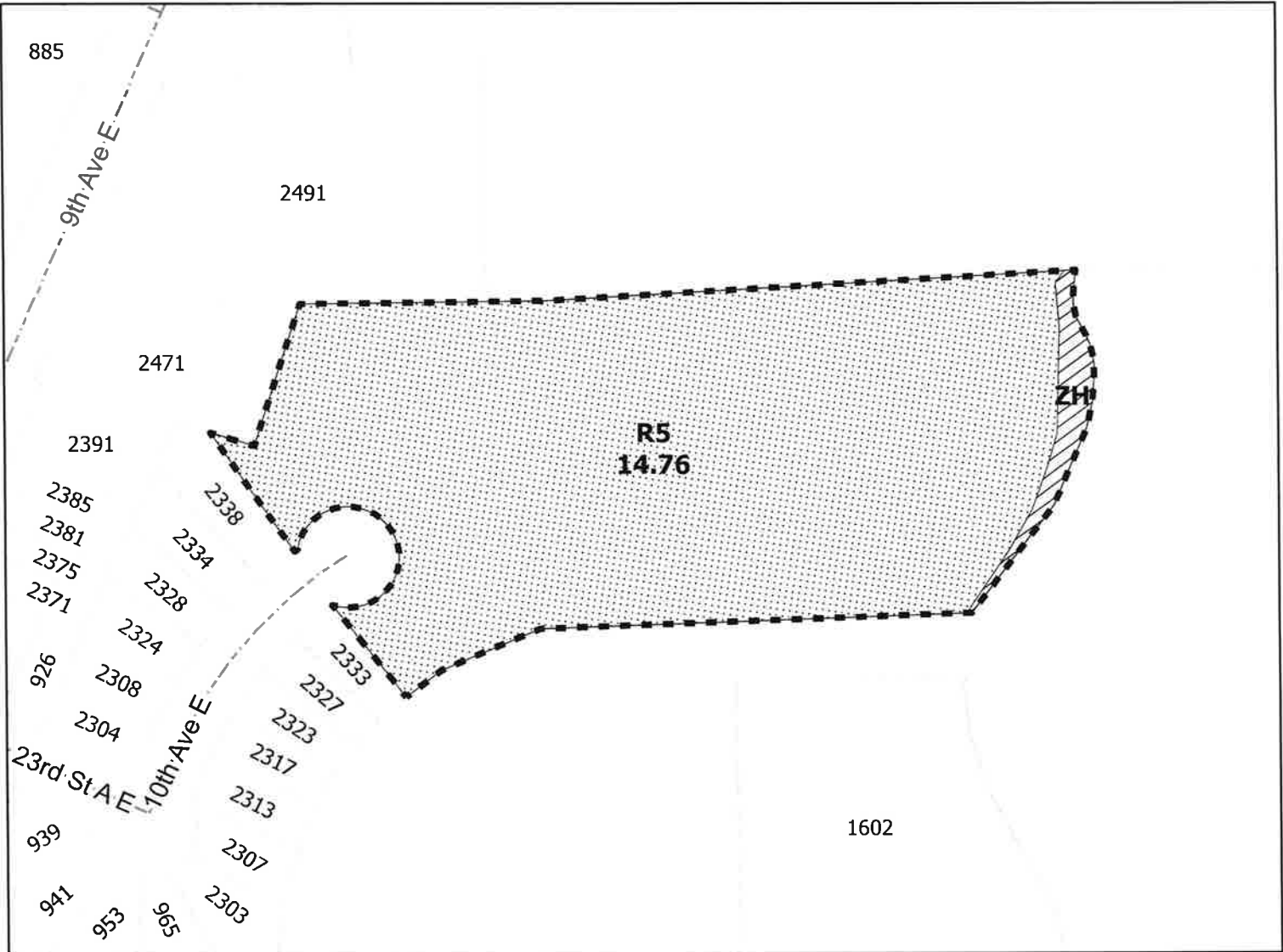
Passed on this 9th day of September, 2024






Mayor Ian C. Boddy



Briana M. Bloomfield, City Clerk



LEGEND

-  Subject Property
-  Lands to be rezoned from 'Medium Density Residential' (R4) to 'General Residential' (R5) Special Provision 14.76
-  Lands to remain 'Hazard Lands' (ZH)

