

The Corporation of the City of Owen Sound

By-law No. 2022-089

A By-law to amend the Comprehensive Zoning By-law No. 2010-078 to remove the Holding (H) Provision (ZBA No. 35) and to amend the Comprehensive Zoning By-law No. 2010-078 (ZBA No. 34) respecting lands located at 1409 8th Street East and 1415 8th Street East

WHEREAS section 34 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 a 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 (the "Zoning By-law") to implement the City's Official Plan and to regulate the use of land in the City; and

WHEREAS the Comprehensive Zoning By-law No. 2010-078, as amended, of the Council of The Corporation of the City of Owen Sound (the "City") places certain lands in a 'Medium Density Residential' (R4) with Special Provision 14.24 and Holding Provision, 'Multiple Residential' (MR) with Special Provision 14.32 and Holding Provision, 'Arterial Commercial' (C4) with Special Provision 14.62 and Holding Provision specifying the use to which lands, buildings or structures may be put at such time as the holding symbol is removed pursuant to section 36 of the Planning Act; and

WHEREAS there is a Holding (H) provision on the lands described as: SYDENHAM RANGE 3 EGR, PT PARK LOTS 3 TO 6; RP 16R642 PARTS 1, 3 TO 5; OWEN SOUND (the "subject lands"); and

WHEREAS notice of intention to pass an amending by-law to remove the Holding provision from the subject lands was provided in accordance with the Planning Act on January 24, 2022; and

WHEREAS on July 25, 2022 City Council passed a resolution directing staff to bring forward a by-law to pass Amendments No. 34 & 35 to the City's Zoning By-law No. 2010-078 to remove the Holding (H) provision and amend the zoning on the lands; and,

WHEREAS on July 25, 2022, 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-22-101;

WHEREAS City Council is desirous of adopting a zoning by-law amendment (Zoning By-law Amendment No. 34), pursuant to section 34 of the Planning Act,

for lands located at 1409 8th Street East and 1415 8th 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 February 14, 2022, a public meeting was held under section 34 of the Planning Act to consider zoning for the subject lands.

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

1. That Schedule ‘A’, Zoning Map 14 and 21 forming part of By-law 2010-078, as amended, is hereby amended by removing the Holding (“H”) symbol from the ‘Medium Density Residential’ (R4) with Special Provision 14.24 and Holding Provision, ‘Multiple Residential’ (MR) with Special Provision 14.32 and Holding Provision, ‘Arterial Commercial’ (C4) with Special Provision 14.62 and Holding Provision Zone that was placed on the subject lands.

2. The lands subject to the removal of the holding provision are legally described as:

SYDENHAM RANGE 3 EGR, PT PARK LOTS 3 TO 6; RP 16R642 PARTS 1, 3 TO 5; OWEN SOUND being PIN: 37053-0092 (LT), being lands municipally known as 1409 8TH Street East and 1415 8th Street East, City of Owen Sound, County of Grey and more particularly described in Appendix ‘A’ which is attached to and forms part of this by-law.

3. That ‘Schedule ‘A’, Zoning Map 14 and 21 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 SYDENHAM RANGE 3 EGR, PT PARK LOTS 3 TO 6; RP 16R642 PARTS 1, 3 TO 5 shown more specifically on Appendix ‘A’ attached to this by-law from ‘Medium Density Residential’ (R4) with Special Provision 14.24 and Holding Provision, ‘Multiple Residential’ (MR) with Special Provision 14.32 and Holding Provision, ‘Arterial Commercial’ (C4) with Special Provision 14.62 and Holding Provision, ‘Rural’ (RUR) and ‘Hazard Lands’ (ZH) to ‘Arterial Commercial’ (C4), ‘Low Density Residential’ (R3) with Special Provision 14.127, ‘Multiple Residential’ (MR) with Special Provision 14.128, ‘Multi-Residential’ (MR) with Special Provision 14.129, ‘Multi-Residential’ (MR) with Special Provision 14.130, ‘Arterial Commercial’ (C4) with Special Provision 14.131, ‘Open Space’ (OS) and ‘Hazard Land’ (ZH).

4. That the following provision be added to Zoning By-law Sec. 14:

Special Provision 14.127

a) Notwithstanding the provisions of the Low Density Residential (R3) Zone and for lands shown on Schedule A, Zoning Map 14 and 21, the following zone provisions shall apply to ‘Dwelling, Single Detached’:

	Regulation	Dwelling, Single Detached
A	Min. Lot Frontage	10.5
B	Min. Lot Area	300 sq m

	Regulation	Dwelling, Single Detached
C	Max. Lot Coverage	45 %
D	Min. Front Yard Setback	6.5 m
E	Min. Rear Yard Setback	7.5 m
F	Min. Interior Side Yard Setback	0.9 m on both sides where there is an attached garage or carport
G	Min. Exterior Side Yard Setback	3.0 m
H	Max. Building Height	11 m

Special Provision 14.128

a) Notwithstanding the provisions of the Multiple Residential (MR) Zone and for lands shown on Schedule A, Zoning Map 14 and 21, the following provisions shall apply to ‘Dwellings, Street Fronting Townhouse’, ‘Dwelling, Rear Lane Townhouse’, ‘Dwelling, Back-to-Back Townhouse’ and ‘Dwelling, Single Detached’:

- i. Lot Line, Front: For the purpose of this special provision, in the case of a through lot, the lot line facing the wider road allowance shall be deemed to be the front lot line.
- ii. Dwelling, Rear Lane Townhouse: For the purpose of this special provision, is a building containing a minimum of three dwelling units with the garage in the rear yard and has access to the garage from a public street and has at least one common interior side wall.
- iii. Dwelling, Back-to-Back Townhouse: For the purpose of this special provision, is a building containing a minimum of four dwelling units that are divided vertically by common walls, including a common rear wall without a rear yard. Each dwelling unit has an independent direct entrance to grade.
- iv. Permitted Yard Encroachments – For any building to which setback regulations apply, Bay, Bow, Box windows with or without foundation shall be considered Architectural Features and may project a maximum of 1.0 m into any required yard, but the said features shall not project to within less than 0.45 m of any lot line.
- v. Zone Regulations for ‘Dwellings, Street Fronting Townhouse’, ‘Dwelling, Rear Lane Townhouse’ and ‘Dwelling, Back-to-Back Townhouse’:

	Regulation	Dwelling, Street Fronting Townhouse	Dwelling, Rear Lane Townhouse	Dwelling, Back-to-Back Townhouse
A	Min. Lot Frontage per unit	6.0 m	6.0 m	6.7 m
B	Min. Lot Area	170 sq m	170 sq m	100 sqm
C	Max. Lot Coverage	60%	65%	65%
D	Min. Front Yard Setback	6.0 m	3.0 m	5.0 m
E	Min. Driveway Length	Per Sec. 5 of this By-law	Per Sec. 5 of this By-law	6.5 m

	Regulation	Dwelling, Street Fronting Townhouse	Dwelling, Rear Lane Townhouse	Dwelling, Back-to- Back Townhouse
F	Min. Rear Yard Setback	6.0 m	6.5 m	NA
G	Min. Interior Side Yard Setback	1.2 m	1.2 m	1.2 m
H	Min. Exterior Side Yard Setback	3.0 m	3.0 m	3.0 m
I	Max. Building Height	11 m	11 m	12.5 m
J	Max. Density	1.6 FSI	1.6 FSI	1.6 FSI

vi. Zone Regulations for 'Dwellings, Single Detached':

	Regulation	'Dwelling, Single Detached'
A	Min. Lot Frontage	10.5 m
B	Min. Lot Area	300 sq m
C	Max. Lot Coverage	45 %
D	Min. Front Yard Setback	6.5 m
E	Min. Rear Yard Setback	7.5m
F	Min. Interior Side Yard Setback	0.9 m on both sides where there is an attached garage or carport
G	Min. Exterior Side Yard Setback	3.0 m
H	Max. Building Height	11 m

vii. Zone Regulations for 'Dwelling, Apartment':

	Regulation	'Dwelling, Apartment'
A	Min. Lot Frontage	25 m
B	Min. Lot Area	1,000 sq m
C	Max. Lot Coverage	40 %
D	Min. Front Yard Setback	3.0 m
E	Min. Rear Yard Setback	10.0 m
F	Min. Interior Side Yard Setback	6.0 m for buildings over three (3) storeys and 4.0 m for buildings three (3) and less
G	Min. Exterior Side Yard Setback	5.0 m for buildings over four (4) storeys and 3.0 m for buildings four (4) storeys and less
H	Max. Building Height	15 m
J	Max. Density	1.5 FSI
K	Min. Landscaped Area	30%
L	Yard Encroachments	Balconies may project 1.5 m into the required yard.

Special Provision 14.129

a) Notwithstanding the provisions of the Multiple Residential (MR) Zone and for lands shown on Schedule A, Zoning Map 14 and 21 the following provisions shall apply in addition to Special Provision 14.128 for Blocks 139 and 140 in the Greystone Village Subdivision:

- i. Building Height shall mean the uppermost part of the building including any appurtenance, attachment, parapet wall or other

rooftop element. Building height shall be shown in meters from the average finished grade around the structure as well as in meters Above Sea Level.

- ii. Maximum Building: 250.73 m Above Sea Level or 6.0 m from average finished grade, whichever is lower.

Special Provision 14.130

b) Notwithstanding the provisions of the Multiple Residential (MR) Zone and for lands shown on Schedule A, Zoning Map 14 and 21 the following provisions shall apply in addition to Special Provision 14.128 for Block 150 in the Greystone Village Subdivision:

- i. Building Height shall mean the uppermost part of the building including any appurtenance, attachment, parapet wall or other rooftop element. Building height shall be shown in meters from the average finished grade around the structure as well as in meters Above Sea Level.
- ii. Maximum Building: 254.59 m Above Sea Level or 10.0 m from average finished grade, whichever is lower.

Special Provision 14.131

c) Notwithstanding the provisions of the Arterial Commercial (C4) Zone and for lands shown on Schedule A, Zoning Map 14 and 21 the following provisions shall apply for Block 188 (northern portion) in the Greystone Village Subdivision:

- i. Building Height shall mean the uppermost part of the building including any appurtenance, attachment, parapet wall or other rooftop element. Building height shall be shown in meters from the average finished grade around the structure as well as in meters Above Sea Level.
- ii. Maximum Building: 250.73 m Above Sea Level or 6.0 m from average finished grade, whichever is lower.

Special Provision 14.132

d) Notwithstanding the provisions of the Arterial Commercial (C4) Zone and for lands shown on Schedule A, Zoning Map 14 and 21 the following provisions shall apply for Block 188 (southern portion) in the Greystone Village Subdivision:

- i. Building Height shall mean the uppermost part of the building including any appurtenance, attachment, parapet wall or other rooftop element. Building height shall be shown in meters from the average finished grade around the structure as well as in meters Above Sea Level.
- ii. Maximum Building: 254.59 m Above Sea Level or 10.0 m from average finished grade, whichever is lower.

- 5. 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 25th day of July 2022.

Mayor Ian C. Boddy

Briana M. Bloomfield, City Clerk

By-Law 2022-089

Being a By-Law to adopt Amendment No. 34 & 35
to Zoning By-Law 2010-078
for the City of Owen Sound.

Appendix A

Amendment to Zoning By-Law 2010-078, Zoning Maps 14 & 21

Passed on this 25th day of July, 2022

Mayor Ian C. Boddy

Briana M. Bloomfield, City Clerk



LEGEND

- Lands to be zoned 'Arterial Commercial' (C4)
- Lands to be zoned 'Low Density Residential' (R3) with Special Provision 14.127
- Lands to be zoned 'Multiple Residential' (MR) with Special Provision 14.128
- Lands to be zoned 'Multiple Residential' (MR) with Special Provision 14.129
- Lands to be zoned 'Multiple Residential' (MR) with Special Provision 14.130
- Lands to be zoned 'Arterial Commercial' (C4) with Special Provision 14.131
- Lands to be zoned 'Arterial Commercial' (C4) with Special Provision 14.132
- Lands to be zoned 'Open Space' (OS)
- Lands to be zoned 'Hazard Land' (ZH)
- Former drainage channel location



0 45 90 180 Meters